

02 FEB 12 AM 8:13

RECORDATION REQUESTED BY:

Klamath First Federal Savings & Loan Association  
Main Office and Branch  
540 Main Street  
Klamath Falls, OR 97601

Vol M02 Page 8374

State of Oregon, County of Klamath

Recorded 02/12/2002 8:13 a m.

Vol M02, Pg 8374-76

Linda Smith, County Clerk

Fee \$ 2.00 # of Pgs 3

WHEN RECORDED MAIL TO:

RK: Klamath First Federal Savings & Loan Association  
Main Office and Branch  
540 Main Street  
Klamath Falls, OR 97601

SEND TAX NOTICES TO:

ALCO, INC.  
2316 SOUTH SIXTH STREET  
KLAMATH FALLS, OR 97601

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST dated January 29, 2002, is made and executed between ALCO, INC., whose address is 2316 SOUTH SIXTH STREET, KLAMATH FALLS, OR 97601 ("Grantor") and Klamath First Federal Savings & Loan Association, Main Office and Branch, 540 Main Street, Klamath Falls, OR 97601 ("Lender").

DEED OF TRUST. Lender and Grantor have entered into a Deed of Trust dated October 23, 1998 (the "Deed of Trust") which has been recorded in KLAMATH County, State of Oregon, as follows:

October 23, 1998 Volume M98 Page 38989.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in KLAMATH County, State of Oregon:

SEE ATTACHED EXHIBIT "A"

The Real Property or its address is commonly known as 2316 SOUTH SIXTH STREET, KLAMATH FALLS, OR 97601.

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

Rate Modification.

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.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED JANUARY 29, 2002.

GRANTOR:

ALCO, INC.

By: Dianne E. Spires  
DIANNE E. SPIRES, President of ALCO, INC.

By: A. Darrel Rusth  
A. DARREL RUSTH, Secretary of ALCO, INC.

LENDER:

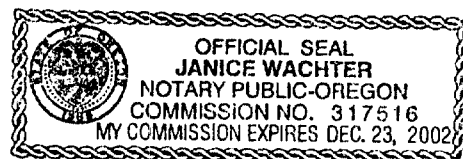
x Brian D. Hoff  
Authorized Officer

CORPORATE ACKNOWLEDGMENT

STATE OF Oregon

COUNTY OF Klamath

)  
) SS  
)



On this 29th day of January, 2002, before me, the undersigned Notary Public, personally appeared DIANNE E. SPIRES, President; A. DARREL RUSTH, Secretary of ALCO, INC., and known to me to be authorized agents of the corporation that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the corporation, by authority of its Bylaws or by resolution of its board of directors, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute this Modification and in fact executed the Modification on behalf of the corporation.

By Janice Wachter  
Notary Public in and for the State of Oregon

Residing at Klamath Falls  
My commission expires 12/23/02

LENDER ACKNOWLEDGMENT

STATE OF Oregon )  
 ) SS  
COUNTY OF Klamath )



On this 29<sup>th</sup> day of January, 2002, before me, the undersigned Notary Public, personally appeared Bridgette Griffin-Smith 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 Janice Wachter Residing at Klamath Falls  
Notary Public in and for the State of Oregon My commission expires 12/23/02

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

**8376**

**PARCEL 1:**

Beginning at an iron pin which marks the intersection of the present Southerly right of way line of South Sixth Street in the City of Klamath Falls, Oregon, with the West line of that certain parcel of land conveyed to Marshall E. Cornett, et ux, by deed recorded in Volume 111, page 399, Deed Records of Klamath County, Oregon, and running thence South 0 degrees 03' 45" West along the Westerly line of said Cornett Tract a distance of 147.93 feet to an iron pipe; thence North 34 degrees 09' 30" East a distance of 122.5 feet to an iron pin on the Southerly right of way line of South Sixth Street; thence North 55 degrees 50' 30" West along the Southerly right of way line of South Sixth Street, a distance of 82.93 feet, more or less, to the point of beginning, said tract being a portion of Tract 70, of Enterprise Tracts, Klamath County, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 2:**

