

TC

36847

THIS INDENTURE WITNESSETH: That
 Eternal Hills Memorial Gardens, Inc., an Oregon corporation
 of the County of _____, State of Oregon, for and in consideration of the sum of
 Five Hundred Thousand Dollars ***** Dollars (\$500,000.00) to it
 in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and
 by these presents does grant bargain, sell and convey unto Oakdale Memorial Park, a
 California corporation

_____ of the County of _____, State
 of California, the following described premises situated in Klamath County, State of
 Oregon, to-wit:

See attached Exhibit "A"

Together with the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining.
 To have and to hold the same with the appurtenances, unto the said Oakdale Memorial Park
 a California corporation

its _____ heirs and assigns forever.

THIS CONVEYANCE is intended as a Mortgage to secure the payment of the sum of Five
 Hundred Thousand and no/100's ***** Dollars
 (\$500,000.00) in accordance with the terms of a certain promissory note of which the
 following is a substantial copy

The date of maturity of the debt secured by this mortgage is the date on which the last scheduled prin-
 cipal payment becomes due, to-wit: December 1991

89 FEB 7 PM 3 53

The mortgagor warrants that the proceeds of the loan represented by the above described note and this mortgage are:

- (a) ~~primarily for mortgagor's personal, family, household or agricultural purposes (see Important Notice below),~~
- (b) for an organization or (even if mortgagor is a natural person) are for business or commercial purposes other than agricultural purposes.

Now, if the sum of money due upon said instrument shall be paid according to the agreement therein expressed, this conveyance shall be void; but in case default shall be made in payment of the principal or interest or any part thereof as above provided, then the said Oakdale Memorial Park,

and its legal representatives, or assigns may foreclose the Mortgage and sell the premises above described with all and every of the appurtenances or any part thereof, in the manner prescribed by law, and out of the money arising from such sale, retain the said principal, interest and attorney's fees as provided in said note, together with the costs and charges of making such sale and the surplus, if there be any, pay over to the said Eternal Hills Memorial Gardens, Inc. its heirs or assigns.

Witness hand this 19 day of June, 1989

*IMPORTANT NOTICE: Delete, by lining out, whichever warranty (a) or (b) is not applicable; if warranty (a) is applicable and if the mortgagee is a creditor, as such word is defined in the Truth-in-Lending Act and Regulation Z, the mortgagee MUST comply with the Act and Regulation by making required disclosures; for this purpose, if this instrument is to be a FIRST lien to finance the purchase of a dwelling, use Stevens-Ness Form No. 1305 or equivalent; if this instrument is NOT to be a first lien, use Stevens-Ness Form No. 1306, or equivalent.

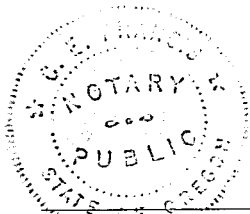
By: Sydney M. McGill PRES.
Eternal Hills Memorial Gardens, Inc., an Oregon corporation
By: H. Sydney McGill, President

STATE OF OREGON,
County of Decker } ss.

BE IT REMEMBERED, That on this 19 day of June, 1989, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named H. Sydney McGill

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



C E J
Notary Public for Oregon.
My Commission expires 2-24-89

MORTGAGE
(FORM No. 7)
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

Eternal Hills Memorial Gardens, Inc.

TO

Oakdale Memorial Park

AFTER RECORDING RETURN TO
FRANCIS & MARTIN, ATTORNEYS AT LAW
1199 NW Wall Street
Bend, Oregon 97701

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON, } ss.

