

2010-000454

Klamath County, Oregon



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01/13/2010 03:24:18 PM

Fee: \$77.00

1st 1422525

ASSIGNOR:

Bruce E. Brink
2447 Darrow Avenue
Klamath Falls, OR 97601

AFTER RECORDING RETURN TO:

FIRST AMERICAN TITLE
600 COUNTRY CLUB RD.
EUGENE, OR 97401
REFERENCE #: 7191- 1422525

ASSIGNEE:

DEWAYNE WAFFORD AND DAPHNE J. WAFFORD
1209 CRENSHAW ROAD
EUGENE, OR 97401

ASSIGNMENT OF LEASES AND RENTS

FOR VALUE RECEIVED BY: Bruce E. Brink
OF \$ 535,000.00, hereinafter the designated the Assignor, from DeWayne Wafford and Daphne J. Wafford, husband and wife or the survivor thereof, hereinafter designated the Assignee, the Assignor hereby assigns to the Assignee the lessor interest under any lease or rental agreement now existing or hereafter made affecting the property hereinafter described, or any part thereof, or any building or buildings or any part thereof, with the furniture, furnishings and equipment used in connection therewith, or any part thereof, or hereafter to become due under express leases or agreements now existing or hereafter made, or otherwise for the use, occupancy or enjoyment of said property or any part thereof or any such building or building thereon.

The Assignor agrees to deliver to the Assignee on demand their executed copies of any and all such leases or rental agreements.

This assignment is made as additional security for the payment or performance of each and every obligation contained in (1) that certain Mortgage or Deed of Trust dated **January 11, 2010** executed by the Assignor herein as mortgagor or grantor and running in favor of Assignee as mortgage or beneficiary, and covering the real property hereinafter described and personal property thereon (2) that certain Note which said Mortgage or Deed of Trust secures.

The assignor reserves the right, prior to any default in the payment or performance of any obligation secured hereby, to collect and retain such rents as they become due and payable but not otherwise. Upon any such default, the Assignee is hereby authorized either in person or by agent, without notice and without regard to the adequacy of the security for the obligation secured hereby, to (1) go upon and take possession of said described property, real and personal or any part thereof, and the Assignor shall peaceably surrender such possession to the Assignee on demand; (2) rent, lease or operate all or any part of said property, and (3) sue for or otherwise collect the rents or other monies hereby assigned, or any part thereof, and apply the same, less all reasonable costs and expenses of such renting or leasing operations, or collections, including reasonable attorney's fees on any items of indebtedness secured hereby or on the performance of any obligation or obligations so secured and in such proportion as the Assignee, in its uncontrolled discretion may determine. No action taken pursuant to any such default or invalidate any act done by reason of such default or to preclude the Assignee from the exercise of any remedy otherwise given for such default.

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Assignor acknowledges that this assignment is an absolute assignment of leases and rents to take effect upon the occurrence of a default of any of the obligations secured hereby.

It is further understood that this assignment shall not operate to place responsibility for the control, care, management or repair of said premises upon the Assignee, nor the carrying out of any of the terms and conditions of said leases or agreements which shall be and remain the sole responsibility of the Assignor, nor shall it operate to make the Assignee responsible or liable for any dangerous or defective conditions of the premises, or for the management, upkeep, repair or control of said premises resulting in loss or injury or death of any tenant, licensee, employee or stranger.

SPECIAL PROVISION: The Assignor shall not reduce the rent(s) leases(s) with any tenant during the term of this Assignment of Leases and Rents, without the written consent of the Assignee, or it's Assigns.

The real property herein referred to is described as:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

ASSIGNOR (S):

X

Bruce E. Brink
BRUCE E. BRINK

X

STATE OF OREGON)
) SS.
COUNTY OF **Klamath**)

This instrument was acknowledged before me on January 11, 2010

By BRUCE E. BRINK

And that ~~he/she/they~~ executed the same freely and voluntarily.

