

2006-022811

Klamath County, Oregon



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11/14/2006 03:39:37 PM

Fee: \$41.00

RECORDATION REQUESTED BY:

PremierWest Bank
Klamath Falls Branch
421 South 7th Street
P. O. Box 5016
Klamath Falls, OR 97601

WHEN RECORDED MAIL TO:

PremierWest Bank
Klamath Falls Branch
421 South 7th Street
Klamath Falls, OR 97601

SEND TAX NOTICES TO:

Wocus Mini Storage L.L.C.
P.O. Box 168
Keno, OR 97627

MTCL 743 KR

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST dated November 10, 2006, is made and executed between between Wocus Mini Storage, LLC, an Oregon Limited Liability Company ("Grantor") and PremierWest Bank, whose address is Klamath Falls Branch, 421 South 7th Street, P. O. Box 5016, Klamath Falls, OR 97601 ("Lender").

DEED OF TRUST. Lender and Grantor have entered into a Deed of Trust dated November 3, 2004 (the "Deed of Trust") which has been recorded in Klamath County, State of Oregon, as follows:

Deed of Trust in the amount of \$250,000.00 dated November 3, 2004, recorded on November 5, 2004 in the official records of Klamath County Recorder as document number M06-15202; revised with a Modification of Deed of Trust dated November 4, 2005 in the amount of \$295,000.00; and subsequently revised with a Modification of Deed of Trust dated July 27, 2006 in the amount of \$352,704.93.

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 5040 Wocus Road, Klamath Falls, OR 97601. The Real Property tax identification number is 3809-007CO-03000-000, 3809-007CO-02800-000 & 3809-007CO-02700-000.

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

It is hereby agreed to increase the principal loan amount from \$352,704.93 to \$370,129.93.

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 NOVEMBER 10, 2006.

GRANTOR:

WOCUS MINI STORAGE L.L.C.

By:

Gary Price, Managing Member of Wocus Mini Storage L.L.C.

By:

Bill Segesser, Managing Member of Wocus Mini Storage L.L.C.

LENDER:

PREMIERWEST BANK

X

Authorized Officer

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

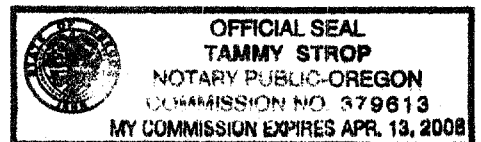
STATE OF

Oregon

COUNTY OF

Klamath

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On this 13th day of November, 2006, before me, the undersigned Notary Public, personally appeared Gary Price, Managing Member of Wocus Mini Storage L.L.C., and known to me to be a member or designated agent 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 he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By:

Notary Public in and for the State of

Oregon

Residing at

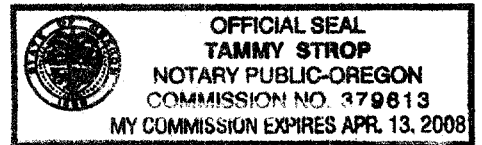
S. 7th St. Klamath Falls

My commission expires

April 13 2008

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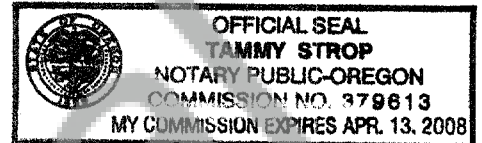
LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF OregonCOUNTY OF Klamath)
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On this 13th day of November, 2006, before me, the undersigned Notary Public, personally appeared **Bill Segesser, Managing Member of Wocus Mini Storage L.L.C.**, and known to me to be a member or designated agent 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 he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By Tammy StropNotary Public in and for the State of OregonResiding at S. 7th St. Klamath FallsMy commission expires April 13, 2008

LENDER ACKNOWLEDGMENT

STATE OF OregonCOUNTY OF Klamath)
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On this 13th day of November, 2006, before me, the undersigned Notary Public, personally appeared **Gary Parker** and known to me to be the **Lending 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 Tammy StropNotary Public in and for the State of OregonResiding at S. 7th St. Klamath FallsMy commission expires April 13, 2008

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

PARCEL A:

A tract of land situated in the SE1/4 SW1/4 of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a point on the Westerly right of way line of the old The Dalles-California Highway which point is 489.5 feet North 89° 49' West along the East-West quarter line and South 6° 02' West along the Westerly right of way of said highway 2,100.49 feet from the center of Section 7, said Township and Range, and running thence South 6° 02' West along said Westerly right of way line a distance of 173.6 feet to a point; thence North 89° 42' West parallel to the South line of said Section 7, a distance of 486.54 feet to a point; thence North 6° 02' East parallel to above mentioned Westerly right of way line a distance of 172.65 feet to a point; thence South 89° 49' East a distance of 480.54 feet to the point of beginning.

PARCEL B:

A tract of land situated in the S1/2 SW1/4 of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows: Beginning at a point which lies North 89° 49' West along the quarter line a distance of 976.04 feet and South 6° 02' West parallel to the centerline of the Old Dalles-California Highway a distance of 2100.6 feet from the center of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, said point being the Southeast corner of that tract conveyed by deed recorded in Volume 149, page 149; thence continuing South 6° 02' West a distance of 172.65 feet to a point; thence North 89° 49' West parallel to the above mentioned quarter line to a point on the Easterly right of way line of the New Dalles-California Highway; thence in a Northwesterly direction along said right of way line of said new highway to a point on the Easterly right of way line of said new highway which is North 89° 49' West a distance of 132 feet, more or less, from the point of beginning; thence South 89° 49' East a distance of 132 feet, more or less, to the point of beginning.

