

05 APR 11 PM 3:31

MT-1396-6802

Vol M05 Page 24887

**RECORDATION REQUESTED BY:**

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

State of Oregon, County of Klamath  
Recorded 04/11/2005 3:31 p m  
Vol M05 Pg 24887-89  
Linda Smith, County Clerk  
Fee \$ 31.00 # of Pgs 3

**WHEN RECORDED MAIL TO:**

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

**SEND TAX NOTICES TO:**

South Valley Bank & Trust  
Commercial Branch  
P O Box 5210  
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 April 8, 2005, is made and executed between between 5C, LLC, whose address is 1659 Owens Street, Klamath Falls, OR 97601 ("Grantor") and South Valley Bank & Trust, whose address is Commercial Branch, P O Box 5210, Klamath Falls, OR 97601 ("Lender").

**DEED OF TRUST.** Lender and Grantor have entered into a Deed of Trust dated November 10, 2003 (the "Deed of Trust") which has been recorded in Klamath County, State of Oregon, as follows:

Construction Deed of Trust dated November 10, 2003, recorded November 12, 2003 in Volume M03 on page 83946-52, modified on August 9, 2004, recorded on September 10, 2004 in Volume M04 on page 60553, modified on November 5, 2004, recorded on November 16, 2004 in Volume M04 on page 78755 in the records of Klamath County, Oregon.

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

See Exhibit "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 1659 Owens Street and 1650 East Main Street, Klamath Falls, OR 97601. The Real Property tax identification number is 3809-033DC 14300 & 3809-033DC 14800

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

Payment restructure, convert and term loan out from construction deed of trust, add additional real property address of 1650 East Main Street and extend maturity date to March 30, 2015.

**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 APRIL 8, 2005.**

**GRANTOR:**

5C, LLC

By: Chloe Hopkins  
Chloe Hopkins, Manager of 5C, LLC

By: Christopher T. Cook  
Christopher T. Cook, Member of 5C, LLC

By: Catherine D. Cook  
Catherine D. Cook, Member of 5C, LLC

**LENDER:**

**SOUTH VALLEY BANK & TRUST**

x Chuck Paulsen  
Authorized Officer

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.

3/10  
110.00  
fms



MODIFICATION OF DEED OF TRUST  
(Continued)

24888

Page 2

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Oregon )  
 ) SS  
COUNTY OF Klamath )

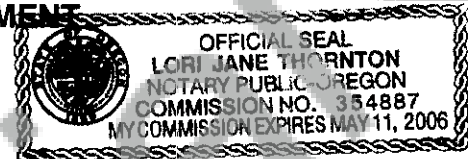


On this 8th day of April, 20 05, before me, the undersigned Notary Public, personally appeared **Chloe Hopkins, Manager; Christopher T. Cook, Member; Catherine D. Cook, Member of 5C, LLC**, and known to me to be members or designated agents of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, 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 limited liability company.

By \_\_\_\_\_ Residing at Klamath Falls, Oregon 97601  
Notary Public In and for the State of Oregon My commission expires 5/11/2006

LENDER ACKNOWLEDGMENT

STATE OF Oregon )  
 ) SS  
COUNTY OF Klamath )



On this 8th day of April, 20 05, before me, the undersigned Notary Public, personally appeared **Chuck Paulsen** and known to me to be the **Loan Officer**, 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 Klamath Falls, Oregon 97601  
Notary Public In and for the State of Oregon My commission expires 5/11/2006

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

**PARCEL 1:**

The South 39 feet of vacated Lot 6, vacated Lots 7, 8, 9, 10, 15, 16, 17 and 18 in Block 206, MILLS SECOND ADDITION to The City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County Oregon, said lots having been vacated by Ordinance No. 03-06, recorded April 14, 2003 in Volume M03, page 23363, Microfilm Records of Klamath County, Oregon, and by Ordinance No. 03-05, recorded April 14, 2003 in Volume M03, page 23360, Microfilm Records of Klamath County, Oregon.

TOGETHER WITH that portion of alley vacated by Ordinance No. 03-03, recorded December 13, 2003 in Volume M03, page 08867 as inured to said vacated Lots 6, 7, 8 and 9 by operation of law.

AND TOGETHER WITH that portion of the former Oregon, California and Eastern Railway Company railroad right of way over and across said vacated Lot 8 as conveyed by Quit Claim Deed recorded February 14, 1996 in Volume M96, page 4242, Microfilm Records of Klamath County, Oregon.

**PARCEL 2:**

Lots 11, 12, 13 and 14 in Block 206, MILLS SECOND ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

TOGETHER WITH that portion of the former Oregon, California and Eastern Railway Company railroad right of way over and across said vacated Lot 8 as conveyed by Quit Claim Deed recorded February 14, 1996 in Volume M96, page 4242, Microfilm Records of Klamath County, Oregon.

Tax Account No.: 3809-033DC-14800-000  
Tax Account No.: 3809-033DC-14300-000

Key No.: 631962  
Key No.: 631917

*Christopher T. Cook*

*Chloe Hopkins*

*Catherine A. Cook*