

Klamath Falls, Oregon

RELEASE

KNOW ALL MEN BY THESE PRESENTS, that Fleet National Bank, successor to Fleet National Bank of Massachusetts, formerly known as Shawmut Bank, N.A., formerly known as The National Shawmut Bank of Boston, as Trustee, and John J. Flynn, as successor Individual Trustee (the Trustee and Individual Trustee are collectively referred to herein as the Trustees), under that certain Indenture of Mortgage and Deed of Trust from Sixth Tottenham Properties, Inc. to the Trustees dated as of September 1, 1972, do hereby release and discharge all of the Trustees' right, title and interest in and to the parcels of land described in Schedule A attached hereto, and all improvements thereon, and more particularly the following, acknowledging full satisfaction of the same:

- (i) Indenture of Mortgage and Deed of Trust from Sixth Tottenham Properties, Inc. to The National Shawmut Bank of Boston and L.H. Baker, as Trustees dated as of September 1 1972, recorded in the land records in Klamath Falls, Klamath County, Oregon in Vol. **M7Z**, Page **11998** ;
- (ii) Assignment of Lease and Agreement from Sixth Tottenham Properties, Inc. and Franchise Realty Corporation and McDonald's Corporation to The National Shawmut Bank of Boston and L.H. Baker, as Trustees dated as of September 1, 1972, recorded in the land records in Klamath Falls, Klamath County, Oregon in Vol. **M7Z**, Page **12114** ; and
- (iii) Option Agreement from Sixth Tottenham Properties, Inc. and L.H. Baker, as Trustees, dated as of September 1, 1972, recorded in the land records in Klamath Falls, Klamath County, Oregon in Vol. **M7Z**, Page **12144** .

IN WITNESS WHEREOF, said Fleet National Bank has caused these presents to be executed by its Vice President and its corporate seal to be hereunto affixed, and John J. Flynn, has executed these presents, this 4th day of December, 2000.

FOR RECORDING, MAIL TO:

CHICAGO TITLE INSURANCE CO.
ATTN: ZANE ZIELINSKI
171 N. CLARK ST. - MLC: 04SP
CHICAGO IL 60601

pk:

FLEET NATIONAL BANK, as Trustee

By:

Authorized Signatory

John J. Flynn as Individual Trustee

ACKNOWLEDGMENT

Commonwealth of Massachusetts
County of Suffolk

On December 4, 2000 before me, Linda A. Jodice, a Notary Public personally appeared John J. Flynn, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Linda A. Jodice
Notary Public

(Seal)

Commonwealth of Massachusetts
County of Suffolk

On December 4, 2000 before me, Linda A. Jodice, a Notary Public personally appeared John J. Flynn, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Linda A. Jodice
Notary Public

(Seal)

SCHEDULE A

Klamath Falls, Klamath County, Oregon

The following described real property in Klamath Falls,
Klamath County, Oregon;

PORTION of Tracts 36 and 43 ENTERPRISE TRACTS, in
the NW 1/4 NW 1/4 Section 3, Township 39 South, Range 9 East
of the Willamette Meridian, more particularly described as follows:

BEGINNING at an iron pin on the South line of
Shasta Way, which bears South 0° 00 1/2' East a distance of 73.0
feet and North 89° 54' East a distance of 510 feet from the
iron pipe which marks the Northwest corner of said Section 3,
Township 39 South, Range 9 East of the Willamette Meridian;

thence South 0° 00 1/2' East a distance of 647.38
feet to the Northwesterly corner of that certain parcel
described in Mortgage given by Rickfalls, Inc., to the United
States National Bank of Portland, dated March 28, 1961, recorded
April 4, 1961 in Volume 201 page 355, Mortgage Records of Klamath
County, Oregon;

thence South 59° 21 1/2' East a distance of 330.67 feet,
more or less, to the Northwesterly line of Avalon Street and
the TRUE POINT OF BEGINNING of this description;

thence North 30° 38' 30" East along the Northwesterly
line of Avalon Street, a distance of 140.0 feet to a point;

thence North 59° 21' 30" West, at right angles to
Avalon Street, a distance of 200.0 feet;

thence south 30° 38' 30" West parallel with Avalon
Street, a distance of 140.0 feet;

thence South 59° 21' 30" East at right angles to
Avalon Street, a distance of 200.0 feet to the POINT OF BEGINNING.

State of Oregon, County of Klamath
Recorded 03/02/01, at 12:10 p.m.
In Vol. M01 Page 8546
Linda Smith,
County Clerk Fee\$ 41⁰⁰