

mtc - 62482

After Recording Return To:

Bank of America, N.A.
TX5-383-36-04
333 Clay Street, Suite 3600
Houston, TX 77002

M05-69998

Klamath County, Oregon
11/29/2005 03:11:52 PM
Pages 9 Fee: \$61.00

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**LINE OF CREDIT INSTRUMENT
DEED OF TRUST**

MODIFICATION

This Modification to Line of Credit Instrument – Deed of Trust is entered into by and between James M. Root and Valerie K. Root (“Borrower”) and Bank of America, N.A. (“Lender”).

Borrower has executed a Line of Credit Instrument – Deed of Trust (the “Deed of Trust”) conveying to AmeriTitle of Medford as Trustee the property located in the County of Klamath described on the attached Exhibit A, which currently has the address of 42020 and 42025 Modoc Point Rd., Chiloquin, OR 97624. The Deed of Trust is hereby amended as follows:

1. The cover page to the Deed of Trust is hereby amended to provide that the maximum principal amount to be advanced pursuant to the credit agreement secured by the Deed of Trust is \$3,202,000.00.
2. The definition of the term “Note” in the Deed of Trust is amended and restated to read as follows:

“Note” means the promissory note signed by Borrower and dated September 23, 2005. The Note states that Borrower owes Lender Three Million Two Hundred Two Thousand and no/ Dollars (U.S. \$3,202,000.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than March 25, 2020.

Capitalized terms not otherwise defined herein shall have the meanings set forth in the Deed of Trust.

The terms and conditions of this Modification shall be incorporated by reference in the Deed of Trust as though set forth in full therein. In the event of any conflict between the terms, conditions and provisions of this Modification and those of the Deed of Trust, the terms, conditions and provisions of this Modification shall control. As modified hereby, the Deed of Trust shall remain in full force and effect. The maturity date of the credit agreement secured by the Deed of Trust, exclusive of any option to renew or extend such maturity date, continues to be March 25, 2020.

61.00

This Modification may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed shall be deemed to be an original, and all of which taken together shall constitute one and the same Modification.

IN WITNESS WHEREOF, Borrower and Lender have executed and delivered this Modification as of September 23, 2005.

Borrower:

James M. Root
James M. Root
Valerie K. Root
Valerie K. Root

Lender:

Bank of America, N.A.

By Peg S. Potter
Title Vice President

[Space Below This Line For Acknowledgment]

ACKNOWLEDGMENTS

STATE OF OREGON)
COUNTY OF Jackson) ss.

On this 30 day of September, 2005, before me, a Notary Public in and for the State of Oregon, personally appeared JAMES M. ROOT, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it to be the free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

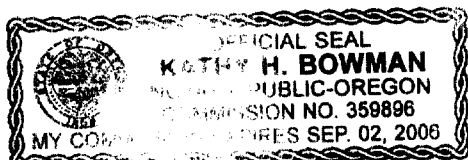


Kathy H. Bowman
NOTARY PUBLIC FOR Oregon
My Commission Expires: 9-2-08

STATE OF OREGON)
) ss.
COUNTY OF Jackson)

On this 30 day of September, 2005, before me, a Notary Public in and for the State of Oregon, personally appeared VALERIE K. ROOT, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it to be the free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



STATE OF OREGON)
) ss.
COUNTY OF _____)

Kathy H. Bowman
NOTARY PUBLIC FOR Oregon
My Commission Expires: 9-2-06

On this _____ day of September, 2005, before me, a Notary Public in and for the State of Oregon, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it to be the free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

NOTARY PUBLIC FOR _____
My Commission Expires: _____

Lender:

By:

Rex S. Ritter

Rex S. Ritter

Title: Vice President

ACKNOWLEDGEMENTS

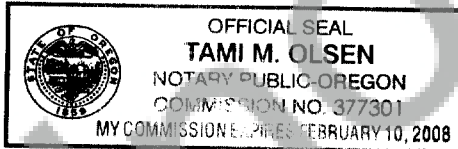
State of Oregon)

County of Multnomah) ss.

On this 30th day of September, 2005, before me, a Notary Public in and for the State of Oregon Personally appeared REX S. RITTER, personally know to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it to be the free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Jami M. Olsen



NOTARY PUBLIC FOR Oregon
My Commission Expires: 2/10/08

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1:

Parcel 2 of Land Partition 63-94 situated in the E1/2 of Section 24 and the N1/2 NE1/4 of Section 25, Township 34 South, Range 7 1/2 East of the Willamette Meridian, and the SW1/4 of Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, as filed in the Klamath County Engineers Office.

