## NOTE AND MORTGAGEVOL & Page 12299 THE MORTGAGOR GARRET DEAN HILYARD CANOBETTY JEAN HILYARD, as

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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 \_\_\_\_\_Klamath

## PARCEL 1

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A parcel of land situate in the SW½ of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

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Beginning at the intersection of a line 30 feet North of the South line of Section 7, said Township and Range, with the East right of way line of the Enterprise Irrigation Canal; thence Northwesterly, Northerly and Northeasterly along said Enterprise Irrigation Canal right of way line to its intersection with the South right of way line of the Oregon California and Eastern Railway right of way; thence Southeasterly along said railway right of way to the East line of said SW1 of Section 7; thence South along the East line of said SW1 to a point 30 feet North of the South line of said Section 7; thence running West on a line parallel to and 30 feet North of the South line of Section 7 to the point of beginning.

ALSO a portion of SW4SE4 of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Commencing at the Southwest corner of said SW4SE4 of said Section 7, Township 39 South, Range 10 East of the Willamette Meridian; thence East on the Section line 767.8 feet; thence North and parallel with West line of said SW4SE4, 577.4 feet, more or less, to the intersection with the South line of the right of way of the O.C. & E. Railway Company; thence Northwesterly following the said South line of the right of way of the O.C. & E Railway Company, to its intersection with the West line of said SW4SE4; thence South on the West line of said SW4SE4; 908 feet, more or less, to the point of beginning.

PARCEL 2 10. Of the second sec

A parcel of land situate in the NW% of Section 19, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of the NW½ of Section 19, said Township and Range; thence North along the Section line to the Northwest corner of Section 19; thence East to the United States Government Irrigation "A" Canal; thence Southeasterly along said canal to the East line of said NW4; thence South along the East line of the NW4 to the Southeast corner of said NW4; thence West to the place of beginning.

EXCEPTING AND RESERVING THEREFROM a parcel of land in the Southwest corner of said premises as described in Deed Volume 129 at page 359,

ALSO EXCEPTING THEREFROM those portions lying within the limits of the Klamath Falls-Merrill Highway and the Crystal Springs Road. AND ALSO EXCEPTING THEREFROM those parcels recorded in Book 100 at page 270 and Book 136 at page 149, Klamath County Deed Records.

is 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 from encumbrance, that he will warrant and defend same forever against the claims and demands of all persons whomsoever, and this covenant shall not be extinguished by foreclosure, but shall run with the land.

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- A LEVEL 14 CONTRACTOR IN THE STATE OF THE DESTINATION OF THE DESTINATION. THE DESTINATION OF THE DESTINATION OF THE DESTINATION OF THE DESTINATION OF THE DESTINATION. THE DESTINATION OF THE DESTINATION. THE DESTINATION OF THE DESTINATION OF THE DESTINATION. THE DESTINATION OF THE DESTINATION. THE DESTINATION OF THE 1993 1993 1993
  - 1. To pay all debts and moneys secured hereby;

2. 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; the input is with a reasonable time in accordance with any; agreement made

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;

S. Not to permit any tax, assessment, lien, or encumbrance to exist at any time;
 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 uncessingly insured during the term of the mortgage, against loss by fire 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 unortgage 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 forcelosure until the period of redemption expires;

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| to secure<br>(\$ 97,1<br>to secure<br>ventilatin<br>replacem<br>land, and<br>to secure<br>(\$ 97,1<br>init<br>diffi<br>Sta                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             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| to secure<br>(\$ 97,1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  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1. To pay all debts and moneys secured hereby;

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- 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;
  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 fire and such other hazards in such company or companies and in such an amount as shall be satisfactory to the mortgage; to deposit with the wartgage all such policies with receipts showing payment in full of all premiums; all such insurance shall be made payable, to the mortgage; insurance shall be kept in force by the mortgagor in case of foreclosure until the period of redemption expires;

| lasta and shall be reat in many o    | Street Section | Personal |                     |            | 김 영화 전 가슴이 있다. |             |     |
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8. Mortgagee shall be entitled to all compensation and damages received under right of eminent domain, or for any security volun-tarily released, same to be applied upon the indebtedness; 9. Not to lease or rent the premises, or any part of same, without written consent of the mortgagee;

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 made in so doing including it he employment, of an attorney, to secure compliance with the terms of the mortgage or the note shall draw interest at the rate provided in the note and all such expenditures shall be immediately repayable by the mortgagor without demand and shall be secured by this mortgage.

demand and shall be secured by this mortgage. I to the 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, 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 h 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 Constitution, ORS 407.010 to 407.210 and any subsequent amendments thereto and to all rules and regulations which have been issued or may hereafter be issued by the Director of Veterans' Affairs pursuant to the provisions of ORS 407.020.

WORDS: The maxuline shall be deemed to include the feminine, and the singular the plural where such connotations are applicable herein proposed to provide the feminine, and the singular the plural where such connotations are The the sum of the last user of the formation of the start of the star

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July 3, 1980 Klamath Falls, ORegon Filed Klamath forsult for two By County \_ Dernetha

After recording return to: DEPARTMENT OF VETERANS' AFFAIRS' FILE General Services Building Salem, Oregon 97310

Form L-4 (Rev (S71))

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