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RECORDATION REQUESTED BY: South Valley Bank & Trust P O Box 5210 Klamath Falls, OR 97501

WHEN RECORDED MAIL TO: South Valley Bank & Trust

P O Box 5210 Klamath Falls, OR 97601

SEND TAX NOTICES TO:

Bowers Excavating & Fencing, Inc. 3427 Washburn Way Klamath Fails, OR 97603

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

Vol. M98 Page 28153

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST IS DATED JULY 28, 1998, BETWEEN Bowers Excavating & Fencing, Inc. (referred to below as "Grantor"), whose address is 3427 Washburn Way, Klamath Falls, OR 97603; and South Valley Bank & Trust (referred to below as "Lender"), whose address is P O Box 5210, Klamath Falls, OR 97601.

DEED OF TRUST. Grantor and Lender have entered into a Deed of Trust dated December 2, 1994 (the "Deed of Trust") recorded in Klamath County, State of Oregon as follows:

Recorded on December 22, 1994 at the Klamath County Clerk's Office, Volume M94, Page 38506 and reception #92765

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

Parcel 3 of Land Partition 10-92, being a portion of Lot 71, FAIR ACRES SUBDIVISION NO. 1, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, being in the NE 1/4 of the SE 1/4 of Section 35, Township 38 South, Range 9 East of the Willamethe Meridian, Klamath County, Oregon. The West 790 feet of Tract 70, FAIR ACRES SUBDIVISION NO. 1, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

The Real Property or its address is commonly known as 3427 Washburn Way, Klamath Falls, OR 97603.

MODIFICATION. Granter and Lander hereby modify the Deed of Trust as follows:

Extend the Maturity date December 20, 2900

GRANTOR:

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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 relain 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.

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

Bowers Excavaling & Fencing, Inc. By (AL) PA D <u>AUQ.II</u> the Mr deserves John T Bowers, President Darlene M Bowers, Secretar I FNDER-South Valley Bank & Trust W By Authorized Officer CORPORATE ACKNOWLEDGMENT STATE OF OFFICIAL SEAL JIM MIELOSZYK) 85 NOTARY PUBLIC-OREGON COUNTY OF COMMISSION NO. 036174 MY COMMISSION EXPIRES AUG. 1, 1998 On this 29 day of $\sqrt{3/7}$, 1998, before me, the undersigned Notary Public, personally appeared John T Bowers, President; and Darlene M Bowers, Secretary of Bowers Excavating & Fencing, Inc., and known to me to be authorized egents of the corporation that executed the Modification of Deed of Trust and acknowled, at the Modification to be the free and voluntary act and deed of the corporation, by authorized to execute this Modification and in fact executed the Modification on behalf of the corporation; authorized to execute this Modification and in fact executed the Modification on behalf of the corporation; authorized to execute this Modification and in fact executed the Modification on behalf of the corporation; authorized to execute this Modification and in fact executed the Modification on behalf of the corporation; and authorized to execute the Modification and in fact executed the Modification on behalf of the corporation; and authorized to execute the Modification and in fact executed the Modification on behalf of the corporation; and authorized to execute the modification and in fact executed the Modification on behalf of the corporation; and authorized to execute the modification and in fact executed the Modification on behalf of the corporation; and authorized to execute the modification and in fact executed the Modification on behalf of the corporation; and authorized to execute the modification and in fact executed the Modification and authorized to execute the modification and in fact executed the Modification and authorized to execute the modification and in fact executed the Modification and authorized to execute the modification and in fact executed the Modification and authorized to execute the modification and in fact executed the Modification and authorized to execute the modification authorized to execute the modification and authorized to execute the modification a Kloman Wielow Ву Residing at Falls Dregon Notary Public In and for the State of My commission expires 10218-1-98 Martin and a second f_{γ} LENDER ACKNOWLEDGMENT The second state of the second TOSU MO BULCHS (Continued) 07-28-1998 MODIFICATION OF DEED OF TRUST 1.8 . 1

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