

2001 MAR 13 PM 3:24

MTL 53024-KR

ASSIGNMENT OF NOTE AND MORTGAGE

Vol M01 Page 10158

This Assignment of Note and Mortgage is made this 2<sup>nd</sup> day of March, 2001 from ZIONS FIRST NATIONAL BANK ("Assignor") to U.S. BANK TRUST, NATIONAL ASSOCIATION, as Custodian/Trustee ("Assignee").

RECITALS

Assignor is the holder of a promissory note dated March 2, 2001 made by Peter M. Bourdet (aka Pete Bourdet), to the order of Assignor in the original principal amount of \$550,000 (the "Note"). The Note is secured by a Mortgage encumbering real property in Klamath County, Oregon described on attached Exhibit A which was recorded 3-13-01, 2001 as Instrument No. M01-10140 Records of Klamath County, Oregon (the "Mortgage"). The Note is also secured by other security instruments (collectively, the "Other Security Documents"). In connection with the Note, the Borrower executed and delivered to Assignor an Environmental Indemnity Agreement with respect to environmental condition of the property. Assignor wishes to assign its interest in the Note, the Mortgage, the Other Security Documents and the Environmental Indemnity Agreement to Assignee.

NOW, THEREFORE, ASSIGNOR, for good and valuable consideration and receipt of which is acknowledged hereby, assigns, sets over and transfers to Assignee, all of Assignor's right, title and interest in and to the Note and the indebtedness evidenced thereby, without recourse, and the Mortgage, the Other Security Documents and the Environmental Indemnity Agreement.

IN WITNESS WHEREOF, Assignor has executed this Assignment of Note and Mortgage on the date and year first written above.

ZIONS FIRST NATIONAL BANK

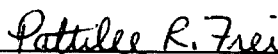
By:   
Its: Hugh A. Marsden  
Vice President

STATE OF IOWA           )  
                                  ( SS.  
COUNTY OF STORY    )

On this **5th day of March, A.D. 2001**, before me a Notary Public in and for said State, personally appeared **Hugh A. Marsden**, to me personally known, who being by me duly sworn, did say that he is **Assistant Vice President** of **ZIONS FIRST NATIONAL BANK, a Utah corporation**, named in the foregoing instrument; that no seal has been procured by said corporation, and that said instrument was signed on behalf of the said corporation by authority of its Board of Directors, and the said **Hugh A. Marsden** acknowledged the execution of said instrument to be the voluntary act and deed of said corporation.

WITNESS my signature and official seal the day and year aforesaid, at Ames, Iowa.



  
Pattilee R. Frei  
Notary Public in and for the State of Iowa  
My commission expires June 15, 2001

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

PARCEL 1:

All in Township 36 South, Range 7 East, Willamette Meridian, Klamath County, Oregon.

## Section 4:

The S1/2 of Government Lot 13, EXCEPT that portion lying in Modoc Point Highway (SR 427); the S1/2 of Government Lot 14; Government Lots 18, 19, 23, 26 and 31. That portion of Government Lots 22, 27 and 30, described as follows: E1/2; E1/2 E1/2 W1/2; E1/2 E1/2 W1/2 E1/2 W1/2; E1/2 E1/2 W1/2 E1/2 W1/2 E1/2 W1/2; E1/2 E1/2 W1/2 E1/2 W1/2 E1/2 W1/2 E1/2 W1/2.

## Section 9:

That portion of Government Lot 1, described as follows:

Beginning at the Northwest corner of said Government Lot 1; thence East, along the North line of said Government Lot 1, 233 feet, more or less, to a point from which a tree bears North 25 feet, more or less and West 10 feet; thence Southerly 660 feet to a fence corner on the South line of said Government Lot 1; thence West 233 feet to the Southwest corner of said Government Lot 1; thence North 660 feet to the point of beginning.

Government Lots 2, 7, 8, 9, 10, 15, 16, 17 and 24; Government Lot 18 EXCEPT that portion lying in Modoc Point Highway (SR 427); all that portion of Government Lots 3, 6, 11 and 14, and the E1/2 of Government Lot 23 lying East of Modoc Point Highway (SR 427).

PARCEL 2:

The following described real property situate in Klamath County, Oregon:

TOWNSHIP 36 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN

Section 9: Lots 25, 32 and the E1/2 of Government Lot 31

Section 10: Lots 13, 20, 21, 28 and 29 and those portions of Lots 5, 11, 12, 14, 19, 22, 27 and 30, lying West of the Southern Pacific Railroad right of way.

Section 15: Lots 4 and 5 and those portions of Lots 12 and 13 lying Northerly of Highway 427; all those portions of Lots 3, 6, 11 and 14 lying West of the southern Pacific Railroad Right of Way, and that portion of Lot 19 lying North of Highway 427 and West of a line in a 20 foot canal running North 01 degrees 35' 15" West from a point on Highway 427 as disclosed by Survey Number 2667 filed with the Klamath County Surveyor's Office.

Section 16: All those portions of Lots 1, 9 and the East half of Lot 8, lying Northerly of Highway 427.

State of Oregon, County of Klamath  
Recorded 03/13/01, at 3:24 p.m.  
In Vol. M01 Page 10158  
Linda Smith,  
County Clerk Fee\$ 26<sup>00</sup>