

13126

WAIVER OF LANDLORD OR MORTGAGEE

This agreement made and entered into on the 22nd day of March, 1990, by and between WESTERN BANK, (hereinafter called the "Secured Party") and

KENNETH H. KINSMAN AND LINDA I. KINSMAN
(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 crops; whether owned now or acquired later; whether now existing or hereafter born or grown; all accessions, additions, replacements, payments for participation in any state of federal farm programs, and substitution (including rights under Commodity Credit Corp. programs, ASCS, payment in kind, or any other general intangibles or programs); all records of any kind relating to any of the foregoing; all proceeds (including insurance and accounts proceeds) of Bart A. Fleming and Pamela K. Fleming.

from the following described premises:
SEE ATTACHED EXHIBIT "D".

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.

Send to: Western Bank P.O. Box 669 Klamath Falls, OR 97601
LANDLORD OR MORTGAGEE

WESTERN BANK

By Kenneth H. Kinsman
Authorized Signature

By Donna R. Henry
Authorized Signature

By Linda I. Kinsman
Authorized Signature

STATE OF OREGON Klamath County ss:

On this 28th day of March, 1990, personally appeared the above named KENNETH H. KINSMAN AND LINDA I. KINSMAN* and acknowledged the foregoing instrument to be

their voluntary act and deed.

My Commission Expires 7-9-93

Before me:

Shanna Berg
Notary Public for Oregon

'90 APR " PH 2 30

PROPERTY:

EXHIBIT "D".

6163

A parcel of land situated in Sections 6 and 7, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Commencing at the Northwest corner of Section 7, Township 41 South, Range 10 East of the Willamette Meridian, thence South, 2,349.63 feet; thence East 580.53 feet to a 5/8 inch iron pin on the Northwesterly boundary of Lower Lake Road to the true point of beginning; thence North 32°57'50" East, 626.60 feet; thence North 30°37'40" East, 533.76 feet; thence North 2°06'10" West, 272.55 feet; thence North 26°53'30" West, 795.90 feet; thence North 00°59'20" West, 483.48 feet; thence North 30°49'50" East, 1,493.24 feet; thence North 8°30'40" West, 1,245.85 feet; thence North 26°12'20" West, to the East-West centerline of said Section 6; thence East along said East-West centerline to the most Easterly boundary of said Section 6; thence South along the boundary of said Sections 6 and 7 to a point 30' North of the Southeast corner of said Section 7, said point being on the Northerly right-of-way line of Lower Lake Road also known as Morrill-Whitelake Highway; thence Northwesterly along the Northerly right-of-way line of said Lower Lake Road to the true point of beginning.

EXCEPTING THEREFROM:

A tract of land situated in Sections 31 and 32, Township 40 South, Range 10 East of the Willamette Meridian; Section 36, Township 40 South, Range 9 East of the Willamette Meridian; and Sections 5, 6, 7 and 8, Township 41 South, Range 10 East of the Willamette Meridian, in Klamath County, Oregon; being more particularly described as follows:

Beginning at the Initial Point, a 2" x 16" galvanized iron pipe marking the C-H 1/16 corner of Section 8, Township 41 South, Range 10 East of the Willamette Meridian, from which a brass capped monument marking the one-quarter corner common to Sections 7 and 8 bears North 89°50'46" West, 1303.94 feet; thence North 89°50'46" West, 1303.94 feet, along the East-West centerline of Section 8 to said brass capped monument; thence South 00°07'16" East 2606.20 feet, along the Section line common to Sections 7 and 8, to a 5/8" rebar; on the North right-of-way line of Lower Klamath Lake County Road; thence South 89°54'44" West, 60.00 feet, along said right-of-way line, to a 5/8" rebar; thence North 00°07'16" West, 2738.05 feet to a 5/8" rebar; thence, along the arc of a 470.00 foot radius curve to the left 206.12 feet, to a 5/8" rebar; thence North 40°36'53" West, 1434.31 feet to a 5/8" rebar; thence North 20°01'00" East, 1582.71 feet to a 5/8" rebar; thence North 57°00'46" West, 1328.93 feet to a 5/8" rebar; thence North 74°53'20" West, 1150.00 feet to a 5/8" rebar; thence North 08°35'38" West, 1264.76 feet to a 5/8" rebar; thence North 26°17'08" West, 3063.80 feet to a 5/8" rebar; thence North 09°29'12" East, 181.39 feet, to a 5/8" rebar; thence North 17°26'03" East, 240.42 feet, to a 5/8" rebar; thence North 20°11'34" East, 245.76 feet, to a 5/8" rebar; thence North 36°39'18" East, 997.47 feet to a 5/8" rebar on the East-West centerline of the Northwest one-quarter of Section 31, Township

40 South, Range 10 East of the Willamette Meridian; thence North 89°58'11" East, 2593.14 feet, along said line to a 5/8" rebar marking the C-H 1/16 corner of Section 31; thence South 00°16'49" West, 1326.51 feet, along the North-South centerline of Section 31, to a 5/8" rebar marking the Center one-quarter corner of Section 31, thence North 89°50'20" East, 2637.10 feet, along the East-West centerline of Section 31, to a 5/8" rebar on the West right-of-way line of Cheyne County Road; thence South 30.00 feet, along said right-of-way line, to a 5/8" rebar; thence North 89°06'12" East 30.00 feet to a 5/8" rebar; thence South 89°06'12" East 30.00 feet to a 5/8" rebar; thence South 89°06'12" East 1290.11 feet, along the South right-of-way line of Buesing County Road, to a 5/8" rebar; thence South 00°15'33" West, 2650.75 feet, along the North-South centerline of the Southwest one-quarter of Section 32, to a 5/8" rebar; thence South 00°35'06" East, 5299.59 feet along the North-South centerline of the West one-half of Section 5, Township 41 South, Range 10 East of the Willamette Meridian, to a 5/8" rebar marking the West 1/16 corner of Sections 5 and 8; thence South 01°21'03" East, 2622.21 feet, along the North-South centerline of the Northwest one-quarter of Section 8, to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Western Bank the 4th day of April A.D., 19 90 at 2:30 o'clock PM., and duly recorded in Vol. M90 of Mortgages on Page 6162

Evelyn Biehn County Clerk

By Daniel M. Mendenhall

FEE \$13.00

Return: Western Bank
P.O. Box 669, Klamath Falls, Or. 97601