[Signature]
Notary Public for Oregon

My Commission Expires: 11/17/2013



EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Klamath, State of Oregon, described as follows:

PARCEL 1:

BEGINNING AT A POINT 990 FEET NORTH OF AN IRON PIN DRIVEN INTO THE GROUND AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, WHICH IRON PIN IS 30 FEET EAST OF THE CENTER OF A ROAD INTERSECTING THE KLAMATH FALLS-LAKEVIEW HIGHWAY FROM THE NORTH AND 30 FEET NORTH OF THE CENTER OF SAID HIGHWAY; THENCE EAST 330 FEET; THENCE SOUTH 66 FEET; THENCE EAST 330 FEET; THENCE NORTH 273.5 FEET; THENCE WEST 440 FEET; THENCE SOUTH 191.5 FEET; THENCE WEST 220 FEET; THENCE SOUTH 16 FEET TO THE PLACE OF BEGINNING, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

ADDRESS: 2046 OGDEN STREET, R-3909-001BC-02800

PARCEL 2:

PARCEL 1 OF LAND PARTITION 1-96 BEING A PORTION OF LOT 13, BLOCK 6, ALTAMONT ACRES, SITUATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 39 SOUTH RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

ADDRESS: 3306 CREST STREET, R-3909-010AB-01202

PARCEL 3:

LOT 25 IN BLOCK E OF HOMECREST, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS 1847 BURNS STREET, R-3909-003AB-02001

PARCEL 4:

A PORTION OF LOT A ENTERPRISE TRACT #24, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF LOT A OF SUBDIVISION OF ENTERPRISE TRACT 24, KLAMATH COUNTY, OREGON, 675 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT A; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT A, 75 FEET; THENCE EAST 299.5 FEET; THENCE NORTH 75 FEET; THENCE WEST 299.5 FEET TO THE PLACE OF BEGINNING.

ADDRESS: 2201 ARTHUR STREET, R-3909-003BD-00700

PARCEL 5:

THE SOUTHERLY 34 FEET OF THE EASTERLY 88 FEET OF LOT 4 BLOCK 33, HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS, OREGON AND THE NORTHERLY 5 FEET OF THE EASTERLY HALF OF LOT 5 BLOCK 33, HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, AND ALSO A STRIP OF LAND TWO (2) FEET WIDE OF THE SOUTHERLY 34 FEET OF THE EASTERLY END OF THE WESTERLY 90 FEET OF LOT 4, BLOCK 33 HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, IN THE COUNTY OF KLAMATH STATE OF OREGON.

ADDRESS: 1618 CRESCENT AVENUE, R-3809-029DA-03700

PARCEL 6:

THE EAST 100 FEET OF LOTS 9 AND 10, BLOCK 27, WEST KLAMATH, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 4999 WEYERHAEUSER ROAD, R-3908-013DA-02100

PARCEL 7:

LOTS 1 AND 2, BLOCK 3, RIVERVIEW ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 2110 GREENSPRINGS DRIVE, R-3909-005CD-07200 AND R-3909-005CD-07300

PARCEL 8:

TRACT 20, INDEPENDENCE TRACTS, IN THE COUNTY OF KLAMATH, STATE OF OREGON, EXCEPTING THEREFROM THE EAST 100 FEET THEREOF.

ADDRESS: 3085 LODI STREET, R-3909-011AA-01000

PARCEL 9:

LOT 14 IN BLOCK 19, HOT SPRINGS ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 1661 MANZANITA STREET, R-3809-029AD-09700

PARCEL 10:

LOT 11, BLOCK 54, SECOND ADDITION TO HOT SPRINGS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

ADDRESS: 320 MICHIGAN AVENUE, R-3809-28CC-02900

PARCEL 11:

LOT 15, BLOCK 55, SECOND HOT SPRINGS ADDITION TO THE CITY OF KLAMATH

FALLS, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

ADDRESS: 1751 WALL STREET, R-3809-28CC-4600

PARCEL 12:

THE SOUTH 50 FEET OF LOT 8 AND THE NORTH 70 FEET OF LOT 8, BLOCK 209, MILLS SECOND ADDITION TO THE CITY OF KLAMATH FALLS, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

