

39551

97 JUN 19 - P 109

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STATE OF OREGON

UNIFORM COMMERCIAL CODE

FINANCING STATEMENT

REAL PROPERTY - Form UCC-1A

THIS FORM FOR COUNTY FILING OFFICER USE ONLY

|                                                                                                             |                                                                                                                           |                                         |
|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| THIS FINANCING STATEMENT is presented to the county filing officer pursuant to the Uniform Commercial Code. |                                                                                                                           |                                         |
| 1A. Debtor Name(s):<br>Jeff C Mitchell, Tribal Chairman<br>See Attached Exhibit<br>dated June 18, 1997.     | 2A. Secured Party Name(s):<br>South Valley Bank & Trust                                                                   | 4A. Assignee of Secured Party (if any): |
| 1B. Debtor Mailing Address(es):<br>Highway 97 Williamson Business Park<br>Chiloquin, OR 97624               | 2B. Address of Secured Party from which security<br>information is obtainable:<br>P O Box 5210<br>Klamath Falls, OR 97601 | 4B. Address of Assignee:                |

3. This financing statement covers the following types (or items) of property (check if applicable):

☒ The goods are to become fixtures on: \_\_\_\_\_ ☐ The above timber is standing on: \_\_\_\_\_

☐ The above minerals or the like (including gas and oil) or accounts will be financed at the wellhead or minehead of the well or mine located on: \_\_\_\_\_  
(describe real estate)

See Attached Exhibit to UCC Financing Statement dated June 18, 1997.

and the financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is:

☒ Check box if products of collateral are also covered. Number of attached additional sheets: 1

A carbon, photograph or other reproduction of this form, financing statement or security agreement serves as a financing statement under ORS Chapter 79.

By: Jeff C Mitchell, Chairman

Signature(s) of the debtor required in most cases.

By: Tommy Smith

Signature(s) of Secured Party in cases covered by ORS 79.4020

## 1. PLEASE TYPE THIS FORM

## INSTRUCTIONS

2. If the space provided for any item(s) on this form is inadequate, the item(s) should be continued on additional sheets. Only one copy of such additional sheets need to be presented to the county filing officer. DO NOT STAPLE OR TAP ANYTHING TO THIS FORM.

3. This form (UCC-1A) should be recorded with the county filing officers who record real estate mortgages. This form cannot be filed with the Secretary of State. Send the Original to the county filing officer.

4. After the recording process is completed the county filing officer will return the document to the party indicated. The printed termination statement below may be used to terminate this document.

5. The RECORDING FEE must accompany the document. The fee is \$5.00 per page.

6. Be sure that the financing statement has been properly signed. Do not sign the termination statement (below) until this document is to be terminated.

Recording Party contact name: \_\_\_\_\_

Recording Party telephone number: \_\_\_\_\_

Return to: (name and address)

South Valley Bank & Trust  
Main Street Branch  
P O Box 5210  
Klamath Falls, OR 97601

Please do not type outside of brackets and lines.

## TERMINATION STATEMENT

This statement of termination of financing is presented for filing pursuant to the Uniform Commercial Code. The Secured Party no longer claims a security interest in the financing statement bearing the recording number shown above.

By: \_\_\_\_\_

Signature of Secured Party (or Assignee(s))

