

MTC 1396-1071  
APPOINTMENT OF SUCCESSOR TRUSTEE

KNOW ALL MEN BY THESE PRESENTS, that U.S. Restaurant Properties Operating L.P. is the grantor and Gary W. Orr is the trustee, and Comerica Bank-Texas is the beneficiary under that certain trust deed dated December 12, 1997, and recorded on December 23, 1997, in Volume M97, Page 41802 of the Mortgage Records of Klamath County, Oregon.

The undersigned, who is the present beneficiary under said trust deed desires to appoint a new trustee in the place and stead of the original trustee named above;

NOW, THEREFORE, in view of the premises, the undersigned hereby appoints Oregon Title Insurance Company, whose address is ~~454 Courty Club Road / Suite 150 / Eugene / Oregon / 97140~~ **\*\* 502 WEST MAIN STREET, MEDFORD OR 97501** as successor trustee under said trust deed to have all the powers of said original trustee, effective immediately.

*mm* In construing this instrument, and whenever the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the undersigned beneficiary has executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by its board of directors.

Dated: July 1, 1998.

(SEAL)

COMERICA BANK-TEXAS

By: J. Bart Bearden  
J. Bart Bearden  
Vice President

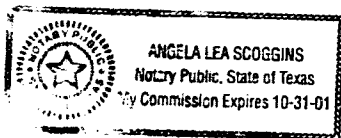
STATE OF TEXAS )  
)ss:  
COUNTY OF DALLAS )

On this 1st day of July, 1998, before me, the undersigned, a Notary Public in and for the State of Texas, personally appeared the within named J. Bart Bearden, Vice President of Comerica Bank-Texas, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument, and acknowledged the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said corporation.

Witness my hand and official seal.

Angela Lea Scoggins  
Notary Public in and for the State of Texas

Attn. A. Arletta Scott  
Store No. 3645



State of Oregon, County of Klamath  
Recorded 6/22/99, at 11:39 a.m.  
In Vol. M99 Page 24506  
Linda Smith,  
County Clerk Fee \$ 10- *RL*

Return to:  
Landamerica National  
Commercial Services  
7557 Rambler Rd. Ste 1200  
Dallas, TX 75231