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M-18111-0 NOTE AND MORTGAGE

M Page 8785

THE MORTGAGOR, ..

WILLIS A. DRAKE and DOROTHY C. DRAKE, husband and

mortgages to the STATE OF OREGON, represented and acting by the Director of Veterans' Affairs, pursuant to ORS 407.030, the following described real property located in the State of Oregon and County of

Lots 3, 4, 5, 6, 7, 8, 9 and 10 in Block 31 of vacated portion of WEST KLAMATH, in the County of Klamath, State of Oregon.

ALSO the West 1/2 of the vacated alley adjacent on the East of Lot 3 thru 6 of said Block 31.

TOGETHER WITH the perpetual but non-exclusive easement for roadway purposes over the Et of vacated Second Street adjacent to Lots 3 through 8 inclusive of said Block 31, vacated West Klamath.

TOGETHER WITH THE FOLLOWING DESCRIBED MOBILE HOME WHICH IS FIRMLY AFFIXED TO THE PROPERTY: Year/1976, Make/Fleetwood, Serial Number/2793, Size/24x60

together with the tenements, heriditaments, rights, privileges, and appurtenances including roads and easements us with the premises: electric wiring and fixtures; furnace and heating system, water heaters, fuel storage recept ventilating, water and irrigating systems; screens, doors; window shades and blinds, shutters; cabinets, built-ins, lin coverings, built-in stoves, ovens, electric sinks, air conditioners, refrigerators, freezers, dishwashers; and all fixtures installed in or on the premises; and any shrubbery, flora, or timber now growing or hereafter planted or growing replacements of any one or more of the foregoing items, in whole or in part, all of which are hereby declared to be a land, and all of the rents, issues, and profits of the mortgaged property;

(s 40, 375, 00 ----), and interest thereon, evidenced by the following promissory note:

to pay to the STATE OF OREGON Forty Thousand Three Hundred Seventy Five and no/100---- with interest from the date of initial disbursement by the State of Oregon, at the rate of 5.9———percent per annum until such time as a different interest rate is established pursuant to ORS 407.072, principal and interest to be paid in lawful money of the United States at the office of the Director of Veterans' Affairs in Salem, Oregon, as follows: 15th of each month --- thereafter, plus one-twelfth of-----the ad valorem taxes for each successive year on the premises described in the mortgage, and continuing until the full amount of the principal, interest and advances shall be fully paid, such payments to be applied first as interest on the unpaid balance, the remainder on the principal. In the event of transfer of ownership of the premises or any part thereof, I will continue to be liable for payment and the balance shall draw interest as prescribed by ORS 407.070 from date of such transfer. This note is secured by a mortgage, the terms of which are made Dated at Klamath Falls, Oregon 97601 On this /3 day of April 1979

The mortgagor or subsequent owner may pay all or any part of the loan at any time without penalty.

The mortgagor covenants that he owns the premises in fee simple, has good right to mortgage same, that the premises are free encumbrance, that he will warrant and defend same forever against the claims and demands of all persons whomscever, and this land shall not be extinguished by foreclosure, but shall run with the land.

MORTGAGOR FURTHER COVENANTS AND AGREES:

- To pay all debts and moneys secured hereby;
- Not to permit the buildings to become vacant or unoccupied; not to permit the removal or demolishment of any buildings or improvements now or hereafter existing; to keep same in good repair; to complete all construction within a reasonable time in accordance with any agreement made between the parties hereto;
- 3. Not to permit the cutting or removal of any timber except for his own domestic use; not to commit or suffer any waste;
- 4. Not to permit the use of the premises for any objectionable or unlawful purpose;
- 5. Not to permit any tax, assessment, lien, or encumbrance to exist at any time;
- 6. Mortgagee is authorized to pay all real property taxes assessed against the premises and add same to the principal, each of the advances to bear interest as provided in the note;
- 7. To keep all buildings unceasingly insured during the term of the mortgage, against loss by tire and such other hazards in such company or companies and in such an amount as shall be satisfactory to the mortgagee; to deposit with the mortgagee all such policies with receipts showing payment in full of all premiums; all such insurance shall be made payable to the mortgagee; insurance shall be kept in force by the mortgagor in case of foreclosure until the period of redemption expires;