## DEBTOR:

June 18, 1997

The Umatilla Tribe SSN / Tax ID # 911761719

## MAILING ADDRESS:

P O Box 436 / Highway 97 Williamson Business Park, Chiloquin, OR 97624

## COLLATERAL DESCRIPTION:

(i) a first lien security interest in all Property (equipment, fixtures and furniture) financed with Loan proceeds, and any and all gaming equipment, equipment, fixtures and furniture later acquired and not subject to a prior security interest otherwise granted to a third party, hereinafter "Property"; (ii) a second lien security interest in the Trust Estate pledged under the Bond Indenture, which includes, but is not limited to (1) the Gross Revenues; (2) all moneys and securities in all Funds (including without limitation the Construction, Bond, Revenue, Equipment, Line of Credit, Consulting, Capital Improvement, Debt Service Reserve and Redemption Funds) created under the Indenture; (3) any and all property, rights and interests of every kind or description (including but not limited to, equipment, if any, (except for Equipment and Additional Equipment), inventory, accounts and general intangibles arising out of or relating to the Project) that as of the effective date of the Indenture or thereafter may be sold, transferred, conveyed, assigned, pledged, mortgaged, or delivered to the Trustee as security under the Indenture; (4) the proceeds of the foregoing; and (5) the Trustee's interest under the Lease and the Tribe's interest under the Sublease, provided that such security interest shall be junior in all respects to that of the Trustee, hereafter "Trust Estate"; (iii) a second lien security interest in all furniture, fixtures and equipment not funded by the Loan, which interest is subject to the interest of the Trustee, hereinafter "Second Lien"; and (iv) any other property, rights, interests or benefits which are pledged by Borrower to Lender to secure repayment of the Loan.

This Exhibit is executed on the same date as the UCC-Financing Statement by South Valley Bank & Trust and the undersigned.

Jeff C. Mitchell, Tribal Chairman

(Signature(s) of Debtor(s))

South Valley Bank & Trust

(Signature(s) of Secured Party (ies))

## LEGAL DESCRIPTION

Beginning at a point, said point being the intersection of the North line of Government Lot 23, Section 16, Township 35 South, Range 7 East of the Willamette Meridian with the Easterly right of way line of Highway 97 and marked with a 5/8" pin, from which the 1/4 corner common to Section 15 and 16, said Township and Range, bears North 89°33'01" East 2201.55 feet; thence along the North line of said Government Lot 23 and the North line of Government Lot 22, said Township and Range, North 89°33'01" East 1423.13 feet to the Westerly mean high water line of the Williamson River, thence along said mean high water line the following bearings and distances: South 2°23'25" East 39.36 feet; thence South 17°15'25" East 52.99 feet; thence South 28°02'02" East 76.89 feet; thence South 39°18'40" East 130.02 feet; thence South 57°22'25" East 202.38 feet; thence South 16°42'10" East 142.93 feet; thence South 27°47'45" East 190.57 feet to a point on the South line of said Government Lot 22, said point being marked by a 5/8" pin; thence leaving said mean high water line along said South line of Government Lot 22 North 90°00'00" West 951.85 feet to the Northeast corner of Government Lot 28, said Township and Range, said corner being marked by a 1/8" pin; thence along the East line of said Government Lot 28 South 0°08'48" East 609.79 feet to the Southeast corner of said Government Lot 28, said corner being marked by a 1/8" pin; thence along the South line of said Government Lot 28 South 89°48'56" West 454.20 feet to a 1/8" pin; thence leaving said South line South 0°10'04" East 40.64 feet to a 3/4" iron pipe; thence South 61°56'56" West 629.30 feet to a point on said Easterly right of way line of Highway 97, thence along said Easterly right of way line along the arc of a spiral curve to the right, the chord of which bears North 0°53'40" West 119.80 feet, to a 5/8" pin; thence continuing along said right of way line the following bearings and distances: South 86°21'30" East 20.00 feet to a 5/8" iron pin; thence North 3°47'20" East 100.69 feet to a 5/8" iron pin; thence North 88°44'24" West 20.00 feet to a 3/8" pin; thence North 3°47'54" East 743.27 feet to the point of beginning. Containing 42.31 acres, more or less.

*Jeff C. Mitchell*  
*Chairman*  
*Klamath Tribes*  
*6/18/97*

STATE OF OREGON, COUNTY OF KLAMATH: ss.

Filed for record at request of South Valley Bank & Trust the 19th day  
of June A.D. 1997 at 1:09 o'clock P. M., and duly recorded in Vol. 18911  
of Mortgages on Page 18919

Bernetha G. Letch, County Clerk

FEE \$15.00

By Kathleen Roas