

MTL- 70773KR

M05-63492

Klamath County, Oregon

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Pages 7 Fee: \$66.00



(Reserved for Recording Purposes)

MODIFICATION OF MORTGAGE

ODVA Account Number	Tax Account Number
8527459	336513, 336602, 335934, 335970, 336522

For good and valuable consideration, we, the undersigned, do hereby modify, amend, and change the description of the property referred to in those certain Mortgages between Edwin K. Vieira and Bonnie B. Vieira, husband and wife, and the STATE OF OREGON, by and through the Director of Oregon Department of Veterans' Affairs, the Mortgage dated April 1, 1977, and recorded in the records as M77, Page 5566, Microfilm Records on April 1, 1977, rerecorded on October 19, 1977, M77, Page 20112, Microfilm Records, and that Mortgage dated October 17, 1978, recorded on October 17, 1978, M78, Page 23255, Microfilm Records and that Mortgage, dated March 27, 1981 recorded on March 30, 1981, M81, Page 5664, Microfilm Records all recorded in in Klamath County, Oregon on property located at 32611 Sprague River Highway, Beatty, Oregon 97621.

The description is changed from the following-described property (*hereinafter called "First Description"*):

(SEE LEGAL DESCRIPTION ON NEXT PAGE)

to the following-described property (*hereinafter called "Second Description"*):

(SEE LEGAL DESCRIPTION ON NEXT PAGE)

AFTER RECORDING RETURN TO:

CUSTOMER SERVICES
OREGON DEPARTMENT OF VETERANS' AFFAIRS
700 SUMMER STREET NE
SALEM OR 97301-1285

Until a change is requested, all tax statements shall be sent to the following address:

EDWIN K. VIEIRA
32611 SPRAGUE RIVER HWY
BEATTY OR 97621

LEGAL DESCRIPTION:***First Description:***

The following real property situated in Township 36 South , Range 11 East of the Willamette Meridian, Klamath County, Oregon:

Section 23, the NW 1/4 and the NW 1/4 of the NE 1/4.

Section 14, Government Lots 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, and 31.

Second Description:

The following real property is situated in Township 36 South, Range 11 East of the Willamette Meridian, Klamath County Oregon as follows:

Section 23: NW 1/4 of the NE 1/4

NW 1/4

Excepting therefrom that portion of the NW 1/4 of Section 23 lying Southwesterly of the centerline of the Sprague River Highway.

Section 14: Government Lots 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30 and 31.

Section 22: That portion of the NE 1/4 lying Northeasterly of the centerline of the Sprague River Highway, as created by and approved in PLA 15-05.

SUBJECT TO: (See Attached EXHIBIT A) Attach Exceptions

In all other respects, the original Mortgage remains the same.

Signature of Borrower <i>Edwin K. Viera</i>	Date Signed <i>9/2/2005</i>
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STATE OF OREGON)

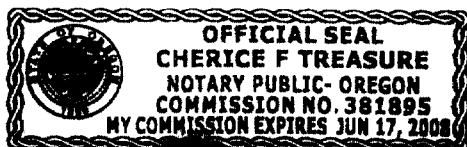
County of Klamath) Ss.

On September 2, 2005

personally appeared the above-named and acknowledged the foregoing instrument to be his/~~her~~ voluntary act and deed.

Before me: Cherice J. Treasure

Notary Public for Oregon



IT IS AGREED:

1. The property described in the second description is accepted as the security for the loan secured by the original Mortgage.
2. Any property described in the first description that is not included in the second description is hereby released from Mortgage.

IN WITNESS WHEREOF, the State of Oregon, represented and acting by the Director of the Oregon Department of Veterans' Affairs, has caused these presents to be executed July 28, 2005, at Salem, Oregon.

DIRECTOR OF OREGON DEPARTMENT OF VETERANS' AFFAIRS-Lender

By: _____

Val Conley
Val Conley, Administrator, VSD

STATE OF OREGON)
)ss.
County of Marion)

On July 28, 2005,

this instrument was acknowledged before me by the above-named Val Conley, Administrator, VSD, who personally appeared, and, being first duly sworn, did say that she is authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.

Before me: _____

Diana L. Simpson
Notary Public for Oregon



EXHIBIT "A"

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Grazing Fire Patrol.
3. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
4. Reservations as set out in deed dated April 19, 1957, recorded May 22, 1957 in Volume 292, page 78, Deed Records of Klamath County, Oregon, as follows:

"All subsurface rights, except water, are hereby reserved, in trust, for the heir of Sarah Hutchinson, deceased Klamath allottee No. 765."

Affects: that portion of the NW1/4 of Section 23

5. Reservations and restrictions as contained in deed;
Recorded: August 18, 1958
Volume: 302, page 259, Deed Records of Klamath County, Oregon, to wit:

This conveyance is made pursuant to the provisions of the Act of August 13, 1954 (68 Stat. 720, 722). There is reserved from the lands hereby granted a right of way to the California Oregon Power Company for power transmission line across Lots 18, 23, 26, 31, Section 14, and NW1/4 NE1/4, Section 23, Township 36 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, approved by Jos. M. Dixon, Acting Secretary of the Interior on July 31, 1931, pursuant to the provisions of the Act of March 4, 1911 (36 Stat. 1235, 1253). Title to the above described property is conveyed subject to any existing easements for public roads, highways, for public utilities, and for railroads and pipe lines, and for any other easements or rights of way of record.