EXCEPTING FROM THE ABOVE DESCRIBED TWO PARCELS that property described in Warranty Deed to Klamath County, a political subdivision of the State of Oregon, recorded August 27, 1981 in Volume M81, page 15270, Deed Records of Klamath County, Oregon, as follows: A parcel of land in the SE1/4 of the SW1/4 of Section 7, Township 38 South, Range 9 East, of the Willamette Meridian, more particularly described as follows: Beginning at a point on the Westerly right of way line of Wocus Road, Klamath County, Oregon, which point is 489.5 feet North 89° 49' West along the East-West quarter line and South 6° 02' West along the West right of way of said Wocus Road, 2,193.69 feet from the center of Section 7, said township and range; and run thence South 6° 02' West along said Westerly right of way line a distance of 80.4 feet; thence North 89° 42' West 563.7 feet; thence Northwesterly along the East right of way line of The Dalles-California Highway 81.86 feet; thence South 89° 42' East 589.10 feet to the point of beginning.

And further described as the Southerly 80 feet of the parcels described in Volume M76, pages 14208, 14209 and 14210 of Klamath County, Oregon, deed records.

Sup MS.

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PARCEL 2:

A parcel of land in the SE1/4 of the SW1/4 of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Westerly right of way line of Wocus Road, Klamath County, Oregon, which point is 489.5 feet North 89° 49' Westerly along the East-West quarter line and South 6° 02' Westerly along the West right of way of said Wocus Road, 2,193.69 feet from the center of Section 7, said township and range; and run thence South 6° 02' West along said Westerly right of way line a distance of 80.4 feet; thence North 89° 42' Westerly 563.7 feet; thence Northwesterly along the East right of way line of The Dalles-California Highway 81.86 feet; thence South 89° 42' East 589.10 feet to the point of beginning.

And further described as the Southerly 80 feet of the parcels described in Volume M76, page 14208, 14209 and 14210 of Klamath County Deed Records.

Tax Account No.: 3809-007CO-03000-000

Key No.: 429584


PARCEL 3:

A parcel of land located in the SE1/4 SW1/4 of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pipe marking the quarter corner common to Sections 7 and 18, Township and Range aforesaid, thence North 89° 42' West a distance of 770.8 feet; thence North 6° 02' East a distance of 290.9 feet to a point on the Westerly right of way line of the Dalles California Highway, which point is at the Southeast corner of the tract herein described; thence North 6° 02' East a distance of 112.1 feet; thence North 89° 42' West a distance of 591.8 feet; thence South 0° 01' West a distance of 111.5 feet; thence South 89° 42' East a distance of 580 feet to the point of beginning, excepting portion conveyed to the State of Oregon, by and through its State Highway Commission by deed recorded on page 65 of Volume 138, Deed Records of Klamath County, Oregon.

TOGETHER WITH That portion of land located in the SE1/4 SW1/4 Section 7, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; being more particularly described as follows:

Commencing at the one-quarter corner common to Sections 7 and 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 89° 42' West, 770.80 feet to a point on the Westerly right of way line of the former Dalles-California Highway, now a County Road; thence North 06° 02' East along said Westerly right of way line, 280.90 feet to the point of beginning for this description; thence North 89° 42' West, 260.00 feet; thence North 06° 02' East 10.00 feet; thence South 89° 42' East, 260.00 feet to a point on the Westerly right of way line of the aforementioned County Road; thence South 06° 02' West, 10.00 feet to the point of beginning.

(Legal Description Continued)

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EXCEPTING THEREFROM the following described tract of land conveyed by instrument recorded May 19, 1975 in Volume M75, page 14638, Microfilm Records of Klamath County, Oregon, to wit:

That portion of land located in the SE1/4 SW1/4 of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at the one-quarter corner common to Sections 7 and 18, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 89° 42' West 770.80 feet to a point on the Westerly right of way line of the former Dalles-California Highway, now a County Road; thence North 06° 02' East along said Westerly right of way line, 280.90 feet to the point of beginning for this description; thence North 06° 02' East a distance of 122.1 feet; thence North 89° 42' West a distance of 390.00 feet; thence South 06° 02' West a distance of 112.10 feet; thence South 89° 42' East a distance of 130.00 feet; thence South 06° 02' West a distance of 10.00 feet; thence South 89° 42' East a distance of 260.00 feet to the point of beginning.

Tax Account No: 3809-007C0-02800-000

Key No: 429575

PARCEL 4:

That portion of land located in the SE1/4 SW1/4 of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at the ¼ corner common to Section 7 and 18, Township 38 South, Range 9 East of the Willamette Meridian; thence North 89° 42' West 770.80 feet to a point on the Westerly right of way line of the former Dalles – California Highway, now a County Road; thence North 06° 02' East along said Westerly right of way line, 280.90 feet to the point of beginning for this description; thence North 06° 02' East a distance of 122.1 feet; thence North 89° 42' West a distance of 390.0 feet; thence South 06° 02' West a distance of 112.10 feet; thence South 89° 42' East a distance of 130.0 feet; thence South 06° 02' West a distance of 10.0 feet; thence South 89° 42' East a distance of 260.0 feet to the point of beginning.

Tax Account No.: 3809-007C0-02700-000

Key No.: 429566

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