

After Recording Return To:  
Mountain Title Company  
Collection Escrow Department  
222 S. Sixth Street  
Klamath Falls, OR 97601  
Acct. 24733

K-46703

**TRUST DEED MODIFICATION AND CONSENT TO ASSUMPTION****Recitals**

This Trust Deed Modification and Consent to Assumption is made as of June 14, 1994 between DOUBLE J LAND & CATTLE CO. ("Purchaser") and KLAMATH COUNTRY CORNERS, a California Limited Partnership ("Beneficiary").

A. Purchaser has purchased the real property located in Klamath County, Oregon, more particularly described on Exhibit "A" attached hereto and made a part hereof ("Real Property").

B. The Real Property is subject to a trust deed between RAINER W. SCHMID and LAURA L. SCHMID ("Grantors"), and Beneficiary dated December 20, 1990 ("Trust Deed"), recorded on January 14, 1991 in Volume M91, Page 910, Records of Klamath County, Oregon, which secures a promissory note dated December 20, 1990 in the original amount of \$38,400.00 ("Note").

C. Purchaser has agreed to make the principal and interest payments required under the Note, provided the Beneficiary agrees to a modification of the Note and Trust Deed.

D. Beneficiary has agreed to consent to the assumption by Purchaser of Grantors' obligations to make payments under the Note and to a modification to the Note and Trust Deed.

**Agreement**

For valuable consideration, the receipt of which is hereby acknowledged:

(a) Purchaser agrees to assume the obligation to make payments due to Beneficiary under the Note;

(b) Beneficiary hereby consents to the assumption by Purchaser of Grantors' payments under the Note and releases Grantors from any liability or responsibility under the Note and Trust Deed as of the date hereof. The outstanding principal balance due on the Note is \$ 33,182.52, with interest paid to December 30, 1994; and

(c) No provisions of this consent shall be deemed to alter or modify any of the terms and conditions of the Note and Trust Deed, except as follows:

1. Notwithstanding any provision of the Trust Deed or the Note to the contrary, Beneficiary agrees upon an event of default not to institute any action at law against Purchaser for payment of any sum of money that is or may be payable under the Note, other than any such action seeking only to foreclose the Trust Deed, which right is specifically reserved, nor will Beneficiary seek against Purchaser any judgment for a deficiency in any action or suit to foreclose the Trust Deed.

2. Notwithstanding any provision of the Trust Deed or the Note to the contrary, Beneficiary agrees that the Note and Trust Deed may be assigned by Purchaser and assumed by a third party without prior written consent of the Beneficiary.

**PURCHASER:**

DOUBLE J LAND & CATTLE CO.

By

Patrick J. Juhl  
Patrick J. Juhl

Authorized Representative

**BENEFICIARY:**

KLAMATH COUNTRY CORNERS,  
a California Limited Partnership

By

Fred W. Koehler  
Fred W. Koehler, General Partner

STATE OF OREGON )

County of Klamath )

ss.

Personally appeared the above-named Patrick J. Juhl, personally known to me to be the person who executed the within instrument on behalf of Double J Land & Cattle Co., and acknowledged that he executed the same, having fully authority to do so, before me on January 18, 1992.5



OFFICIAL SEAL  
TRUDIE DURANT  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 027875  
MY COMMISSION EXPIRES SEP. 30, 1997

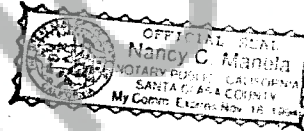
Trudie Durant  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

STATE OF ~~OREGON~~ <sup>california</sup>County of Santa Clara ss.

Personally appeared the above-named **Fred W. Kochler**, personally known to me to be the person who executed the within instrument on behalf of **Klamath Country Corners**, and acknowledged that he executed the same, having fully authority to do so, before me on June 14, 1994.

Nancy C. Manela  
Notary Public for ~~Oregon~~ <sup>California</sup>  
My commission expires: 11-18-94

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## EXHIBIT "A"

## PARCEL 2

A parcel of land located in portions of Government lots 33 and 34, Section 16, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Northwest corner of Government Lot 33 in Section 16, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, from which point the South one-quarter section corner of said Section 16 bears South 00 degrees 09' 40" East 1320.43 feet distant; thence along the North line of said Lot 33 North 89 degrees 49' 56" East 202.69 feet to its intersection with the Westerly right-of-way line, of U.S. Highway 97; thence along said right-of-way line, 70.00 feet distant from the centerline of said Highway 97, South 3 degrees 46' 44" West 82.14 feet to the beginning of a spiral curve at Highway Station 3259+74.9; thence following the right-of-way line Southerly along an offset spiral curve to the left 125.29 feet, the long chord of which bears South 3 degrees 43' 36" West 125.29 feet; (the centerline spiral having a central angle "S" of 1 degree 36' and an increase in degree of a curve per station "a" of 0.2) thence along a jog in said right-of-way line South 86 degrees 23' 17" East 20.00 feet; thence along an offset spiral, 50.00 feet distant from said centerline spiral 276.16 feet, the long chord of which bears South 3 degrees 01' 35" West 276.16 feet to the P.S.C. of the spiral curve at Highway Station 3263+74.9; thence South 78 degrees 10' 40" West 248.01 feet to a point on the Northeasterly right-of-way line of State Highway 62; thence following said right-of-way line 259.04 feet along the arc of a 5779.6 foot radius curve to the left, the long chord of which bears North 25 degrees 48' 58" West 259.01 feet; thence along an offset spiral curve to the left, 50.00 feet from the centerline of said Highway 62 (the centerline spiral having a central angle "S" of 2 degrees 00' and an increase in degree of curve per station "a" of 0.25) 340.93 feet, the long chord of which bears North 28 degrees 18' 50" West 340.90 feet; thence, leaving said highway right-of-way line, North 89 degrees 49' 56" East 322.72 feet to the point of beginning.

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co the 14th day  
of Feb A.D., 19 95 at 10:52 o'clock A.M., and duly recorded in Vol. M95  
of Mortgages on Page 3233  
FEE \$25.00  
Bernetha G. Letsch County Clerk  
By Pauline Miller