Mortgagee shall be entitled to all compensation and damages received under right of eminent domain, or for any security voluntarily released, same to be applied upon the indebtedness;

A CHARLEST TO SERVICE STREET

- 9. Not to lease or rent the premises, or any part of same, without written consent of the mortgagee; 10. To promptly notify mortgagee in writing of a transfer of ownership of the premises or any part or interest in same, and to furnish a copy of the instrument of transfer to the mortgagee; a purchaser shall pay interest as prescribed by ORS 407.070 on all payments due from the date of transfer; in all other respects this mortgage shall remain in full force and effect.

The mortgagee may, at his option, in case of default of the mortgagor, perform same in whole or in part and all expenditures in so doing including the employment of an attorney to secure compliance with the terms of the mortgage or the note shall interest at the rate provided in the note and all such expenditures shall be immediately repayable by the mortgagor without and and shall be secured by this mortgage.

Default in any of the covenants or agreements herein contained or the expenditure of any portion of the loan for purposes other than those specified in the application, except by written permission of the mortgagee given before the expenditure is made, and this shall cause the entire indebtedness at the option of the mortgagee to become immediately due and payable without notice and this mortgage subject to foreclosure.

The failure of the mortgagee to exercise any options herein set forth will not constitute a waiver of any right arising from a breach of the covenants.

In case foreclosure is commenced, the mortgagor shall be liable for the cost of a title search, attorney fees, and all other costs incurred in connection with such foreclosure.

Upon the breach of any covenant of the mortgage, the mortgage shall have the right to enter the premises, take possession.

Collect the rents, issues and profits and apply same, less reasonable costs of collection, upon the indebtedness and the mortgagee shall have the right to the appointment of a receiver to collect same.

The covenants and agreements herein shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

It is distinctly understood and agreed that this note and mortgage are subject to the provisions of Article XI-A of the Oregon to is distinctly understood and agreed that this note and mortgage are subject to the provisions of Article XI-A of the Oregon to is distinctly understood and agreed that this note and mortgage are subject to the provisions of Article XI-A of the Oregon to is distinctly understood and agreed that this note and mortgage are subject to the provisions of Article XI-A of the Oregon to is distinctly understood and agreed that this note and mortgage are subject to the provisions of Article XI-A of the Oregon to is distinctly understood and agreed that this note and mortgage are subject to the provisions of Article XI-A of the Oregon to is distinctly understood and agreed that this note and mortgage are subject to the provisions of Article XI-A of the Oregon to the provisions of ORS 407.020.

WORDS: The masculine shall be deemed to include the feminine, and the singular the plural where such connotations are applicable herein. The mobile home described on the face of this document is a portion of the property The mobile home described by this Note & Mortgage.

STATE OF OREGON. County of Klamath Dorothy C. Drake MILIA A. Drake and ACKNOWLEDGMENT ACKNOWLEDGMENT ACKNOWLEDGMENT ACKNOWLEDGMENT Defore me, a Notary Public, personally appeared the within named MILIA A. Drake and Dorothy C. Drake In a Notary Public, personally appeared the within named MILIA A. Drake and Dorothy C. Drake In a Notary Public, personally appeared the within named MITTNESS by hand and official seal the day and year last above written. MYTNESS by hand and official seal the day and year last above written. MYTOPAGE TO Department of Veterans' Attains STATE OF OREGON. TO Department of Veterans' Attains Sa. County of Klamath No. M73 Page 3735 on the 19ther of April, 1979 Jbs. D. Milne. Klamathanty Clerk MYTOPAGE Aprill 19, 1979 at o'clock 3:48 P M. Klamath Falls, Oregon County Milia A. Drake and Department of Weterans' Attains Fee \$6.00 DEPARTMENT STATES BUSINESS Fee \$6.00 Fee \$6.00 Fee \$6.00	Secur care	A SER BERT PROPERTY.	المنتار فاريح الرارا			
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