

## WHEN RECORDED MAIL TO:

U. S. BANK NATIONAL ASSOCIATION  
PL-7 OREGON COMMERCIAL LOAN SERVICING  
655 S. W. DAK  
PORTLAND, OR 97204

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

ATC 9330416  
**MODIFICATION OF MORTGAGE**

**THIS MODIFICATION OF MORTGAGE IS DATED JANUARY 26, 1998, BETWEEN MCVAY FARMS, INC., RONALD C. MCVAY AND BARBARA A. MCVAY (referred to below as "Grantor"), whose address is 21582 DRAZIL, MALIN, OR 97632-9722; AND U. S. BANK NATIONAL ASSOCIATION (referred to below as "Lender"), whose address is PL-7 OREGON COMMERCIAL LOAN SERVICING, 655 S. W. DAK, PORTLAND, OR 97204.**

**MORTGAGE.** Grantor and Lender have entered into a mortgage dated April 3, 1997 (the "Mortgage") recorded in Klamath County, State of Oregon as follows:

MORTGAGE RECORDED APRIL 9, 1997 IN VOLUME 8157 PAGE 8642 VOLUME 8157 PAGE 8728 OF THE MORTGAGE RECORDS OF KLAMATH COUNTY, OREGON

**REAL PROPERTY DESCRIPTION.** The Mortgage covers the following described real property (the "Real Property") located in KLAMATH COUNTY, County, State of Oregon:

SEE ATTACHED EXHIBIT A

The Real Property or its address is commonly known as 21582 DRAZIL, MALIN, OR 97632-9722. The Real Property tax identification number is CODE 18 MAP #4012-3200 TL #1600 KEY #822057, CODE 18 MAP #4012-3200 TL #1600 KEY #822084, CODE 18 MAP #4012-3200 TL #1700 KEY #822083.

**MODIFICATION.** Grantor and Lender hereby modify the Mortgage as follows:

THE LINE OF CREDIT INSTRUMENT IS HEREBY AMENDED TO READ: (b) THE MAXIMUM PRINCIPAL AMOUNT TO BE ADVANCED PURSUANT TO THE NOTE IS \$1,536,169.57.

TO INCLUDE THE FOLLOWING NOTE: THE NOTE DATED JANUARY 26, 1998 IN THE PRINCIPAL AMOUNT OF \$56,000.00 FROM MCVAY FARMS, INC. TO LENDER, TOGETHER WITH ALL RENEWALS, EXTENSIONS, MODIFICATIONS, REFINANCINGS AND SUBSTITUTIONS FOR THE NOTE.

THE MATURITY DATE OF THE NOTE DATED JUNE 11, 1997 IN THE PRINCIPAL AMOUNT OF \$211,260.00 HAS BEEN EXTENDED TO AUGUST 31, 1998.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Mortgage 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 Mortgage as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a cancellation of the promissory note or other credit agreement secured by the Mortgage (the "Note"). It is the intention of Lender to retain as title as parties to the Mortgage 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 Mortgage 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.

EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE, AND EACH GRANTOR AGREES TO ITS TERMS.

GRANTOR

X *Ron C. MCVay* P.  
RONALD C. MCVAY  
MCVAY FARMS, INC.

X *Ron C. MCVay* P.  
RONALD C. MCVAY

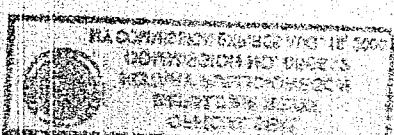
*Barbara A. MCVay*

LENDER:

U. S. BANK NATIONAL ASSOCIATION

By *John Jefferson* S.P.  
Authorized Officer

This instrument is being recorded as an acknowledgement only, and has not been examined as to validity, sufficiency or effect it may have upon the herein described property. This courtesy recording has been requested of ARDEN TITLE & ESCROW, INC.



INDIVIDUAL SIGNATURE

(Signature)

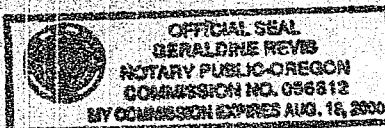
MODIFICATION OF MORTGAGE

JUN 4

5930 5

## INDIVIDUAL ACKNOWLEDGMENT

STATE OF Oregon)  
188  
COUNTY OF Klamath



On this day before me, the undersigned Notary Public, personally appeared Ronald C. McAvay & Barbara A. McAvay, to me known to be the individual(s) described in and who executed the Modification of Mortgage, and acknowledged that they signed the Modification as their free and voluntary act and deed, for the uses and purposes herein mentioned.