Parcel 2:

A parcel of land situated in Section 19, Section 30, Township 34 South, Range 7, East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8" iron pin on the North line of Government Lot 4 in said Section 19 and on the East right of way line of Highway 427, from which the Northwest corner of said Government Lot 4 bears North 88 degrees 57' 13" West 980.28 feet; thence from said point of beginning South 88 degrees 57' 13" East along the North line of said Government Lot 4 327.55 feet to a 5/8" iron pin marking the Northeast corner of said Government Lot 4; thence South 00 degrees 51' 06" East along the East line of said Government Lot 4 1323.49 feet to a 5/8" iron pin marking the Southeast corner of said Government Lot 4; thence South 88 degrees 55' 04" East along the South line of the Southeast one quarter of the Southwest one quarter of said Section 19 344.17 feet to a 5/8" iron pin; thence South 09 degrees 13' East 808.61 feet to a 5/8" iron pin; thence South 88 degrees 53' 51" East 96.35 feet to a 5/8" iron pin on the West right of way line of Highway 62; thence South 11 degrees 38' 44" East along the West right of way line of said Highway 62, 224.45 feet to a 5/8" iron pin marking the West right of way of said Highway 62 and the North right of way of Highway 422; thence North 83 degrees 47' 44" West along the North right of way of said Highway 422, 629.53 feet to a 5/8" iron pin; thence continuing along the right of way of said Highway 422 and along the arc of a 143.24 feet radius curve to the right (Delta = 78 degrees 15' 12", Chord = 180.78 feet) 195.63 feet to a 5/8" iron pin on the East right of way of said Highway 427; thence North 05 degrees 32' 32" West along the East right of way of said Highway 427, 2169.21 feet to the point of beginning. AND BEGINNING at a 5/8" iron pin marking the Southeast corner of the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 30; thence from said point of beginning North 88 degrees 48' 43" West along the South line of said North 1/2 of Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 624.35 feet to a 5/8" iron pin on the East right of way of Highway 427; thence North 05 degrees 32' 32" West along the East right of way of said Highway 427, 1142.88 feet to a 5/8" iron pin; thence continuing along the right of way of said Highway 427 and along the arc of a 143.24 feet radius curve to the right (Delta = 101 degrees 44' 48", Chord = 222.24 feet) 254.37 feet to a 5/8" iron pin on the South right of way of Highway 422; thence South 83 degrees 47' 44" East along the South right of way line of said Highway 422, 576.81 feet to a 5/8" iron pin on the West right of way line of Highway 62; thence South 11 degrees 38' 44" East along the West right of way line of said Highway 62, 55.37 feet to a 5/8" iron pin; thence South 00 degrees 23' 16" West along the East line of the West 1/2 of the East 1/2 of the Northwest 1/4 of Section 30, 1190.17 feet to the point of beginning.

TOGETHER WITH a right of way along the "Klamath Agency Farm Irrigation Canal" varying in width from 40 feet to 20 feet of which the centerline is more particularly described as follows:

Beginning at a point on the North line of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, and the centerline of said "Klamath Agency Farm Irrigation

