

11714

WAIVER OF LANDLORD OR MORTGAGEE

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This agreement made and entered into on the _____ day of _____, 19____, by and between WESTERN BANK, (hereinafter called the "Secured Party") and
 * * * TOWER ENTERPRISES, INC. * * *

(hereinafter called "Landlord" or "Mortgagee").

1. The Landlord or Mortgagee hereby agrees that the Secured Party may remove now or hereafter the following described personal property:

All equipment of G. Michael Dunlap Accountancy Corporation now or at anytime hereafter acquired.

from the following described premises:

See attached Legal Description Exhibit "A".

located in the City of Klamath Falls State of Oregon

2. The Landlord or Mortgagee agrees that the personal property described will remain personal property even though it may be affixed to or placed in, under or upon the premises.
3. The Landlord or Mortgagee hereby waives any right, title, claim, or interest in the above described personal property by reason of said personal property being attached to, resting upon or under the premises, and hereby grants the Secured Party permission to remove the personal property from the premises at any reasonable time. The Secured Party will not be liable for the condition of the premises after removal of the personal property so long as reasonable care is used in effecting such removal.
4. All of the terms and conditions of this waiver agreement shall be binding on and inure to the benefit of the parties, their heirs, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this waiver agreement on the day and year first written above.

LANDLORD OR MORTGAGEE

By Melvin L. Stewart
Melvin L. Stewart
 Authorized Signature

WESTERN BANK

By Shanna Berg
 Authorized Signature

STATE OF OREGON Klamath County ss:

On this 4th day of December 1989 personally appeared the above named
Melvin L. Stewart and acknowledged the foregoing instrument to be
his voluntary act and deed.

My commission expires:

7-18-93

Before me:

Return to:

WESTERN BANK
 P. O. Box 669
 Klamath Falls, Ore. 97601

Notary Public for Oregon

The following described real property situate in Klamath County, Oregon:

PARCEL 1:

A portion of Tract 43, ENTERPRISE TRACTS, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of Tract 43, Enterprise Tracts in Klamath County, Oregon, which point is South 0°00' East 362.75 feet, and thence North 89°54' East, 30 feet from the section corner common to Sections 33 and 34, Township 38 South, Range 9 East of the Willamette Meridian, and Sections 3 and 4, Township 39 South, Range 9 East of the Willamette Meridian; thence North 89°54' East a distance of 250.0 feet; thence North 0°00' West a distance of 125.0 feet; thence South 89°54' West, a distance of 250.0 feet to the West line of said Tract 43; thence South 0°00' East, along said West line, a distance of 125.0 feet to the point of beginning.

PARCEL 2:

A tract of land situated in Tract 43, Enterprise Tracts, in the NW¼ of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of said Tract 43, said point being South 0°00' East a distance of 362.75 feet and North 89°54' East a distance of 30.0 feet from the Northwest corner of said Section 3; thence South 0°00' East along the West line of said Tract 43 a distance of 70.0 feet; thence North 89°54' East a distance of 250.0 feet; thence North 0°00' West a distance of 70.0 feet to an iron pin; thence South 89°54' West a distance of 250.0 feet, more or less, to the point of beginning.

PARCEL 3:

A tract of land situated in Tract 43, ENTERPRISE TRACTS, in the NW¼ of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of said Tract 43, said point being South 0°00' East a distance of 432.75 feet and North 89°54' East a distance of 30.0 feet from the Northwest corner of said Section 3; thence South 0°00' East along the West line of said Tract 43 a distance of 60.0 feet; thence North 89°54' East a distance of 250.0 feet; thence North 0°00' West a distance of 60.0 feet; thence South 89°54' West a distance of 250.0 feet, more or less, to the point of beginning.

ALSO a tract of land situated in Tracts 43, ENTERPRISE TRACTS, in the NW¼ of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of said Tract 43, said point being South 0°00' East a distance of 492.75 feet and North 89°54' East a distance of 30.0 feet from the Northwest corner of said Section 3; thence South 0°00' East along the West line of said Tract 43 a distance of 70.0 feet to the Northeast line of Pershing Way; thence South 55°50' East along the Northeast line of Pershing Way a distance of 302.15 feet to an iron pin; thence North 0°00' West a distance of 240.09 feet; thence South 89°54' West a distance of 250.0 feet, more or less, to the point of beginning.

Real Property Description

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SAVING AND EXCEPTING THEREFROM a portion described as follows:
Beginning at the Section corner common to Sections 33 and 34, Township 38 South, Range 9 E.W.M., and Sections 3 and 4, Township 39 South, Range 9 E.W.M.; thence South 0°00'30" East along the Section line 237.75 feet; thence North 89°54' East 30 feet to the West line of Tract 43 of Enterprise Tracts, which is the East right-of-way line of Washburn Way, which is the True Point of Beginning; thence South 0°00'30" East along the West line of Tract 43 of Enterprise Tracts 325.0 feet to the Northeastly right-of-way of Pershing Way; thence South 12.08 feet; thence North 0°00'30" West parallel to the West line of Tract 43, 331.80 feet; thence South 89°54' West 10 feet to the point of beginning.

SUBJECT TO: Liens and assessments of Klamath Project and Klamath Irrigation District, and regulations, easements, contracts, water and irrigation rights in connection therewith; easement, for transmission line, including the terms and provisions thereof, given by the United States National Bank of Portland, Trustee under the Last Will and Testament of Walter H. Beane, deceased, and Full Gospel Tabernacle of Klamath Falls, Oregon, to The California Oregon Power Company, a California Corporation, dated March 20, 1959, recorded March 25, 1959, in Deed Vol. 311 page 34, records of Klamath County, Oregon, (Affects p. 1); Right of way for transmission line, including the terms and provisions thereof, conveyed by Ralph D. Jones and Rosalia C. Jones, husband and wife, to The California Oregon Power Company, a corporation, dated March 20, 1959, recorded March 25, 1959, in Deed Vol. 311 page 36, Records of Klamath County, Oregon, (Affects p. 2 and 3); rights of way apparent thereon.

Specifically the area known as 1743 and 1745 Washburn Way, City of Klamath Falls, County of Klamath, State of Oregon.

TOWER ENTERPRISES, Inc.

BY: *[Signature]*

Real Property Description

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Western Bank
of Feb. A.D. 19 90 at 9:46 o'clock AM., and duly recorded in Vol. M90 day
of Mortgages on Page 3595
FEE \$18.00

Evelyn Biehn

By *[Signature]*

County Clerk