

RETURN TO JACKSON COUNTY T.I.L. DIVISION
202 WEST MAIN ST., MEDFORD, OR 97501

MTC 1396-6980

RELEASE OF MORTGAGE
TERMINATION OF ASSIGNMENT OF LEASE

KNOW ALL MEN BY THESE PRESENTS, That Bank America National Trust Company, Successor Trustee, and Ken McGraw, Successor Individual Trustee (hereinafter collectively called "Trustees"), under that certain Indenture of Mortgage and Deed of Trust dated as of April 1, 1968 by and among Sixth Cheltenham Properties, Inc., a Delaware corporation ("Sixth Cheltenham"), Fidelity Union Trust Company, a New Jersey banking corporation, as Trustee and D. ^{Patterson} ~~Peterson~~, as Individual Trustee (the "Mortgage"), do hereby release and discharge all of the Trustees' right, title and interest in and to the parcel of land described in the attached Schedule A, and all improvements thereon, and more particularly the following, acknowledging full satisfaction of the same:

Klamath Falls, Oregon

(i) The Mortgage, recorded in the Land Records of the County of Klamath and State of Oregon in Vol. [M68], at Page [3187] on April 24, 1968; and

(ii) Assignment of Lease and Agreement by and among Sixth Cheltenham, the Trustees, and Albertson's, Inc., a Nevada corporation dated as of April 1, 1968 ("Assignment") and recorded in the Land Records of the County of Klamath, and State of Oregon in Vol. [M68], at Page [3250] on April 24, 1968.

IN WITNESS WHEREOF, the Trustees have executed this Partial
Release and Termination as of the 7th day of February, 1994.

[CORPORATE SEAL]

BANK AMERICA NATIONAL TRUST COMPANY

ATTEST:

As Successor Trustee

Mary LeGumina

Mary LeGumina
Trust Officer

By: Kurt [Signature]

[Signature], AS
Successor Individual Trustee

State of New York)
) SS.:
County of Queens)

10672

On this 7th day of February in the year 19 94 before me,
Robert Lau, a Notary Public of said State, duly
commissioned and sworn, personally appeared Ken McGraw
personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person whose name is subscribed to the within
instrument, and acknowledged that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

ROBERT LAU
Notary Public, State of New York
No. 41-4853782
Qualified in Queens County
Commission Expires May 5, 10 94

Robert Lau
Notary Public

State of New York)
) SS.:
County of Queens)

On this 7th day of February in the year 19 94 before me,
Robert Lau, a Notary Public of said State, duly
commissioned and sworn, personally appeared Ken Rothschild,
personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person who executed the within instrument as
Trust Officer on behalf of the corporation therein and acknowledged
to me that such corporation executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

ROBERT LAU
Notary Public, State of New York
No. 41-4853782
Qualified in Queens County
Commission Expires May 5, 10 94

Robert Lau
Notary Public

F:\ATTY\BROWN\RHC\GREELY.REL

SCHEDULE A

All that certain real property situate in the City of Klamath Falls, County of Klamath, State of Oregon, bounded and described as follows:

A tract of land situated in the SW1/4NW1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at the West one-quarter corner of said Section 2, said point being marked by a brass plug in a capped monument which is 1.60 feet North of the centerline of State Highway 66 (South Sixth Street); thence

North $89^{\circ} 44' 52''$ East along the East-West centerline of said Section 2 (this is the bearing to the center one-fourth corner of said Section 2 which is monumented by a bolt in the pavement that is 1.20 feet North of the centerline of said highway) a distance of 517.06 feet; thence

North $0^{\circ} 20' 15''$ East a distance of 37.91 feet to a one-half inch iron pin on the true point of beginning, of this description, said point being on the Northerly line of State Highway 66 as relocated a distance of 40.00 feet at right angles to the centerline of said highway, said point also being on the Westerly line of the Bennington property as described in Deed Volume 331 at page 402, Klamath County Deed Records; thence

North $89^{\circ} 43' 30''$ East along the Northerly line of Highway 66 as relocated a distance of 40.00 feet at right angles to the centerline of said highway a distance of 166.30 feet to a $5/8$ inch iron pin on the Easterly line of said Bennington property and the Westerly line of the Peace Memorial Presbyterian Church property as described in Deed Volume 317 at page 491, Klamath County Deed Records; thence

North $0^{\circ} 20' 15''$ East along the last described line a distance of 195.70 feet to a $5/8$ inch iron pin; thence

North $05^{\circ} 06' 40''$ East a distance of 34.24 feet; thence

North 00° 15' 00" East a distance of 205.91 feet; thence

10674

South 89° 43' 30" West a distance of 155.57 feet; thence

South 00° 14' 10" East a distance of 205.89 feet; thence

South 17° 20' 35" West a distance of 46.27 feet; thence

South 00° 20' 15" West a distance of 186.70 feet to the true point of beginning.

Subject to covenants, restrictions, easements, rights of way, agreements, reservations and conditions of record, if any.

Said property contains approximately 1.611 acres.

Together with a non-exclusive easement

for ingress, egress and traveling by vehicular or pedestrian travel over and across the herein mentioned described easement area and for utility and service line over, under and across that said certain easement area situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Commencing at the West one-quarter corner of said Section 2; thence

North 89° 44' 52" East, 517.06 feet; thence

North 00° 20' 15" East, 224.61 feet; thence

North 17° 20' 35" East, 46.27 feet to the Southwest corner of an existing building; thence along the Westerly face of said building North 00° 14' 10" West 123.96 feet to the Northwest corner of said building; thence

Continuing North 00° 14' 10" West 30.00 feet to the true point of beginning; thence

South 89° 43' 30" West 148.30 feet to the Easterly boundary line of Etna Street; thence

North 00° 20' 15" East 20.00 feet; thence

Leaving the Easterly boundary line of Etna Street North 89° 43' 30" East 148.10 feet; thence

South 00° 14' 10" East 20.00 feet to the true point of beginning. Situate in Klamath County, Oregon.

: Said

Easement is subject to any matters of record and title.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co the 11th day of April A.D., 19 94 at 11:16 o'clock A M., and duly recorded in Vol. M94 of Deeds/Mortgages on Page 10670.

FEE \$30.00

Evelyn Biehn County Clerk

By William M. Mullenbore