County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as document/fee/file/instrument/microfilm No. _____, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME _____ TITLE _____

By _____ Deputy

PARCEL 2

2421

A parcel of land situate in the NW1/4 of Section 18, Township 39 South Range 10, East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the South line of the N1/2 of the NW1/4 of Section 18 which bears North 89 degrees 59' 04" West 1301.29 feet from the Southeast corner of the NE1/4 of the SE1/4; thence North 0 degrees 14' 05" West, 416.51 feet; thence West 55.19 feet; thence along the arc of a 1191.20 foot Radius curve to the right 632.03 feet (long chord bears South 89 degrees 09' 08" West 624.64 feet); thence along the arc of a 111.93 foot Radius curve to the right 147.78 feet (long chord bears North 37 degrees 49' 26" West 137.28 feet); thence South on a line parallel to and 541.8 feet East of the West line of Section 18 to a point on the South line of the N1/2 of the NW1/4; thence South 89 degrees 59' 04" East along the South line of the N1/2 of the NW1/4 to the point of beginning, containing 6.48 acres, more or less.

Tax Account No: 3910-18B0-200

PARCEL 5:

A parcel of land situated in the NW1/4 of the NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the Easterly right of way boundary of the Klamath Falls-Merrill Highway which point bears South 683 feet and East 30 feet from the Section corner common to Sections 12, 13, 17 and 18; thence East 233.65 feet; thence North 21 degrees 30' West, 90.90 feet; thence North 13 degrees 21' West, 60.26 feet; thence North 60 degrees 11' East, 205.33 feet; thence South 60 degrees 44' 30" East 154.42 feet; thence North parallel with the Easterly right of way boundary of aforesaid highway a distance of 275.25 feet; thence North 56 degrees 28' West a distance of 79.42 feet to the Southerly right of way boundary of the Enterprise Irrigation District Canal; thence along said Enterprise Irrigation District Canal as follows: South 52 degrees 41' West 58.80 feet; South 79 degrees 42' West 225.74 feet and South 88 degrees 02' West 164.34 feet to the Easterly right of way boundary of the Klamath Falls-Merrill Highway; thence South along same a distance of 407.40 feet, more or less, to the point of beginning, containing 3.60 acres, more or less.

Tax Account No.: 3910-18B0-500

PARCEL 6

The East 511.8 feet of the West 541.8 feet of the NW1/4 of the NW1/4 of Section 18 Township 39 South, Range 10, East of the Willamette Meridian, Klamath County, Oregon, lying Southerly of the North line of Tract 1197, First Addition to Eternal Hills Memorial Gardens, as filed in the Klamath County Clerks Office of Klamath County, Oregon.

EXCEPTING THEREFROM:

A parcel of land situated in the NW1/4 of the NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the Easterly right of way boundary of the Klamath Falls-Merrill Highway which point bears South 683 feet and East 30 feet from the Section corner common to Sections 12, 13, 17 and 18; thence East 233.65 feet; thence North 21 degrees 30' West, 90.90 feet; thence North 13 degrees 21' West, 60.26 feet; thence North 60 degrees 11' East, 205.33 feet; thence South 60 degrees 44' 30" East 154.42 feet; thence North parallel with the Easterly right of way boundary of aforesaid highway a distance of 275.25 feet; thence North 56 degrees 28' West a distance of 79.42 feet to the Southerly right of way boundary of the Enterprise Irrigation District Canal; thence along said Enterprise Irrigation District Canal as follows: South 52 degrees 41' West 58.80 feet; South 79 degrees 42' West 225.74 feet and South 88 degrees 02' West 164.34 feet to the Easterly right of way boundary of the Klamath Falls-Merrill Highway; thence South along same a distance of 407.40 feet, more or less, to the point of beginning.

