

Return
LIVAAS, COBB, RICHARDS & FRASER, P.C.

Attorneys At Law
P. O. Box 10747
EUGENE, OREGON 97440

5547

MORTGAGE

Vol. M-8 / Page 18258

Parties:

E.W.G. Development Company
Doris Achor, Trustee of the Doris Achor Trust

45 11 AC 61 100 10
E.W.G. Development Company, hereinafter called the Mortgagor, in order to secure the payment of a Promissory Note in the sum of Four Thousand and no/100 Dollars (\$4,000.00), a copy of which is attached hereto as Exhibit A, to Doris Achor, Trustee of the Doris Achor Trust, hereinafter called the Mortgagee, does grant, bargain, sell, and convey unto said Mortgagee up to Six Thousand and no/100 Dollars (\$6,000.00) of the Mortgagor's interest in a proposed shopping center property on the following described real properties, situated in Klamath County, State of Oregon, to wit:

See attached Exhibit B

TO HAVE AND TO HOLD the said premises, with appurtenances, unto the said Mortgagee, its heirs and assigns forever.

This conveyance is intended as a mortgage to secure the payment of \$4,000.00, together with interest at the rate of eleven percent (11%) per annum, in accordance with the terms of a certain Promissory Note, the terms of which are incorporated herein by reference, dated the 7th day of October, 1981, payable on April 6, 1982.

TO SAID MORTGAGEE OR ORDER

The Mortgagor covenants and agrees with the Mortgagee as follows: That E.W.G. Development Company owns an interest in the project, at least as described in Exhibit B, subject to encumbrances, and that the property is now the subject of a foreclosure suit.

ck
36

That Mortgagor will pay the indebtedness hereby secured promptly, according to the terms of said Promissory Note.

If the Mortgagor or Earl W. Green shall pay or cause to be paid all monies which may become due upon said Promissory Note and shall otherwise comply with the terms and conditions hereof, this conveyance shall be void; but in case default shall be made in the payment of the indebtedness hereby secured, principal or interest, then the Mortgagee or its assigns may declare the indebtedness hereby secured immediately due and payable, and foreclose this mortgage and cause said mortgaged interest to be sold in the manner provided by law, and out of the monies arising from such sale retain the principal and interest together with any sums advanced as provided herein, with interest as aforesaid, together with costs and charges of such foreclosure suit and sale, including such sum as the Court may adjudge reasonable as an attorney's fee to be allowed the Plaintiff, and the overplus, if any there be, pay over to the Mortgagor, its heirs, and assigns.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal this 7th day of October, 1981.

E.W.G. DEVELOPMENT COMPANY

By: Earl W. Green
EARL W. GREEN, President

STATE OF OREGON)
County of Lane)

On this 7th day of October, 1981, personally appeared Earl W. Green, who being duly sworn, did say that he is the President of E.W.G. Development Company and acknowledged said instrument to be its voluntary act and deed.

Sue W. Preston
Notary Public for Oregon
My Commission expires: 7/19/85

18260

PROMISSORY NOTE

October 7, 1981

The undersigned, EARL W. GREEN, promises to pay to the order of Doris Achor, Trustee of the Doris Achor Trust, an Oregon corporation, at Eugene, Oregon, or at such other place or to such other person as the holder hereof may designate, the amount of Four Thousand and no/100 Dollars (\$4,000.00), plus interest thereon at the rate of eleven percent (11%) per annum from October 6, 1981, payable on April 6, 1982. If this Note is placed in the hands of an attorney for collection, the undersigned promises and agrees to pay the reasonable collection costs of the holder hereof; and, if suit or action is filed hereon, the holder hereof shall be entitled to recover a reasonable attorney's fee in such proceeding, or any appeal thereof, to be set by the Court without the necessity of hearing testimony or receiving evidence, in addition to the costs and disbursements allowed by law.