Affects: Lots 18, 23, 26 and 31 of Section 14 and the NW1/4 NE1/4 of Section 23 of the herein described property.

6. Reservations and restrictions as contained in Land Status Report;
Recorded: December 31, 1958
Volume: 308, page 269, Deed Records of Klamath County, Oregon, to wit:

The above described property is subject to any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights-of-way of record; and there is hereby reserved any and all roads, trails, telephone lines, etc., actually constructed by the United States, with the rights of the United States to maintain, operate or improve the same so long as needed or used for or by the United States. (Dept. Instr., January 13, 1916, 44 L. D. 513).

Affects: Lots 19, 20, 21, 22, 27, 28, 29 and 30 of Section 14 of the herein described property

7. Mortgage, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;

Dated: April 1, 1977

Recorded: April 1, 1977

Volume: M77, page 5566, Microfilm Records of Klamath County, Oregon

Re-recorded: October 19, 1977

Volume: M77, page 20112, Microfilm Records of Klamath County, Oregon.

Amount: \$78,235.00

Mortgagor: Edwin K. Vieira and Bonnie B. Vieira, husband and wife

Mortgagee: State of Oregon, represented and acting by the Director of Veterans' Affairs

Affects: All the herein described property and other property

8. An easement created by instrument, subject to the terms and provisions thereof,

Dated: June 27, 1977

Recorded: October 4, 1977

Volume: M77, page 18886, Microfilm Records of Klamath County, Oregon

In favor of: Adjacent property owners

For: Roadway access

Affects: The South 12 feet of Lots 29 and 30 of the herein described property

9. Mortgage, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;
Dated: October 17, 1978
Recorded: October 17, 1978
Volume: M78, page 23255, Microfilm Records of Klamath County, Oregon
Amount: \$7,000.00
Mortgagor: Edwin K. Viviera and Bonnie B. Viviera, as Tenants by the Entirety
Mortgagee: State of Oregon, Director of Veterans' Affairs
Affects: All of the herein described property and other property
10. Mortgage, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;
Dated: March 27, 1981
Recorded: March 30, 1981
Volume: M81, page 5664, Microfilm Records of Klamath County, Oregon
Amount: \$94,765.00
Mortgagor: Edwin K. Vieira and Bonnie B. Vieira
Mortgagee: State of Oregon, represented and acting by the Director of Veterans' Affairs
Affects: All of the herein described property and other property
11. An easement created by instrument, subject to the terms and provisions thereof,
Dated: April 2, 1984
Recorded: August 3, 1984
Volume: M84, page 13328, Microfilm Records of Klamath County, Oregon
In favor of: Telephone Utilities of Eastern Oregon, Inc.
For: Underground telephone utilities
Affects: Lots 29 and 30 of Section 14 and the NW1/4 of the NE1/4 of Section 23 of the herein described property
12. Unrecorded roadways as disclosed by Klamath County Assessors map.
Affects: Lots 31 and 32 of Section 14 and the NW1/4 of the NE1/4 of Section 23 of the herein described property

13. Reservations and restrictions as contained in Deed of Tribal Property, recorded in Volume 315, page 116, Deed Records of Klamath County, Oregon, as follows:

"Right of way to Klamath County Court for highway, approved by T.A. Walters First Assistant Secretary of June 20, 1933, subject to the provisions of the Act of March 3, 1901 (31 Stat. 1084), and Departmental Regulations thereunder; and subject also to any prior valid existing right or adverse claim.

Title to the above described property is conveyed subject to all other existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way of record; and there is hereby reserved any and all roads, trails, telephone lines, etc., actually constructed by the United States, with the rights of the United States to maintain, operate or improve the same so long as needed or used for or by the United States. (Dept. Instr., January 13, 1916, 44 L.D. 513)."

14. An easement created by instrument, subject to the terms and provisions thereof,
Dated: April 4, 1966
Recorded: October 25, 1967
Volume: M67, page 8353, Microfilm Records of Klamath County, Oregon
In favor of: Klamath County
For: 60-foot wide easement for road in NE1/4 of Section 22
15. An easement created by instrument, subject to the terms and provisions thereof,
Dated: April 10, 1984
Recorded: August 3, 1984
Volume: M84, page 13335, Microfilm Records of Klamath County, Oregon
In favor of: Telephone Utilities of Eastern Oregon, Inc., an Oregon corporation
16. Terms, conditions and provisions contained in The Matter of the Request for a Conditional Use Permit;
Dated: December 23, 1998
Recorded: December 28, 1998
Volume: M98, page 47279, Microfilm Records of Klamath County, Oregon