(continued)

EXHIBIT "A"

ALSO EXCEPTING THEREFROM:

2422

A portion of that tract of land described in Volume 78, page 427, of Deed Records of Klamath County, Oregon, and being more particularly described as follows:

Beginning at the section corner common to Sections 12 and 13, Township 39 South, Range 9 East, and Sections 7 and 18, Township 39 South, Range 10, East of the Willamette Meridian, thence South 683.0 feet and East 30.0 feet to the most Northwesterly corner of that tract of land described in Volume 326, pages 622 and 624, thence East along the North boundary of same a distance of 346.8 feet to the Northeasterly corner thereof which is the true point of beginning of this description; thence continuing East along the aforesaid North boundary projected a distance of 140.0 feet, thence South parallel with the Easterly boundary of the aforesaid tract of land a distance of 340.0 feet, thence West 140.0 feet to the Easterly boundary aforesaid, thence North along same a distance of 340.0 feet more or less to the true point of beginning, containing 1.09 acres, more or less.

AND FURTHER EXCEPTING THEREFROM:

A portion of the that particular tract of land described in Volume 78, page 427, of Deed Records of Klamath County, Oregon, and being more particularly described as follows:

Beginning at a point on the Easterly right of way boundary of the Dalles-California Highway (Klamath Falls-Merrill Highway) which point bears South 683.0 feet and East 30 feet from the Section corner common to Sections 7 and 18, Township 39 South, Range 10 East of the Willamette Meridian, and Sections 12 and 13, Township 39 South, Range 9 East of the Willamette Meridian; thence East at right angles to the aforesaid highway right of way boundary, a distance of 346.8 feet; thence South parallel to the aforesaid highway right of way boundary, a distance of 627.4 feet; thence South 89 degrees 54' West, 346.8 feet, more or less, to the aforesaid right of way boundary of the Klamath Falls-Merrill Highway; thence North along said boundary 628.0 feet to the point of beginning, containing 5.0 acres, more or less, and being in the Northwest quarter of the Northwest quarter of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, in Klamath County, Oregon.

Tax Account No.: 3910-1880-600

PARCEL 7:

A portion of that tract of land described in Volume 78, page 427, of Deed Records of Klamath County, Oregon, and being more particularly described as follows:

Beginning at the section corner common to Sections 12 and 13, Township 39 South, Range 9 East, and Sections 7 and 18, Township 39 South, Range 10 East of the Willamette Meridian, thence South 683.0 feet and East 30.0 feet to the most Northwesterly corner of that tract of land described in Volume 326, pages 622 and 624, thence East along the North boundary of same a distance of 346.8 feet to the Northeasterly corner thereof which is the true point of beginning of this description; thence continuing East along the aforesaid North boundary projected a distance of 140.0 feet, thence South parallel with the Easterly boundary of the aforesaid tract of land a distance of 340.0 feet, thence West 140.0 feet to the Easterly boundary aforesaid, thence North along same a distance of 340.0 feet more or less to the true point of beginning, containing 1.09 acres, more or less.

Tax Account No.: 3910-1880-700

PARCEL 8:

A portion of the that particular tract of land described in Volume 78, page 427, of Deed Records of Klamath County, Oregon, and being more particularly described as follows:

Beginning at a point on the Easterly right of way boundary of the Dalles-California Highway (Klamath Falls-Merrill Highway) which point bears South 683.0 feet and East 30 feet from the Section corner common to Sections 7 and 18, Township 39 South, Range 10 East of the Willamette Meridian, and Sections 12 and 13, Township 39 South, Range 9 East of the Willamette Meridian; thence East at right angles to the aforesaid highway right of way boundary, a distance of 346.8 feet; thence South parallel to the aforesaid highway right of way boundary, a distance of 627.4 feet; thence South 89 degrees 54' West, 346.8 feet, more or less, to the aforesaid right of way boundary of the Klamath Falls-Merrill Highway; thence North along said boundary 628.0 feet to the point of beginning, containing 5.0 acres, more or less, and being in the Northwest quarter of the Northwest quarter of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Tax Account No.: 3910-1880-800

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co. the 7th day of Feb. A.D., 19 89 at 3:53 o'clock PM., and duly recorded in Vol. M89, of Mortgages on Page 2419.

Evelyn Biehn County Clerk

FEE \$23.00

By Pauline Mullender