EARL W. GREEN

EXHIBIT A

DESCRIPTION

18261

PARCEL 1

A portion of Lots 8 and 9, Block 2, BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point on the West line of Lot 9, Block 2, BAILEY TRACTS NO. 2, which bears North 0° 02' East 60 feet from the Southwest corner of said Lot 9; thence South 89° 59' East 149 feet to the East line of Lot 8, said Block 2; thence North 0° 02' East along the East line of said Lot 8 a distance of 75 feet; thence North 89° 59' West a distance of 149 feet, more or less, to the West line of said Lot 9; thence South 0° 02' West along the West line of said Lot 9 a distance of 75 feet, more or less, to the point of beginning.

PARCEL 2

The South 60 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 2, BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon.

ALSO Beginning at the Southwest corner of Lot 9, Block 2 of Bailey Tracts No. 2; thence East 639 feet; thence South 60 feet; thence West 639 feet; thence North 60 feet to place of beginning, being a part of Bailey Tracts No. 2 which was formerly Nadine Street.

PARCEL 3

Parcel A:

That part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point 30 feet South and 145.9 feet West of the quarter section corner between Sections 1 and 2, Township 39 South, Range 9 East of the Willamette Meridian; thence South 355.6 feet; thence North 70° 19' West 67.2 feet; thence North 330 feet; thence East 63.3 feet to the place of beginning.

EXCEPTING that portion conveyed to State of Oregon for highway purposes by Deed recorded in Deed Volume 353 at page 414.

Parcel B:

Lots 2 and 3, Block 1, BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon, EXCEPTING that portion conveyed to State of Oregon for highway purposes by Deed recorded April 21, 1964 in Deed Volume 352 at page 421.

continued ...

description continued ...

PARCEL 4

18262

Parcel A:

Lot 1, Block 1, BAILEY TRACTS #2, in the County of Klamath, State of Oregon, EXCEPT THEREFROM any portion lying within the right of way of South 6th Street.

Parcel B:

Beginning at a point 30 feet South and 432.1 feet West of the quarter section corner between Sections 1 and 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon; thence South 253.7 feet; thence North 70° 19' West 74.3 feet; thence North 228.7 feet; thence East 70 feet to the point of beginning.

EXCEPT THEREFROM that portion conveyed to the State of Oregon, by and thru its State Highway Commission by deeds recorded August 13, 1964 in Book 355 at page 300 and Book 355 at page 304, Deed Records.

Parcel C:

All that portion of the NE¼ of SE¼ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point 30 feet South and 502.1 feet West of the quarter section corner between Sections 1 and 2, Township 39 South, Range 9 East of the Willamette Meridian; thence South 228.7 feet; thence North 70° 19' West 74.3 feet; thence North 203.7 feet; thence East 70 feet to the place of beginning;

ALSO beginning at a point 30 feet South and 572.1 feet West of the quarter section corner between Sections 1 and 2, Township 39 South, Range 9 East of the Willamette Meridian; thence South 203.7 feet; thence South 72° 30' West 101.7 feet; thence North 233.3 feet; thence East 96.9 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and thru its State Highway Commission by deeds recorded August 13, 1964 in Book 355 at page 300 and Book 355 at page 304, Deed Records.

PARCEL 5

A portion of the NE¼SE¼ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point which is 30 feet South and 279.75 feet West of the quarter corner common to Sections 1 and 2, said Township and Range; thence South 308.55 feet, more or less; thence North 70° 19' West 74.97 feet; thence North 282.7 feet; thence East 70.55 feet to the point of beginning.

continued ...

description continued ...

SAVING AND EXCEPTING THEREFROM that portion deeded by William Paul Swigart, et ux., et al., to State of Oregon, by and thru its State Highway Commission by Deed dated July 22, 1964, recorded July 27, 1964 in Book 355 at page 9, Deed Records.

PARCEL 6

A tract of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point 30 feet South of and 350.3 feet West of the quarter section corner between Sections 1 and 2, Township 39 South, Range 9 East of the Willamette Meridian; thence South 282.7 feet; thence North 70° 19' West 86.9 feet; thence North 253.7 feet; thence East 81.8 feet to the place of beginning.

EXCEPTING THEREFROM that portion along the North boundary of said tract conveyed to the State of Oregon by deed recorded July 1, 1964 in Book 354 at page 244, Deed Records.