ADDRESS: 1401 AND 1415 E MAIN STREET, R-3809-033DC-07100 AND R-3809-033DC-07000

PARCEL 13:

LOTS 30, 31 AND 32 BLOCK 6, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 1908 VINE STREET, R-3809-033BD-05800

PARCEL 14:

THE SOUTHERLY 85.94 FEET OF LOT 1, THE SOUTHERLY 85.88 FEET OF LOT 2, THE SOUTHERLY 85.82 FEET OF LOT 3 ALL BLOCK 14, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 1903 ORCHARD AVENUE, R-3809-033BD-01300

PARCEL 15:

LOTS 17 AND 18, BLOCK 14, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

ADDRESS: 436 RICHMOND STREET, R-3809-033BD-00100

PARCEL 16:

LOT 50 AND THE WESTERLY ONE HALF OF LOT 51 IN BLOCK 18 OF INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 342 MARTIN STREET, R-3809-033AB-12200

PARCEL 17:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 5 IN SAID BLOCK 21; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF MARTIN STREET A DISTANCE OF 50 FEET TO THE MOST WESTERLY CORNER OF LOT 6 IN SAID BLOCK 21; THENCE NORTHEASTERLY ALONG THE LINE BETWEEN LOTS 6 AND 7 IN SAID BLOCK A

DISTANCE OF 50 FEET; THENCE SOUTHEASTERLY PARALLEL WITH MARTIN STREET A DISTANCE OF 50 FEET; THENCE SOUTHWESTERLY ALONG THE LINE BETWEEN LOTS 5 AND 6 IN SAID BLOCK A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING.

ADDRESS: 349 MARTIN STREET, R-3809-033AB-09800

PARCEL 18:

PARCEL 2 OF LAND PARTITION 42-94, SAID LAND PARTITION BEING A PARTITION OF LOT 2, BLOCK 4, BRYANT TRACTS NO. 2, SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34 SOUTH, RANGE 9, EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

ADDRESS: 4049 FRIEDA AVE. R-3809-034DD-00201

PARCEL 19:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 23 IN BLOCK 21 OF INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, OREGON; THENCE NORTHEASTERLY AT RIGHT ANGLES TO MARTIN STREET, 100 FEET TO DIVISION STREET THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF DIVISION STREET, 27 FEET 2 INCHES; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO MARTIN STREET 50 FEET; THENCE SOUTHEASTERLY PARALLEL WITH MARTIN STREET, 10 FEET 4 INCHES; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO MARTIN STREET; THENCE NORTHWESTERLY ALONG THE NORTHWESTERLY LINE OF MARTIN STREET, 37 1/2 FEET TO THE PLACE OF BEGINNING, BEING A PART OF LOTS 22 AND 23 OF SAID BLOCK AND ADDITION, AS SHOWN ON THE DULY RECORDED PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 313 MARTIN STREET R-3809-033AB-08100

PARCEL 20:

ALL OF LOTS 24, 25 AND THE SOUTHEAST ONE-HALF OF LOT 26 IN BLOCK 21 OF INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY OF CLERK OF KLAMATH COUNTY, OREGON. TOGETHER WITH AN INTEREST IN A CERTAIN COMMUNITY DRIVEWAY AND GARAGE AS SHOWN IN BOOK 104 PAGE 190, RECORDS OF KLAMATH COUNTY, OREGON.

ADDRESS: 309 MARTIN STREET, R-3809-033AB-08000

PARCEL 21:

LOTS 14 AND 15 IN BLOCK 25, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY OF CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 445 DIVISION STREET, R-3809-033AB-05200

PARCEL 22:

LOT 606, BLOCK 103, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

ADDRESS: 2041 DARROW AVENUE, R-3809-033AC-14900

PARCEL 23:

LOT 592, BLOCK 108, OF MILLS ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY OF CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 2125 DARROW AVENUE, R-3809-033AC-16500

PARCEL 24:

