# mTC-73719

## MODIFICATION OF TRUST DEED

And Promissory Note secured thereby

M06-04722

Klamath County, Oregon 03/16/2006 10:33:17 AM Pages 3 Fee: \$31.00

THIS MODIFICATION of Trust Deed is made this 10th day of March, 2006 among Henry F. Curry, Jr., Grantor, and Lawyers Title Insurance Corporation, a Virginia Corporation as Trustee, and Robert L. Seus and Constance J. Seus, or the survivor of them, as Beneficiary.

#### RECITALS

THIS AGREEMENT is made according to the following facts:

- A. Henry F. Curr y, Jr. executed and delivered to Trustee, that certain deed of trust dated September 30, 2005 recorded October 10, 2005 in Volume M05, Page 66138, Microfilm Records of Klamath County, Oregon, securing a promissory note in the principal amount \$720,000.00 in favor of Beneficiary, and legally described the real property as follows: See Exhibit "A"
- B. Th e parties hereto agree to, and for value received, do hereby modify the Deed of Trust as follows:

THE UNDERSIGNED PARTIES HEREBY AGREE TO ALLOW ADDITIONAL ADVANCES UNDER THE TERMS OF THE ORIGINAL NOTE, SECURED BY TRUST DEED AS REFERENCED ABOVE.

AN ADDITIONAL ADVANCE IS HEREBY MADE IN THE AMOUNT OF \$101,010.10.

The additional sums being advanced hereunder, together with the current principal balance of \$716,559.58, shall be re-amortized over a 20 year period. Interest for the old loan amount has been brought current to March 10, 2006, and the next monthly payment, in the modified amount of \$9002.15 shall be due April 15, 2006, and a like payment shall be due on the same day of each month thereafter until March 10, 2011, at which time all principal and interest, if any, shall become immediately due and payable.

- C. The terms of the Deed of Trust, which are incorporated herein by reference, shall remain in full force and effect and be binding on the parties herein to the extent they are not inconsistent with the provisions of this Agreement. In the event of any inconsistency between the provisions of this Agreement and the original Deed of Trust, the provisions of this Agreement shall control. The Deed of Trust, together with this Agreement, when signed by all parties hereto, shall constitute one deed of trust.
- D. This Agreement shall inure to and bind the heirs, devisees, successors, and assigns of the parties hereto.

"GRANTOR WARRANTS, REPRESENTS, AND CONVENANTS THAT THERE IS AND HAS BEEN NO DISCHARGE OR DISPOSAL ON THE PROPERTY OF ANY HAZARDOUS OR TOXIC WASTES OR SUBSTANCES (AS SUCH TERMS ARE DEFINED BY ANY APPLICABLE FEDERAL, STATE OR LOCAL GOVERNMENTAL LAW, RULE ORDINANCE, OR REGULATION) OR CONTAMINATION OF THE PROPERTY BY ANY SUCH SUBSTANCES."

IN WITNESS WHEREOF the parties hereto have executed this instrument.

**BORROWERS** 

LENDERS

Constance J. Seus

Returno: Lawryers Title 136 W. main & West Eugle Point, OR 97584

STATE OF OREGON COUNTY OF JACKSON

The foregoing instrument was acknowledged before me this 10th day of March, 2006, by Robert L. Seus & Constance J. Seus, who executed the within instrument as their voluntary act and deed.

commission expires



STATE OF OREGON COUNTY OF KLAMATH

The foregoing instrument was acknowledged before me this  $15^{-4}$  day of March. 2006, by Henry F. Curry, Jr., who executed the within instrument as his voluntary act and deed.

My commission expires \_

OFFICIAL SEAL PAMELA J SPENCER NOTARY PUBLIC- OREGON COMMISSION EXPIRES AUG 16, 2008

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

### PARCEL 1:

All of Section 15; The N1/2 N1/2 and the N1/2 SE1/4 NE1/4 of Section 22, All in Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon.

#### PARCEL 2:

The SW1/4 NE1/4, S1/2 SE1/4 NE1/4, N1/2 SE1/4 and E1/2 SE1/4 SE1/4, less the South 628 feet thereof, of Section 22, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon. SAVING AND EXCEPTING that portion lying with the county road.

Tax Account No:	3811-V2200-00100-000	Key No: Key No:	484050 484078
Tax Account No: Tax Account No:	3811-V2200-00400-000 3811-V2200-00400-000	Key No:	757559
Tax Account No:	3811-V2200-00600-000	Key No: Key No:	484096 483612
Tax Account No:	3811-V0000-03300-000	Key No.	403012