PARCEL 7

Parcel A:

Lot 4, Block 1, BAILEY TRACTS #2, in the County of Klamath, State of Oregon, EXCEPT THEREFROM the North 205 feet thereof.

Parcel B:

Lots 5, 6, 7 and 8, Block 1, BAILEY TRACTS #2, in the County of Klamath, State of Oregon.

Parcel C:

The North 205 feet of Lot 4, Block 1, BAILEY TRACTS #2, in the County of Klamath, State of Oregon.

EXCEPT from the above described parcels that portion conveyed to the State of Oregon, State Highway Commission, for widening of South 6th Street.

PARCEL 8

18264

A parcel of land situated in the East $\frac{1}{4}$ Northeast $\frac{1}{4}$ Southeast $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a $\frac{1}{4}$ inch iron pin on the Westerly line of Madison Street, said point being North $0^{\circ} 14' 30''$ West a distance of 193.0 feet from the intersection of the Southerly line of that tract of land as described in Deed Volume 211 at page 211, Records of Klamath County, Oregon, with the Westerly line of Madison Street said beginning point being North $0^{\circ} 04'$ West a distance of 1340.2 feet South $89^{\circ} 13'$ West a distance of 30.0 feet and North $0^{\circ} 14' 30''$ West a distance of 766.8 feet from the Southeast corner of said Section 2; thence South $0^{\circ} 14' 30''$ East along the Westerly line of Madison Street a distance of 100.00 feet to a $\frac{1}{4}$ inch iron pin; thence West parallel with the North line of Bel-Aire Gardens Subdivision and parallel with the Southerly line of that tract of land as described in Deed Volume 211 at page 211, a distance of 130.0 feet to a $\frac{1}{4}$ inch iron pin; thence North $0^{\circ} 14' 30''$ West parallel with Madison Street a distance of 100.00 feet to a $\frac{1}{4}$ inch iron pin; thence East parallel with the North line of Bel-Aire Gardens Subdivision and parallel with the Southerly line of that tract of land as described in said Deed Volume 211 at page 211, a distance of 130.0 feet to the point of beginning.

PARCEL 9

A parcel of land situated in the E $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the South bank of the Enterprise Irrigation District Ditch where it crosses the East line of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, approximately 480 feet South of the quarter corner of the East line of said section; thence along the said South line or bank of said ditch, North $61^{\circ} 18'$ West a distance of 87 feet; thence North $70^{\circ} 38'$ West a distance of 524 feet; thence South $79^{\circ} 21'$ West a distance of 51 feet; thence South $39^{\circ} 14'$ West a distance of 68 feet to a point on the Easterly line of Bailey Tracts No. 2 according to the duly recorded plat thereof; thence following said line South $0^{\circ} 19'$ West a distance of 322.5 feet to an iron pin; thence East 430.4 feet to an iron pin marking the most Northerly corner of Lot 3, Block 1, Bel Aire

continued ...

description continued ...

18265

Gardens; thence continuing East a distance of 75.0 feet to a point; thence North $0^{\circ} 14' 30''$ West a distance of 100.0 feet to a point; thence East a distance of 160.0 feet to a point on the East line of said Section 2; thence North along said Section line to the point of beginning.

EXCEPTING the Easterly 30 feet thereof lying within the right of way of Madison Street.

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 2, BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon, EXCEPTING THEREFROM the South 60 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 2, of BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon,

ALSO EXCEPTING Beginning at the Southwest corner of Lot 9, Block 2, of Bailey Tracts No. 2; thence East 639 feet; thence South 60 feet; thence West 639 feet; thence North 60 feet to place of beginning, being a part of Bailey Tracts No. 2 which was formerly Nadine Street.

ALSO EXCEPTING THEREFROM a portion of Lots 8 and 9, Block 2, Bailey Tracts No. 2, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point on the West line of Lot 9, Block 2, Bailey Tracts No. 2, which bears North $0^{\circ} 02'$ East 135 feet from the Southwest corner of said Lot 9; thence South $89^{\circ} 59'$ East 149 feet to the East line of Lot 8 said Block 2; thence North $0^{\circ} 02'$ East along the East line of said Lot 8 a distance of 75 feet; thence North $89^{\circ} 59'$ West a distance of 149 feet more or less to the West line of said Lot 9; thence South $0^{\circ} 02'$ West along the West line of said Lot 9 a distance of 75 feet, more or less to the point of beginning.