ALL THAT PORTION OF LOT 594 IN BLOCK 108, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 55 FEET EAST FROM THE SOUTHWEST CORNER OF LOT 595 BLOCK 108 OF SAID ADDITION, THENCE EAST ALONG THE NORTH LINE OF DARROW AVENUE 45 FEET TO THE SOUTHWEST CORNER OF LOT 593 OF SAID BLOCK AND ADDITION; THENCE NORTH AT RIGHT ANGLES TO DARROW AVENUE AND BETWEEN THE LOT LINE OF LOTS 593 AND 594 OF SAID BLOCK 70 FEET; THENCE WEST AND PARALLEL WITH DARROW AVENUE 45 FEET; THENCE SOUTH AT RIGHT ANGLES TO DARROW AVENUE 70 FEET TO THE PLACE OF BEGINNING.

ADDRESS: 2111 DARROW AVENUE, R-3809-033AC-16300

PARCEL 25:

LOT 502 IN BLOCK 109 MILLS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY OF CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 2115 VINE AVENUE, R-3809-033AC-10600

PARCEL 26:

THE NORTHERLY 40 FEET OF LOTS 394 AND 395, BLOCK 113 MILLS ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY OF CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 625 MARTIN STREET, R-3809-033AC-07300

PARCEL 27:

LOT 371, BLOCK 122 OF MILLS ADDITION TO THE CITY KLAMATH FALLS, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY OF CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 605 DIVISION STREET, R-3809-033AD-08200

PARCEL 28:

LOT 358 IN BLOCK 123 OF MILLS ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY OF CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 2345 ORCHARD AVENUE, R-3809-033AD-07100

PARCEL 29:

LOT 365 IN BLOCK 122 OF MILLS ADDITION TO THE CITY OF KLAMATH FALLS, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

ADDRESS: 2348 ORCHARD AVENUE, R-3809-033AD-07600

PARCEL 30:

LOT 544, BLOCK 127, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY OF CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 2427 DARROW AVENUE, R-3809-033AD-16500

PARCEL 31:

LOT 626 IN BLOCK 128, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY OF CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 2553 APPLGATE AVENUE, R-3809-033DA-01600

PARCEL 32:

THE N 1/2 OF LOT 8, BLOCK 212, MILLS SECOND ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 1101 E MAIN ST, R-3809-033DB-11400

PARCEL 33:

THE SOUTH 38 FEET OF LOTS 624 AND 625, BLOCK 128 MILLS ADDITION TO THE CITY OF KLAMATH FALLS, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

ADDRESS: 919 MITCHELL ST, R-3809-033DA-01500

PARCEL 34:

LOT 45 OF LEWIS TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 1502 IVORY ST, R-3809-035CD-05100

PARCEL 35:

THE WESTERLY ONE-HALF OF LOT 598 IN BLOCK 103 OF MILLS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 2042 VINE AVE, R-3809-033AC-13600

PARCEL 36:

LOT 27 AND THE SOUTHERLY 11 FEET OF LOT 26, LEWIS TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 1539 IVORY ST, R-3809-035CD-06800

PARCEL 37:

THE SOUTH 50 FEET OF THE NORTH 52.82 FEET OF THE EAST 134 FEET OF TRACT 19, HOMEDALE, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

ADDRESS: 3646 MADISION ST. R-3909-011AD-02200

PARCEL 38:

PART OF BLOCK 7, CANAL ADDITION TO THE CITY OF KLAMATH FALLS, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEAST LINE OF OAK STREET, WHICH POINT IS THE MOST NORTHERLY CORNER OF LOT 4; THENCE SOUTHEAST ALONG THE LOT LINE COMMON TO LOTS 3 AND 4, 60 FEET; THENCE SOUTHWEST ALONG A LINE PARALLEL TO AND 60 FEET DISTANT SOUTHEAST FROM OAK STREET, TO THE INTERSECTION OF SAID LINE WITH NORTHEAST LINE OF 9TH STREET; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF 9TH STREET TO THE MOST WESTERLY CORNER OF LOT 5; THENCE NORTHEAST ALONG THE SOUTHEAST LINE OF OAK STREET, 70.93 FEET TO THE POINT OF BEGINNING.