

05 APR 25 AM 11:03

NTC-1396-6837

**RECORDATION REQUESTED BY:**

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

Vol M05 Page 28901

State of Oregon, County of Klamath  
Recorded 04/25/2005 11:03 a.m.  
Vol M05 Pg 28901-4  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4

**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 1, 2005, is made and executed between between Bonanza View Dairy, Inc., whose address is 4721 Harpold Rd, Bonanza , OR 97623 ("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 March 28, 2003 (the "Deed of Trust") which has been recorded in Klamath County, State of Oregon, as follows:

Deed of Trust dated March 28, 2003, recorded April 8, 2003 in Book M03, Page 21667-74 in 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 attached Exhibit "A" for legal description and by this reference incorporated herein

The Real Property or its address is commonly known as 4721 Harpold Road, Bonanza, OR 97623. The Real Property tax identification number is R-3911-00000-02800-000

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

Extend maturity date to March 15, 2006 and change from a Partnership to a Corporation.

**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 endorser 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 1, 2005.**

**GRANTOR:**

**BONANZA VIEW DAIRY, INC.**

By: Jernelke Dejong  
Jernelke Dejong, Secretary of Bonanza View Dairy, Inc.

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.

**LENDER:**

**SOUTH VALLEY BANK & TRUST**

x [Signature]  
Authorized Officer

3600 AM



MODIFICATION OF DEED OF TRUST  
(Continued)

28902

Page 2

CORPORATE ACKNOWLEDGMENT

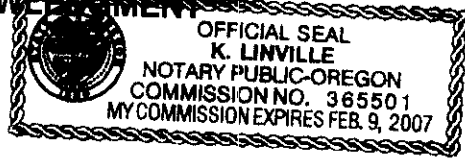
STATE OF

Oregon

COUNTY OF

Klamath

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On this 1<sup>st</sup> day of April, 20 05, before me, the undersigned Notary Public, personally appeared Jenneke Dejong, Secretary of Bonanza View Dairy, Inc., and known to me to be an authorized agent 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 he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the corporation.

By [Signature]  
Notary Public in and for the State of Oregon

Residing at Klamath Falls  
My commission expires 2-9-07

LENDER ACKNOWLEDGMENT

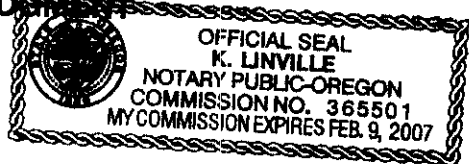
STATE OF

Oregon

COUNTY OF

Klamath

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On this 1<sup>st</sup> day of April, 20 05, before me, the undersigned Notary Public, personally appeared K. Gillick 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 [Signature]  
Notary Public in and for the State of Oregon

Residing at Klamath Falls  
My commission expires 2-9-07

EXHIBIT 'A'  
LEGAL DESCRIPTION

28903

PARCEL 1:

All those lands situated in Sections 15 and 22, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Section 22: NW1/4; NE1/4 SW1/4 EXCEPTING therefrom a tract of land containing 20 acres, more or less, situated in the W1/2 of Section 22, described as follows:

That portion of the East 740.00 feet of the NE1/4 SW1/4 of said Section 22 lying South and Southwesterly of West Langell Valley Road and that portion of the East 740.00 feet of the SE1/4 NW1/4 of said Section 22 lying South and Southwesterly of West Langell Valley Road.

Section 15: S1/2 SW1/4

ALSO that tract of land described as follows:

Beginning at a 1/2 inch iron pin from which the Northwest corner of said Section 15 bears North 01 degrees 44' 03" West 3681.45 feet; thence South 78 degrees 02' 07" East 174.45 feet to a 1/2 inch iron pin; thence South 89 degrees 52' 45" East 231.30 feet to a 1/2 inch iron pin; thence South 89 degrees 20' 52" East 801.00 feet to a 1/2 inch iron pin; thence South 15 degrees 16' 07" East 217.00 feet to a 1/2 inch iron pin; thence continuing South 15 degrees 16' 07" East 20 feet, more or less, to the South line of the N1/2 SW1/4 of said Section 15; thence Westerly along said line to the Southwest corner of the NW1/4 SW1/4 of said Section 15; thence Northerly along the West line of said Section 15 to a point that bears South 81 degrees 00' 05" West from the point of beginning; thence North 81 degrees 00' 05" East to a 1/2 inch iron pin set in a existing North-South fence line; thence continuing North 81 degrees 00' 05" East 76.21 feet to the point of beginning.

