

72845

Volume 93 Page 33357

RECORDATION REQUESTED BY:

South Valley State Bank
801 Main Street
Klamath Falls, OR 97601

WHEN RECORDED MAIL TO:

South Valley State Bank
801 Main Street
Klamath Falls, OR 97601

SEND TAX NOTICES TO:

Maaami Foods, Inc.
5222 Tingley Lane
Klamath Falls, OR 97603

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST IS DATED NOVEMBER 29, 1993, BETWEEN Maaami Foods, Inc., An Oregon Corporation (referred to below as "Grantor"), whose address is 5222 Tingley Lane, Klamath Falls, OR 97603; and South Valley State Bank (referred to below as "Lender"), whose address is 801 Main Street, Klamath Falls, OR 97601.

DEED OF TRUST. Grantor and Lender have entered into a Deed of Trust dated September 9, 1992 (the "Deed of Trust") recorded in Klamath County, State of Oregon as follows:

Recorded on October 6, 1992 at the Klamath County clerk's Office Volume M92 at Page 23377 reception no. 51949

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property (the "Real Property") recorded in Klamath County, State of Oregon:

See Attached Exhibit A

The Real Property or its address is commonly known as 5222 Tingley Lane, Klamath Falls, OR 97603.

MODIFICATION. Grantor and Lender hereby modify the Deed of Trust as follows: (1) A principal amount of \$1,450,000.00.

Principal increased to \$1,450,000.00 with an extended maturity date of December 31, 1994.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification but also to all such subsequent actions.

COMPLIMENTARY SIGNED
EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST, AND EACH
GRANTOR AGREES TO ITS TERMS.

BY:
GRANTOR:

Maaami Foods, Inc.

LENDER: MAAAMI FOODS INC.

By: *[Signature]*
Masami Ishida, President

WA COMPLIMENTORY SIGNED

LENDER: *[Signature]* I, the undersigned, do hereby consent to the modification of the Deed of Trust set forth in this Modification, to the extent that it does not conflict with the original Deed of Trust. I further consent to the continuation of the original Deed of Trust in accordance with its terms, except as modified by this Modification. I understand that the original Deed of Trust is still in effect and that this Modification does not affect the original Deed of Trust.

By: *[Signature]*
Authorized Officer

COMPLIMENTARY SIGNED

BY: *[Signature]*

COMPLIMENTARY SIGNED

Form No. 301902
1-33-1981

(Continued)
MODIFICATION OF DEED OF TRUST

33328

L0053

CORPORATE ACKNOWLEDGMENT

STATE OF Oregon

188

COUNTY OF Klamath

OFFICIAL SEAL
DAVID A. HUCKINS
NOTARY PUBLIC - OREGON
COMMISSION NO. 003147
MY COMMISSION EXPIRES NOV. 27, 1994

On the 30th day of November, 1993, before me, the undersigned Notary Public, personally appeared Masami Ishida, President of Maximal Foods, Inc., and known to me to be an authorized agent of the corporation that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the corporation, by authority of its Bylaws or by resolution of its board of directors, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the corporation.

By Ishida

Residing at Klamath Falls, OR

Notary Public in and for the State of Oregon

My commission expires 11-27-94

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LENDER ACKNOWLEDGMENT

CHAMBER OF COMMERCE
STATE OF Oregon

188

CITY CHAMBER OF COMMERCE HAVING BEEN AT THE REQUEST OF

COUNTY OF Klamath

OFFICIAL SEAL
DAVID A. HUCKINS
NOTARY PUBLIC - OREGON
COMMISSION NO. 003147
MY COMMISSION EXPIRES NOV. 27, 1994

On the 30 day of November, 1993, before me, the undersigned Notary Public, personally appeared MASAMI ISHIDA, and known to me to be the PRESIDENT authorized agent for the Lender, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the said Lender, duly authorized by the Lender through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and that the seal affixed is the corporate seal of said Lender.

