

**RECORDATION REQUESTED BY:**

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

40698

Vol M99 Page

1999 OCT 18 11:11:30

**WHEN RECORDED MAIL TO:**

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

**SEND TAX NOTICES TO:**

Elbert G Henderson and Annette M Henderson  
3007 Anderson Ave  
Klamath Falls, OR 97603

AMERITITLE has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

MTC 1390-1339

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

**MODIFICATION OF DEED OF TRUST**

THIS MODIFICATION OF DEED OF TRUST IS DATED OCTOBER 6, 1999, BETWEEN Elbert G Henderson and Annette M Henderson (referred to below as "Grantor"), whose address is 3007 Anderson Ave, 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 August 25, 1987 (the "Deed of Trust") recorded in Klamath County, State of Oregon as follows:

Original Trust Deed Recorded on September 3, 1987 in the Klamath County Clerk's Office Volume M87 at page 15982, reception #78872; Modified on September 29, 1997 recorded on October 24, 1997 Volume M97 at page 34979; Modified on December 30, 1997 recorded February 20, 1998, Volume M98 at page 5496, reception #53443; Modified February 27, 1998 recorded March 11, 1998 Volume M98 page 7937, reception #54504; Modified on November 27, 1998 recorded on January 11, 1999 volume M99 at page 734, reception #72733; Modified on June 24, 1999 recorded on July 7, 1999 at page 27059

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

See attached Exhibit A

The Real Property or its address is commonly known as 3007 Anderson Ave, Klamath Falls, OR 97603.

**MODIFICATION.** Grantor and Lender hereby modify the Deed of Trust as follows:

Extend the Maturity date to December 31, 1999 and Increase the Interest to Prime plus 5.75%

The word "Note" means the Note #300399 dated August 25, 1987 in the principal amount of \$204,191.28, and Note #302969 dated April 4, 1997, in the principal amount of \$24,640.26 from Elbert G Henderson and Annette M Henderson to Lender, together with all renewals, extensions, modifications, refinancings, and substitutions for this Note.

**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 retain 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.**

**GRANTOR:**

*Elbert G Henderson* *Annette M Henderson*  
Elbert G Henderson Annette M Henderson

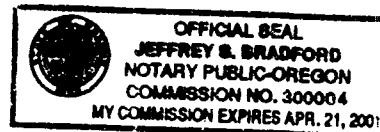
**LENDER:**

South Valley Bank & Trust

By: *Jeffrey S. Bradford*  
Authorized Officer

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF Oregon )  
 ) ss  
COUNTY OF Klamath )



On this day before me, the undersigned Notary Public, personally appeared Elbert G Henderson and Annette M Henderson, to me known to be the individuals described in and who executed the Modification of Deed of Trust, and acknowledged that they signed the Modification as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 8th day of October, 19 99.

By *Jeffrey S. Bradford* Residing at 801 Main St., K. Falls, OR  
Notary Public in and for the State of Oregon My commission expires 4-21-01

LENDER ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )

) ss

COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_ and known to me to be the \_\_\_\_\_, 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 seal affixed is the corporate seal of said Lender.

By \_\_\_\_\_ Residing at \_\_\_\_\_

Notary Public in and for the State of \_\_\_\_\_ My commission expires \_\_\_\_\_

EXHIBIT "A"  
DESCRIPTION SHEET

## PARCEL 1

A portion of Tracts 6, 7, and 8, and the Easterly one-half of vacated Avalon Street of the re-subdivision of Tracts 25 to 32, inclusive, of Altamont Ranch Tracts, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8-inch iron pin on the Northerly right of way line of Anderson Avenue and the centerline of vacated Avalon Street; thence North 00 degrees 06' 00" West along said centerline 535.89 feet to a 5/8-inch iron pin on the Southwesterly right of way line of the Burlington Northern Railway Company tracks, said right of way being parallel to and 125 feet (measured at right angles) from the centerline of the main line of said Railway Company tracts, as now located and constructed; thence along said right of way line South 48 degrees 02' 10" East 244.63 feet to a 5/8-inch iron pin; thence South 02 degrees 00' 40" West 303.03 feet to a P-K nail set in concrete; thence South 88 degrees 52' 44" East 2.60 feet to the Easterly edge of a corner post on a chain link fence; thence South 02 degrees 00' 40" West generally along the Easterly side of said fence and its extension 72.80 feet to a 5/8-inch iron pin on the Northerly right of way line of said Anderson Avenue; thence along said right of way line North 88 degrees 52' 40" West 170.42 feet to the point of beginning, with bearings based on record of survey No. 2031 as recorded in the office of the Klamath County Surveyor.