PARCEL 2:

The N1/2 NE1/4 and SE1/4 NE1/4 of Section 21, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 3:

The SW1/4 and all of SE1/4 NW1/4 lying South of Lost River, all in Section 16, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING therefrom, the Westerly 40 feet of the SW1/4 SW1/4 lying Southerly of existing County Road.

PARCEL 4:

The S1/2 SE1/4 of Section 16, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, LESS that portion heretofore deeded to Klamath County, Oregon for road purposes.

PARCEL 5:

That part of the S1/2 NE1/4, NE1/4 SW1/4, W1/2 SW1/4 of Section 17, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying South and Easterly of Lost River. The SE1/4 SW1/4 and SE1/4 of Section 17, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying North of Harpold Road and South of Lost River. That portion of the NE1/4 of Section 20, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying North of Harpold Road. Also the N1/2 NW1/4 and SW1/4 NW1/4 of Section 20, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying East of Lost River.

(continued)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION (continued)**

**PARCEL 6:**

All those portions of Vacated Bowne Addition to the Town of Bonanza described as follows:

The West 12 1/2 feet of Lots 2 and 23 and all of Lots 3 to 22 inclusive in Block 48;

Lots 1 to 18 inclusive and Lots 23 and 24 in Block 49; Lots 13 to 24 inclusive in Block 50  
 All of Block 67; Lots 3 to 24 inclusive in Block 68; Lots 3 to 22 inclusive and the West  
 4.5 feet of Lot 23 in Block 69; The West 4.5 feet of Lots 2 and 23 and Lots 3 to 22  
 inclusive in Block 76; All of Block 77; All of Block 78; Also those portions of Streets  
 and Alleys which attach to said Lots and Blocks by operation of Law By Order of Vacation  
 shown in Volume 191, page 421, Deed Records of Klamath County, Oregon, including all of  
 Vacated Park Avenue between the centerline of Union Street and the centerline of Price  
 Street.

SAVING AND EXCEPTING the North 30 feet of Lots 3 and 4 in Block 69 of said Vacated Bowne  
 Addition.

SAVING AND EXCEPTING from the above those portions of Blocks 48 and 49 and vacated Seattle  
 Avenue, lying Northerly of the following described line: Beginning at a point in the alley  
 in Block 50 which bears South 0 degrees 08' East 141.56 feet from the Northwest corner of  
 Lot 6 in said Block 50; thence South 89 degrees 44' 50" East, 326.97 feet; thence South  
 76 degrees 54' 14" East, 518.98 feet to a point on the East line of the W1/2 of Lot 23,  
 said Block 48.

**PARCEL 7:**

Beginning at the corner common to Sections 9, 10, 15 and 16, Township 39 South, Range 11  
 East of the Willamette Meridian, Klamath County, Oregon, which point is on the centerline  
 of Carroll Avenue as platted on Bowne Addition to the Town of Bonanza, thence North along  
 said centerline 330 feet more or less, to its intersection with the centerline of Union  
 Street, thence West along the centerline of Union Street 1110 feet, more or less, to the  
 West line of Park Avenue; thence South along the West line of Park Avenue, and said West  
 line extended 710 feet, more or less, to the center of Lost River; thence Northeasterly  
 and Easterly along the center of Lost River to the East line of said Section 16; thence  
 North along said Section line a distance of 250 feet, more or less, to the point of  
 beginning.

SAVING AND EXCEPTING the East 45 feet of said parcel heretofore conveyed to Klamath County  
 by Deed recorded November 28, 1947 in Volume 214, page 247, Deed Records of Klamath County,  
 Oregon, for Road Purposes.

**PARCEL 8:**

All that portion of the NE1/4 of Section 16 lying Southerly of the center of Lost River;  
 the N1/2SE1/4 of Section 16, LESS portion deeded for road described in Volume 74, page 71,  
 Deed Records of Klamath County, Oregon, all in Township 39 South, Range 11, East of the  
 Willamette Meridian, Klamath County, Oregon

**PARCEL 9:**

Lots 19, 20, 21 and 22 in Block 49 of vacated Bowne Addition to the Town of Bonanza. ALSO  
 those portions of the streets and alleys which attach to the aforesaid lots by operation of  
 law through the order of vacation shown in Book 191, page 421, Deed Records of Klamath  
 County, Oregon.

**PARCEL 10:**

Lots 1 and 2 in Block 68 of vacated Bowne Addition to the Town of Bonanza. ALSO those  
 portions of the streets and alleys which attach to the aforesaid lots by operation of law  
 through the order of vacation shown in Book 191, page 421, Deed Records of Klamath County,  
 Oregon.