

AMT 48850-PS

UNITED STATES DEPARTMENT OF AGRICULTURE  
FARM SERVICE AGENCYASSIGNMENT OF INCOME FROM SALE OF REAL ESTATE SECURITY

KNOW ALL MEN BY THESE PRESENTS, that the United States of America, acting through the Farm Service Agency, United States Department of Agriculture (hereinafter called the "Government"), is the holder or insurer of promissory notes in the amount of TWO HUNDRED NINETY SIX THOUSAND NINE HUNDRED SEVENTY SEVEN AND 58/100 DOLLARS (\$296,977.58), (hereinafter called the "Note"), evidencing a loan in said amount made to William L. Gallagher (deceased) and Nadine F. Gallagher, husband and wife, of Klamath County, State of Oregon (hereinafter called the "Borrowers"), and secured by a mortgage on certain lands in Klamath County, Oregon, filed on November 15, 1977, July 3, 1985, and November 9, 1993 (rerecorded on 9/19/94), in the office of the recorder of deeds in and for Klamath County, Oregon at Klamath Falls;

NOW THEREFORE, in consideration of the Government's permitting Borrowers to convey a portion of real estate described as follows: Lot 1, Block 1 of Tract 1162, WHISKEY CREEK ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, under an promissory note and deed of trust, unto Kerry Penn, (hereinafter called the "Purchasers"), the Borrowers hereby sell, assign, transfer and convey to the Government, for itself, or as collection agent, all proceeds due and owing Borrowers under the promissory note and trust deed, payments to be made as follows:

1. Upon execution of the promissory note and trust deed, Borrowers shall pay, to the Government, from the down payment received, the sum of \$1400.
2. Monthly payments in the amount of One Hundred Fifty-two and 97/100 dollars (\$152.97) shall be paid to the Government on or before 15th of each month.

Borrowers hereby covenant that they have made no other assignment or encumbrance of said proceeds.

Borrowers authorize and direct Purchasers, their heirs, executors, administrators and assigns, to pay to the Government the aforesaid sums now owing or to become owing to Borrowers under the promissory note and trust deed by check payable to Farm Service Agency, to be remitted to the FSA Farm Loan Manager at 2316 S. 6th Street, Suite C, Klamath Falls, OR 97601 or to such other person as may be designated in writing by the State Director of Farm Service

Agency, or until notified in writing by the FSA Farm Loan Manager of the termination of this assignment.

This assignment shall terminate when the aforesaid indebtedness of the Borrowers shall have been paid in full or when the Purchaser has completed all payments under the promissory note and trust deed, whichever occurs first: Provided, however, that the Purchasers shall not be liable to the Borrowers for any payments to the Government which the Purchasers may have made subsequent to the time when said indebtedness of the Borrower has been paid in full, unless the Purchasers have received, prior to any such payment, written notice from the Farm Service Agency that the Borrowers' indebtedness has been paid in full.

It is understood that each amount received by the Government under this assignment shall be used in accordance with regulations of the Farm Service Agency in effect when such amount is received.

IN WITNESS WHEREOF, THE aforesaid Borrowers have signed and sealed the foregoing assignment this 12th day of August, 1999.

Nadine F. Gallagher  
NADINE F. GALLAGHER

State of Oregon )  
County of Klamath ) S.S.

This instrument was acknowledged before me on 8/12/99 by Nadine F. Gallagher. In Witness Whereof, I have set my hand and seal at Klamath Falls, OR the day and year listed above.



Pamela J. Spencer  
Notary Public  
My Commission Expires 8/16/2000

33301

## ACKNOWLEDGMENT

The undersigned Purchasers do hereby recognize the foregoing assignment, and agree to remit to the Government in the manner specified in the assignment the portion of the income as provided therein.

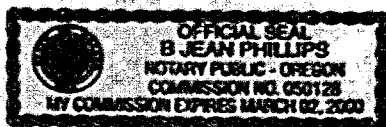
Kerry S. Pein (Purchaser)

\_\_\_\_\_  
(Purchaser)

\_\_\_\_\_  
(Address)

State of Oregon )  
County of Klamath ) S.S.

This instrument was acknowledged before me on 8-9-99 by Kerry S. Pein In Witness Whereof, I have set my hand and seal at Klamath Falls, Oregon the day and year listed above.



[Signature]  
Notary Public  
My Commission Expires 3-2-00

AFTER RECORDING RETURN TO:  
AmeriTitle Collection Escrow #48850

State of Oregon, County of Klamath  
Recorded 8/18/99, at 11:28 a.m.  
In Vol. M99 Page 33299  
Linda Smith,  
County Clerk Fees 20- RR