Given under my hand and official seal this 29

by Geraldine Revs

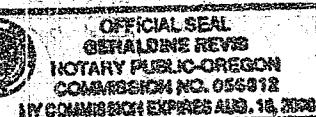
Notary Public in and for the State of Oregon

day of January, 1998  
Reading at Klamath Falls, Oregon

My commission expires Aug. 18, 2000

## LENDER ACKNOWLEDGMENT

STATE OF Oregon)  
188  
COUNTY OF Klamath



On this 29 day of January, 1998 before me, the undersigned Notary Public, personally appeared Bruce Stephenson, 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 said affidavit is the complete record of said Lender.

Given under my hand and official seal this 29

by Geraldine Revs

Notary Public in and for the State of Oregon

day of January, 1998  
Reading at Klamath Falls, Oregon  
My commission expires Aug. 18, 2000

LASER PRO, FILE U. S. EDITION, VER. 3.24 (12/26/2000), 2000 RELEASED. (C) 1994-1998 LASER PRO INC. ALL RIGHTS RESERVED. THIS DOCUMENT IS LEGALLY BOUND AND HAS BEEN SIGNED IN DIGITAL SIGNATURES.

RECEIVED FROM THE RECORDING OFFICE OF THE CLACKAMAS COUNTY CLERK'S OFFICE  
RECEIVED ON 1/29/98 AT 10:00 AM BY RONALD C. MC AVAY FOR RECORDING PURSUANT TO THE  
EXEMPTION PROVIDED IN SECTION 17.01.020 OF THE CLACKAMAS COUNTY CODE.

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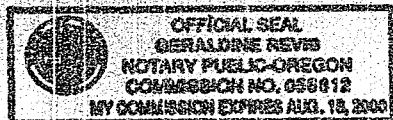
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RECORDED

4342

**CORPORATE ACKNOWLEDGMENT**STATE OF OregonCOUNTY OF Klamath

On this 29 day of January, 1998, before me, the undersigned Notary Public, personally appeared Ronald C. McNeur, President of HICKEY FARMS, INC., and known to me to be authorized agent(s) of the corporation that executed the Modification of Deed of Trust and acknowledged the Modification to be the true 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 they are authorized to execute this Modification and in fact executed the Modification on behalf of the corporation.

By Geraldine ReivesNotary Public in and for the State of OregonResiding at (Klamath Falls), OregonMy commission expires Aug. 18, 2000

THIS EXHIBIT A IS ATTACHED TO AND BY THIS REFERENCE IS MADE A PART OF THE  
MODIFICATION OF MORTGAGE DATED JANUARY 26, 1993, EXECUTED IN CONNECTION  
WITH A LOAN OR OTHER FINANCIAL ACCOMMODATIONS BETWEEN U.S. BANK NATIONAL  
ASSOCIATION AND MCVAY FARMS, INC.

## EXHIBIT A

**McVay Farms:**  
Township 42 South, Range 12, East of the Willamette Meridian, Klamath County, Oregon.  
Section 32: SW 1/4 SW 1/4; the following described portion of the NW 1/4 SW 1/4; Beginning at the Southeast corner of the NW 1/4 of  
Section 32; SW 1/4 SW 1/4; thence North, along the East boundary of the NW 1/4 of the SW 1/4 of said Section to a point 245.00 feet  
North of the High Line Canal of the Shasta View Irrigation District; thence West, parallel with the North boundary of the NW 1/4 of the  
SW 1/4 of said Section to the West Boundary of said Section 32; thence South, along said Section boundary to the Southwest corner  
of the NW 1/4 of the SW 1/4 of said Section 32; thence East, along the South boundary of the NW 1/4 of the SW 1/4 of said Section to  
the point of beginning.

**Parcel 2:**

Township 40 South, Range 12, East of the Willamette Meridian, Klamath County, Oregon.  
Section 32: SE 1/4 SW 1/4; SW 1/4 SE 1/4, less 12 acres off the North side of said SW 1/4 SE 1/4 being a strip of land 335 feet wide.

Ronald C. and Barbara A. McVay:

**Parcel 3:**

The NE 1/4 NW 1/4; S 1/2 NW 1/4; N 1/2 SW 1/4, Section 8 Township 41 South, Range 12, East of the Willamette Meridian, Klamath  
County, Oregon.

McVay Farms, Inc.

By Ronald C. McVay *Ron*  
Title

X Ronald C. McVay  
Ronald C. McVay

*Barbara A. McVay* <sup>15 B.M.</sup>  
Barbara A. McVay

STATE OF OREGON, COUNTY OF KLAMATH: ss.

Filed for record at request of	Aspen Title & Escrow	the	10th	day
of <u>February</u> <u>A.D. 19</u> <u>93</u> at <u>2:13</u> o'clock	P. M., and duly recorded in Vol. <u>M98</u>			
of <u>Mortgages</u>	on Page <u>4340</u>			
FEE <u>\$25.00</u>	By <u>Bernetha G. Lettsch</u> , County Clerk			