AND ALSO EXCEPTING THEREFROM

Beginning at a point on the West line of Lot 9, Block 2, Bailey Tracts No. 2, which bears North $0^{\circ} 02'$ East 60 feet from the Southwest corner of said Lot 9; thence South $89^{\circ} 59'$ East 149 feet to the East line of Lot 8 said Block 2; thence North $0^{\circ} 02'$ East along the East line of said Lot 8 a distance of 75 feet; thence North $89^{\circ} 59'$ West a distance of 149 feet, more or less to the West line of said Lot 9; thence South $0^{\circ} 02'$ West along the West line of said Lot 9 a distance of 75 feet more or less to the point of beginning, being a portion of Lots 8 and 9 in Block 2 of Bailey Tract No. 2.

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point which is 30 feet West and 30 feet South of quarter corner between Sections 1 and 2, Township 39 South, Range 9 East of the Willamette Meridian, and being the true point of beginning of this description; thence South 308.88 feet to a point; thence West 56.4 feet to a point; thence North 308.88 feet to a point; thence East 56.4 feet to the point of beginning.

continued ...

description continued ...

18266

EXCEPTING THEREFROM that portion deeded to State of Oregon by and through its State Highway Commission by Deed Volume 353 at page 439.

Beginning at a point 30 feet South and 86.4 feet West of the quarter corner between Sections 1 and 2, Township 39 South, Range 9 East of the Willamette Meridian; thence South 376.5 feet; thence North 70° 19' West 63.2 feet; thence North 355.6 feet; thence East 59.5 feet to the place of beginning.

EXCEPTING THEREFROM that portion deeded to State of Oregon by and through its State Highway Commission in Deed Volume 354 at page 251.

SAVING AND EXCEPTING from the above described parcels a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a one-half iron pin on the West line of Madison Street and the Northerly bank of the Enterprise Canal which iron pin bears South 30.0 feet and West 30.0 feet and South 396.7 feet from the East quarter corner of said Section 2; thence along the Northerly bank of the Enterprise Canal North 70° 19' West a distance of 123.1 feet to a one inch iron axel; thence North a distance of 85.6 feet to a point; thence East parallel with the South right of way line of South Sixth Street, a distance of 115.9 feet to a point on the West line of Madison Street; thence South along said West line a distance of 126.7 feet, more or less, to the point of beginning.

A portion of Lots 8 and 9, Block 2, BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point on the West line of Lot 9, Block 2, BAILEY TRACTS NO. 2, which bears North 0° 02' East 135 feet from the South-west corner of said Lot 9; thence South 89° 59' East 149 feet to the East line of Lot 8 said Block 2; thence North 0° 02' East along the East line of said Lot 8 a distance of 75 feet; thence North 89° 59' West a distance of 149 feet more or less to the West line of said Lot 9; thence South 0° 02' West along the West line of said Lot 9 a distance of 75 feet, more or less to the point of beginning.

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a $\frac{1}{2}$ inch iron pin on the West line of Madison Street and the Northerly bank of the Enterprise Canal, which iron pin bears South 30.0 feet and West 30.0 feet and South 396.7 feet from the East quarter corner of said Section 2; thence along the Northerly bank of the Enterprise Canal North 70° 19' West a distance of 123.1 feet to a one inch iron axel; thence North a distance of 85.6 feet to a point; thence East, parallel with the South right of way line of South Sixth Street a distance of 115.9 feet to a point on the West line of Madison Street; thence South along said West line a distance of 126.7 feet, more or less, to the point of beginning.

State of OREGON: COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the

19th day of October A.D., 1981 at 11:54 o'clock A/M., and duly recorded in

Vol M-81 of Mortgages on page 18258.

Fee \$36.00

EVELYN BIEHN

COUNTY CLERK

By [Signature] deputy