Canal," from which the Northwest corner of said Government Lot 4 bears West 483 feet more or less; thence Northerly along the centerline of said "Klamath Agency Farm Irrigation Canal" the following bearings and distances: North 21 degrees 21' West 153.3 feet to a point, from this point Southerly the right of way is 40 feet in width, from this point Northerly the right of way is 20 feet in width; thence continuing along the centerline of said "Klamath Agency Farm Irrigation Canal" North 04 degrees 24' East 600.2 feet, North 03 degrees 37' West 315.5 feet, North 18 degrees 14' West 517.7 feet, North 11 degrees 28' West 264.3 feet, North 24 degrees 26' West 246.1 feet, North 10 ° 46' East 231.7 feet, North 22 degrees 38' East 432.0 feet, North 04 degrees 40' West 503.9 feet, North 21 degrees 28' East 302.4 feet, North 26 degrees 58' West 306.6 feet, North 05 degrees 20' West 253.2 feet, North 01 degrees 47' West 439.4 feet, Northeasterly along the arc of a 154 feet radius curve to the right (Delta = 55 degrees 42'; Long Chord = North 26 degrees 04' East 143.9 feet) 149.7 feet, North 53 degrees 55' East 351.5 feet, North 58 degrees 55' East 158.1 feet to the head gate at a water reservoir at Agency Spring from which the Northwest corner of said Section 19 bears South 40 degrees 53' West 1129.7 feet more or less.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the North line of government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, and on the centerline of an existing irrigation ditch, from which the Northwest corner of said Government Lot 4 bears West 483 feet more or less; thence from said point of beginning Southerly along the centerline of an existing irrigation ditch to a point that is located the following three bearings and distances from the Northwest corner of said Government Lot 4 South 88 degrees 57' 13" East 919.88 feet; South 05 degrees 32' 32" East 668.74 feet, South 60 degrees 36' 37" West 51.3 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following three bearings and distances: North 60 degrees 36' 37" East 51.3 feet; North 05 ° 32' 32" West 668.74 feet; North 88 degrees 57' 13" West 919.88 feet; thence from the said point of beginning Southeasterly along the centerline of an existing irrigation ditch to a point on the West right of way line of Highway 427, said point also being located from the Northwest corner of said Government Lot 4 the following two bearings and distances: South 88 degrees 57' 13" East 919.88 feet, South 05 degrees 32' 32" East 747 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch and on the East right of way line of Highway 427, from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following two bearings and distances: North 05 degrees 32' 32" West 758 feet, North 88 degrees 57' 13" West 980.28 feet; thence from said point of beginning Southeasterly along the centerline of an existing irrigation ditch to a point on the North right of way line of Highway 422, said point being located from the Northwest corner of said Government Lot 4 the following three bearings and distances: South 88 degrees 57' 13" East 980.28 feet, South 05 degrees 32' 32" East 2285.75 feet, South 83 degrees 47' 44" East 313.5 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch and the South right of way line of Highway 422 from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following three bearings and distances: North 83 ° 47' 44" West 409.14 feet, North 05' 32' 32" West 2347.00 feet, North 88 degrees 57' 13" West 980.28 feet; thence from said point of beginning Southwesterly along the centerline of an existing irrigation ditch to a point on the Westerly right of way line of Highway 427, said point being located from the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, the following two bearings and distances: South 88 degrees 57' 13" East 919.88 feet, South 05 degrees 32' 32" East 3596 feet.

ALSO, a parcel of land situated in Section 25, Township 34 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon, and Section 19, Section 30, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the South line of said Section 25 and the mean high water line of the Wood River, from which the Southeast corner of said Section 25 bears North 89 degrees 46' 47" East 1866.00 feet, more or less, thence from said point of beginning North 89 degrees 46' 47" East along the South line of said Section 25, 1866.00 feet to the Southeast corner of said Section 25; thence South 88 ° 52' 24" East along the South line of said Section 30, 1288.06 feet to a 5/8 inch iron pin marking the Southeast corner of Government Lot 4, of said Section 30; thence North 00 degrees 21' 09" East along the East line of Government Lot 4 and Government Lot 3 of said Section 30, 2595.23 feet to a 5/8 inch iron pin on the Westerly line of Highway 427; thence North 05 degrees 32' 32" West along the Westerly line of said Highway 427, 3377.02 feet to a 5/8 inch iron pin in the center of a road as said point is described in Deed Volume 358 page 471; thence Westerly along the line described in Deed Volume 358 at page 471 the following bearings and distances: South 60 degrees 36' 37" West 1799.44 feet, South 83 degrees 51' 34" West 869.25 feet, North 85 degrees 16' 31" West 420.66 feet, South 69 degrees 16' 28" West 339.99 feet, South 52 degrees 04' 22" West 307.99 feet, South 28 ° 50' 12" West 134.01 feet, South 43 degrees 40' 20" West 224.00 feet, South 29 ° 27' 04" West 201.00 feet, South 04 degrees 07' 38" East 42.10 feet, South 23 ° 32' 52" East 415.26 feet, more or less, to the mean high water line of the Wood River; thence Southerly along the mean high water line of said Wood River to the point of beginning.