Beginning at an iron pin which marks the intersection of the present Southerly right of way line of South Sixth Street in the City of Klamath Falls, Oregon, with the West line of that certain parcel of land conveyed to Marshall E. Cornett, et ux, by deed recorded in Volume 111, page 399, Deed Records of Klamath County, Oregon, and running thence South 0 degrees 03' 45" West along the Westerly line of said Cornett Tract a distance of 117.83 feet to an iron pipe; thence North 89 degrees 56' 15" West a distance of 102.45 feet to an iron pipe; thence North 34 degrees 09' 30" East a distance of 155.1 feet to an iron pin on the Southerly right of way line of South Sixth Street; thence South 55 degrees 50' 30" East along the Southerly line of South Sixth Street, a distance of 18.82 feet, more or less to the point of beginning, said tract being a portion of Tract 70 of Enterprise Tracts, in Klamath County, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 3:**

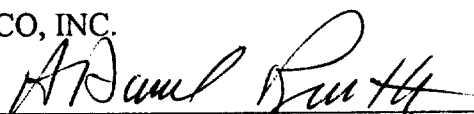
Beginning at an iron pipe on the West line of the Cornett property which lies South 0 degrees 03' 45" West a distance of 117.83 feet from the iron pin which marks the intersection of the West line of that certain parcel of land conveyed to Marshall E. Cornett, et ux, by Deed recorded on page 399 of Volume 111 of Deed Records of Klamath County, Oregon, and the Southerly right of way line of the present South Sixth Street in the City of Klamath Falls, Oregon and running thence: Continuing South 0 degrees 03' 45" West along the West line of the Cornett property a distance of 60.0 feet to a 3/4" iron pipe; thence North 89 degrees 56' 15" West a distance of 270.5 feet to a 1" iron pipe which lies on the East line of an unnamed street, thence North 0 degrees 22' 30" West along the East line of the unnamed street a distance of 60.0 feet to a 5/8" iron pipe, which marks the Southwest corner of that certain Tract deeded to Safeway Stores and recorded on page 156 of Volume 140 of Deed Records of Klamath County, Oregon; thence South 89 degrees 56' 15" East along the Southerly line of the above mentioned Safeway Stores Tract a distance of 270.9 feet, more or less, to the point of beginning, being a portion of Tracts 70 and 75 of Enterprise Tracts, Klamath County, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**PARCEL 4:**

Beginning at a point on the present Southwesterly right of way line of South Sixth Street which point bears South 55 degrees 50' 30" East a distance of 70.35 feet from the intersection of said Southwesterly right of way line with the North line of Section 4, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence South 89 degrees 30' 30" West along a line parallel to and 10 feet South at right angles from the South line of Shasta Way, a distance of 21.27 feet to an iron pin; thence South 34 degrees 37' 30" West along the Southeasterly line of a 40 foot roadway, a distance of 170.2 feet to a 3/4" iron pipe; thence South 0 degrees 22' 30" East along the Easterly line of said roadway, a distance of 81.5 feet to a 5/8" iron pipe which marks the Northwest corner of Parcel 3 described above; thence South 89 degrees 56' 15" East along the North line of said Parcel 3 described above, a distance of 168.45 feet to a 3/4" iron pipe which marks the Southwesterly corner of Parcel 2 described above; thence North 34 degrees 09' 30" East along the Northwesterly line of said Parcel 2 described above, a distance of 155.1 feet to an iron pin on the Southwesterly right of way line of South Sixth Street as presently located and constructed; thence North 55 degrees 50' 30" West along said right of way line, a distance of 166.86 feet, more or less, to the point of beginning.

ALCO, INC.

By:

  
A. DARREL RUSTH, Secretary of ALCO, INC.

By:

  
DIANNE E. SPIRES, President of ALCO, INC.