SAVING AND EXCEPTING that portion deeded to Great Northern Railway by deed dated February 8, 1961, recorded February 15, 1961, in Volume 327, page 339 and recorded July 21, 1960 in Volume 323, page 20 Deed Records of Klamath County, Oregon.

## PARCEL 2

A portion of Tracts 6, 7, and 10 of Tracts 25 to 32, inclusive, of Altamont Ranch Tracts, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8-inch iron pin on the Northerly right of way line of Anderson Avenue, being South 88 degrees 52' 40" East 170.42 feet from the centerline of vacated Avalon Street; thence North 02 degrees 00' 40" East along the Easterly side of chain link fence 72.80 feet to the Easterly edge of a corner post; thence North 88 degrees 52' 40" West 2.60 feet to a P-K nail set in concrete; thence North 02 degrees 00' 40" East 303.03 feet to a 5/8-inch iron pin on the Southwesterly right of way line of the Burlington Northern Railway Company tracks, said right of way being parallel to and 125 feet (measured at right angles) from the centerline of the main line of said Railway Company tracks, as now located and constructed; thence South 48 degrees 02' 10" East 286.90 feet along said right of way line to a 5/8-inch iron pin on the Westerly line of said Tract 10; thence South 00 degrees 06' 00" East along the Westerly line of said Tract 10 to a 5/8-inch iron pin, said

(continued)

iron pin being on the Southwesterly right of way line of the said Railway Company tracks and being 150 feet (measured at right angles) from the centerline of the main line of said Railway Company tracks; thence South 48 degrees 02' 10" East along said Southwesterly right of way line 236.23 feet to a 5/8-inch iron pin on the Northerly right of way line of said Anderson Avenue; thence North 88 degrees 52' 40" West 399.70 feet to the point of beginning, with bearings based on record of survey No. 2031, as recorded in the office of the Klamath County Surveyor.

SAVING AND EXCEPTING that portion deeded to Great Northern Railway by deed recorded February 15, 1961, in Volume 327, page 339 and recorded July 21, 1960 in Volume 323, page 20, Deed Records of Klamath County, Oregon.

PARCEL 3

A tract of land situated in Lots 2, 3, 4, and 5 of the Re-Subdivision of Blocks 25 to 32 inclusive of ALTAMONT RANCH TRACTS,

Beginning at the Southwest corner of Lot 5 of said Re-Subdivision; thence North 135 feet along the West line of Lot 5 to the true point of beginning; thence East 170 feet; thence South 135 feet to the North line of Anderson Avenue; thence East along the North line of Anderson Avenue to the center line of Avalon Avenue; thence North along said center line to the Southerly right-of-way line of the Great Northern Railway as now located; thence Northwesterly along said right-of-way to the West line of Lot 2 of said subdivision; thence South along the West line of Lots 2, 3, 4, and 5 of said subdivision to the point of beginning, including vacated portion of Avalon Avenue West of the center line and South of Great Northern Railway's right-of-way.

SAVING AND EXCEPTING that portion deeded to Great Northern Railway by deed dated February 8, 1961, recorded February 15, 1961, in Volume 327, page 339, Deed Records of Klamath County, Oregon.

ELBERT G. HENDERSON

State of Oregon, County of Klamath

Recorded 10/13/99, at 11:30 a.m.

In Vol. M99 Page 40698

Linda Smith,

County Clerk Fee \$ 25<sup>00</sup>

ANNETTE M. HENDERSON