By Ishida

Residing at Klamath Falls, Oregon

My commission expires 11-27-94

Notary Public in and for the State of Oregon

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A. I. HIRIYU DODSUKA 526

CHAMBER OF COMMERCE

NAME IN BLOCK CAPITALS (Last, First, Middle Initials) - PLEASE PRINT CLEARLY AND USE BLOCK LETTERS

DEED OF TRUST RECORDING NUMBER: 1885

DEED OF TRUST DATE: 11/27/94

DEED OF TRUST PLACE OF RECORD: Klamath Falls, Oregon

DEED OF TRUST RECORDING NUMBER: 1885

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MODIFICATION OF DEED OF TRUST

TO SELLER OF TAX DEEDS:

KIMMEL, ROBERT J.
1111 N. 11TH ST.
Klamath Falls, OR 97601

WHEN RECORDED, MAIL TO:

KIMMEL, ROBERT J.
1111 N. 11TH ST.
Klamath Falls, OR 97601

BY CERTIFIED NOTARY PUBLIC

CLASST

IS-12-03603-00 BCAD

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1

Starting at quarter corner between Sections 16 and 17 in Township 39 South, Range 9 East of the Willamette Meridian, said point being also the SE corner of Lot 2 in said Section 17; thence West along the South line of said Lot 2, 660 feet; thence North along a line running North and South through the center of the SE 1/4 of the NE 1/4 of said Section 17 (being Lot 2 of said Section) 811.67 feet, more or less, to the intersection of said North and South line with the Easterly line of the right-of-way of the California Northeastern Railway, thence Northeasterly along the said Easterly line of the right-of-way of said railway 1187.97 feet; more or less, to the intersection of said Easterly line of said railway right-of-way with the East line of said Section 17; thence South 1797.89 feet, more or less, to the point of beginning.

PARCEL 2

Beginning at a point on the South line of Lot 2 of Section 17, Township 39 South, Range 9 East of the Willamette Meridian, 660 feet West of the quarter section corner common to Sections 16 and 17 in said Township and Range, running thence North 811.67 feet to the Southeasterly right-of-way of the California Northeastern Railroad (Southern Pacific Railroad), thence Southwesterly along the right-of-way of the said Railroad to the South line of said Lot 2; thence East 540 feet, more or less, to the place of beginning.

PARCEL 3

The 690 feet off the North side of the NE 1/4 of the SE 1/4 of Section 17, Township 39 South, Range 9 East of the Willamette Meridian in Klamath County, Oregon. EXCEPTING AND RESERVING THEREFROM a parcel of land lying in the Southwest corner of said tract described as follows: Beginning at the Southwest corner of the land herein described, running thence Easterly along the Southerly line of said tract, 219 feet; thence Northwest by an angle of 22 degrees, 562 feet to the Westerly line of said tract; thence Southerly 544 feet to the place of beginning, the same being a triangular tract.

Also a portion of the NE 1/4 SE 1/4 of Section 17, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows: Beginning at a point on the West line of the NE 1/4 SE 1/4 of Section 17, Township 39 South, Range 9 East of the Willamette Meridian, which is 430 feet North of the Southwest corner of the North 20.27 acres of the NE 1/4 SE 1/4 of Section 17, thence East 44.7 feet; thence North 22 degrees 00' West a distance of 85 feet, more or less, to the Southeasterly right-of-way line of the Southern Pacific Right-of-Way; thence South 33 degrees 29' West along said Right-of-Way line a distance of 23 feet, more or less, to the West line of the NE 1/4 SE 1/4 of Section 17; thence South 62 feet, more or less to the point of beginning. EXCEPTING THEREFROM that portion conveyed to Klamath County by Deed recorded December 19, 1929 in Volume 84, page 314, Deed Records of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ S. Valley State Bank _____ the _____ 15th day
of _____ Dec. _____ A.D. 19 ____ at 3:09 o'clock P.M., and duly recorded in Vol. M93, _____
of _____ Mortgages _____ on Page 33357.

FEE \$20.00

Evelyn Biehn County Clerk
By *Caroline Meekins*