TOGETHER WITH: A right of way along the "Klamath Agency Farm Irrigation Canal" varying in width from 40 feet to 20 feet of which the centerline is more particularly described as follows:

Beginning at a point on the North line of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, and the centerline of said "Klamath Agency Farm Irrigation Canal," from which the Northwest corner of said Government Lot 4 bears West 483 feet, more or less; thence Northerly along the centerline of said "Klamath Agency Farm Irrigation Canal," the following bearings and distances: North 21 degrees 21' West 153.3 feet to a point, from this point Southerly the right of way is 40 feet in width, from this point Northerly the right of way is 20 feet in width; thence continuing along the centerline of said "Klamath Agency Farm Irrigation Canal" North 04 degrees 24' East 600.2 feet, North 03 degrees 37' West 315.5 feet, North 18 degrees 14' West 517.7 feet, North 11 degrees 28' West 264.3 feet, North 24 degrees 26' West 246.1 feet, North 10 ° 46' East 231.7 feet, North 22 degree 38' East 432.0 feet, North 04 degrees 40' West 503.9 feet, North 21 degrees 28' East 302.4 feet, North 26 degrees 58' West 306.6 feet, North 05 degrees 20' West 253.2 feet, North 01' 47" West 439.4 feet, Northeasterly along the arc of a 154 feet radius curve to the right (Delta = 55 degrees 42' Long Chord = North 26 degrees 04' East 143.9 feet) 149.7 feet, North 53 degrees

55' East 351.5 feet, North 58 degrees 55' East 158.1 feet to the head gate at a water reservoir at Agency Spring, from which the Northwest corner of said Section 19 bears South 40 degrees 53' West 1129.7 feet, more or less.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the North line of government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, and on the centerline of an existing irrigation ditch, from which the Northwest corner of said Government Lot 4 bears West 483 feet more or less; thence from said point of beginning Southerly along the centerline of an existing irrigation ditch to a point that is located the following three bearings and distances from the Northwest corner of said Government Lot 4 South 88 degrees 57' 13" East 919.88 feet; South 05 degrees 32' 32" East 668.74 feet, South 60 degrees 36' 37" West 51.3 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch and on the East right of way line of Highway 427, from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following two bearings and distances: North 05 degrees 32' 32" West 758 feet, North 88 degrees 57' 13" West 980.28 feet; thence from said point of beginning Southeasterly along the centerline of an existing irrigation ditch to a point on the North right of way line of Highway 422, said point being located from the Northwest corner of said Government Lot 4 the following three bearings and distances: South 88 degrees 57' 13" East 980.28 feet, South 05 degrees 32' 32" East 2285.75 feet, South 83 degrees 47' 44" East 313.5 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch and the South right of way line of Highway 422 from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following three bearings and distances: North 83 ° 47' 44" West 409.14 feet, North 05' 32' 32" West 2347.00 feet, North 88 degrees 57' 13" West 980.28 feet; thence from said point of beginning Southwesterly along the centerline of an existing irrigation ditch to a point on the Westerly right of way line of Highway 427, said point being located from the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, the following two bearings and distances: South 88 degrees 57' 13" East 919.88 feet, South 05 degrees 32' 32" East 3596 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following three bearings and distances: North 60 degrees 36' 37" East 51.3 feet; North 05 ° 32' 32" West 668.74 feet; North 88 degrees 57' 13" West 919.88 feet; thence from the said point of beginning Southeasterly along the centerline of an existing irrigation ditch to a point on the West right of way line of Highway 427, said point also being located from the Northwest corner of said Government Lot 4 the following two bearings and distances: South 88 degrees 57' 13" East 919.88 feet, South 05 degrees 32' 32" East 747 feet.

ALSO, all that portion of the SE1/4 of the SW1/4 of Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying Westerly of the Westerly right of way line of Oregon State Highway No. 62.

Account No.:	3407-V2400-00300-000	Key No.:	77650
Account No.:	3407-019CO-00400-000	Key No.:	188709
Account No.:	3407-019CO-00300-000	Key No.:	188736
Account No.:	3407-019CO-00200-000	Key No.:	188745
Account No.:	3407-019CO-00500-000	Key No.:	188727
Account No.:	3407-019CO-00600-000	Key No.:	188718
Account No.:	3407-019CO-00700-000	Key No.:	188754
Account No.:	3407-03000-00600-000	Key No.:	196488
Account No.:	3407-03000-00700-000	Key No.:	196479
Account No.:	3407-03000-00700-000	Key No.:	685789
Account No.:	3407-V2500-00100-000	Key No.:	77641

[END OF LEGAL DESCRIPTION]