

MT S4211-KR
ASSIGNMENT OF NOTE AND MORTGAGE

This Assignment of Note and Mortgage is made this 15th day of August, 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 August 17, 2001 made by **BRUCE W. HAWKINS and SHAWNA L. HAWKINS**, husband and wife, to the order of Assignor in the original principal amount of \$775,000.00 (the "Note"). The Note is secured by a Mortgage encumbering real property in Klamath County, Oregon described on attached Exhibit A which was recorded 8-27-01, 2001 as Instrument No. M01-43468 Records of ~~Marion~~ ^{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

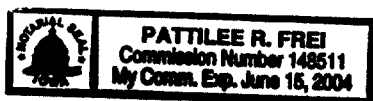
By: *Hugh A. Marsden*
Its: Hugh A. Marsden
Assistant Vice President

STATE OF IOWA)
) SS.
COUNTY OF STORY)

On this 15th day of August, 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.

PortInd1-2081242.1 0028990-00041



Pattilee R. Frei
Pattilee R. Frei
Notary Public in and for the State of Iowa
My commission expires June 15, 2004

EXHIBIT A

Legal Description

PARCEL 1:

Lots 5 and 6, Block 2, TRACT 1009, YONNA WOODS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PARCEL 2:

The S1/2 NE1/4 of Section 31, Township 37 South, Range 11 East of the Willamette Meridian of Klamath County, Oregon.

EXCEPT any portion thereof lying within the boundaries of Goldfinch Drive (Public Road 3401).

PARCEL 3:

The S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 13, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM the following described property:

A parcel of land situated in the SW1/4 of the NE1/4 and the NW1/4 of the SE1/4 of Section 13, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the SW corner of the said NW1/4 of the SE1/4 of the said Section 13, and running Northerly along the Westerly side of the said NW1/4 of the SE1/4 and the SW1/4 of the NE1/4 of the said Section 13, 1,542.5 feet; thence Southeasterly to a point in the Southerly boundary of the said NW1/4 of the SE1/4 of the said Section 13, 499.2 feet Easterly from the said point of beginning; thence Westerly along the said Southerly boundary of the said NW1/4 of the SE1/4 of the said Section 13, 499.2 feet to the said point of beginning.

ALSO EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes by Right of Way Deed recorded November 23, 1928 in Volume 82, page 582, Deed Records of Klamath County, Oregon.

ALSO EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division.

ALSO EXCEPTING THEREFROM that portion thereof lying within Haskins Road.

PARCEL 4:

A parcel of land situated in the SW1/4 of Section 7, Township 38 South, Range 11, East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Commencing at the SW corner of the NE1/2 SW1/4 of Section 7, thence North 89 degrees 57' 37" West along the South line of the NW1/4 SW1/4 of said Section 7, a distance of 24.83 feet to the "TRUE POINT OF BEGINNING" for this description; thence from said "TRUE POINT OF BEGINNING" South 89 degrees 57' 37" East along the South lines of the NW1/4 SW1/4 and NE1/4 SW1/4 of said Section a distance of 356.19 feet to the SW corner of the E1/2 W1/2 NE1/4 SW1/4 of said Section; thence North 00 degrees 21' 00" West along the West line of the said E1/2 W1/2 NE1/4 SW1/4 a distance of 790.72 feet to a point on the Southeasterly right of way line of Highway No. 140; thence South 45 degrees 05' 38" West along the said Highway No. 140 a distance of 464.79 feet; thence South 02 degrees 44' 42" West a distance of 462.88 feet to the "TRUE POINT OF BEGINNING."

PARCEL 5:

A parcel of land situated in the SW1/4 of Section 7, Township 38 South, Range 11 East, Willamette Meridian, more particularly described as follows:

Commencing at the SW corner of the NE1/4 of the SW1/4 of said Section 7, thence North 89 degrees 57' 37" West along the South line of the said NE1/4 of the SW1/4 24.83 feet to the "True Point of Beginning" for this description thence from said "True Point of Beginning" North 89 degrees 57' 37" West along the South line of the NW1/4 of the SW1/4 of said Section 7, 441.38 feet to a point on the Southeasterly right of way of Highway 140; thence North 45 degrees 05' 38" East along the Southeasterly right of way of Highway 140 654.49 feet; thence South 02 degrees 44' 42" West 462.88 feet to the "True Point of Beginning."

PARCEL 6:

The E1/2 of the SW1/4 and the S1/2 of the SE1/4 of Section 31, and the SW1/4 SW1/4 and the S1/2 NW1/4 SW1/4 and S1/2 N1/2 NW1/4 SW1/4 of Section 32, Township 37 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPT any portion thereof lying within the boundaries of Goldfinch Drive (Public Road 3401).

PARCEL 7:

That portion of the SE1/4 NW1/4 lying Northerly of the center thread of Wildhorse (Whitehorse) Creek and Government Lot 3 (NE1/4 NW1/4) of Section 6 in Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPT ANY PORTION thereof lying within the boundaries of Yonna Drive.

PARCEL 8:

The NE1/4 of the SE1/4 of Section 31, Township 37 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPT any portion thereof lying within the boundaries of Goldfinch Drive (Public Road 3401).

PARCEL 9:

Government Lots 1, 2, 7, 8, 9, 10, 15 and 16, also described as the NE1/4 of Section 12, Township 36 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 10:

Government Lots 3, 4, 5, 6, 11, 12, 13 and 14, also described as the NW1/4 of Section 12, Township 36 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

State of Oregon, County of Klamath
Recorded 08/27/01 at 11:20 a.m.
In Vol. M01 Page 43488
Linda Smith,
County Clerk Fee \$ 31.00