

WTC 1396-10414

2011-003391

Klamath County, Oregon



00098700201100033910030038

03/09/2011 11:18:18 AM

Fee: \$47.00

WHEN RECORDED RETURN TO:

Harvest Capital Company  
690 NW 1<sup>st</sup> Ave, Suite 101  
Canby, OR 97013

(space above reserved for recorders use)

### ASSIGNMENT OF NOTE AND MORTGAGE

This Assignment of Note and Mortgage is made this 2<sup>nd</sup> day of March, 2011 from HARVEST CAPITAL COMPANY ("Assignor") to U.S. BANK NATIONAL ASSOCIATION, as Custodian/Trustee ("Assignee").

### RECITALS

Assignor is the holder of a promissory note dated December 14, 2006 made by PETER M. BOURDET and LINDA L. LONG, husband and wife (collectively "Borrower"), to the order of Assignor in the original principal amount of \$660,000 (the "Note"). The Note is secured by a Mortgage encumbering real property in Klamath County, Oregon described on attached Exhibit A which was recorded December 21, 2006 as Instrument No. 2006025145, Records of Klamath County, Oregon and re-recorded on February 23, 2007 as Instrument No. 2007003113, Records of Klamath County, Oregon (the "Mortgage"). The Note is also secured by other security instruments (collectively, the "Other Security Documents"). In connection with the Note, the Borrower executed and delivered to Assignor an Environmental Indemnity Agreement with respect to environmental condition of the property. Assignor wishes to assign its interest in the Note, the Mortgage, the Other Security Documents and the Environmental Indemnity Agreement to Assignee.

NOW, THEREFORE, ASSIGNOR, for good and valuable consideration and receipt of which is acknowledged hereby, assigns, sets over and transfers to Assignee, all of Assignor's right, title and interest in and to the Note and the indebtedness evidenced thereby, without recourse, and the Mortgage, the Other Security Documents and the Environmental Indemnity Agreement.

IN WITNESS WHEREOF, Assignor has executed this Assignment of Note and Mortgage on the date and year first written above.

HARVEST CAPITAL COMPANY  
an Oregon corporation

By: \_\_\_\_\_

Name: Brian L. Field

Its: President

20060119

AMERITITLE, has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

47 Amst

# ACKNOWLEDGMENT

STATE OF OREGON           )  
  ) ss.  
County of CLACKAMAS    )

On this 2<sup>nd</sup> day of March, 2011, before me personally appeared Brian L. Field to me known to be the President of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of the corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument and that the seal affixed is the corporate seal of this corporation.

Give under my hand this 2<sup>nd</sup> day of March, 2011.



*Royce Ann Simmons*  
Signature

## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1

Government Lot 33 in Section 20, Township 35 South, Range 7 East, Willamette Meridian, in Klamath County, Oregon.

#### PARCEL 2

A parcel of land situated in the SW¼ of Section 20, Township 35 South, Range 7 East, Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin in an existing east-west fence line from which the fence corner marking the South ¼ Section corner of Section 20, Township 35 South, Range 7 East, Willamette Meridian bears North 89° 39' 05" East 165.95 feet distant; thence North 4 degrees 50' 15" East 665.53 feet to a 5/8 inch iron pin in the Southerly fence of an existing roadway; thence North 4° 50' 15" East 18.25 feet to a point on the apparent centerline of said existing roadway; thence North 89° 40' 10" West 540.60 feet along said centerline to a point; thence South 16.37 feet to a 5/8 inch iron pin in the Southerly road fence; thence South 667.07 feet to a 5/8 inch iron pin in an existing east-west fence; thence South 89° 52' 45" East 482.94 feet to the point of beginning. SAVING AND EXCEPTING THEREFROM any portion thereof in Government Lot 33 in Section 20, Township 35 South, Range 7 East, Willamette Meridian.

#### PARCEL 3

A piece or parcel of land situate in portions of Government Lots 36 and 37, Section 20, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the quarter section corner common to Sections 20 and 29, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, as established by an existing fence corner; thence South 89° 39' 05" West 165.95 feet to a point marked by a 5/8 inch iron pin; thence North 4° 50' 15" East, 665.53 feet to a 5/8 inch iron pin in the Southerly fence of an existing roadway; thence North 4° 50' 15" East, 18.25 feet to a point on the apparent center-line of said existing roadway; thence South 89° 40' 10" East along said roadway center-line 154.74 feet to a point on the apparent center-line of an existing North-South road; thence South 0° 30' 00" West along the centerline of said North-South road 678.86 feet to a point on the South line of Section 20, marked by a 5/8 inch iron pin; thence South 89° 09' 10" West along the Section line 40.53 feet to the point of beginning.

#### PARCEL 4

Government Lots 32 and 37 also known as SW¼ SE¼ of Section 20, Township 35 South, Range 7 East of the Willamette Meridian, in Klamath County, Oregon.

#### PARCEL 5

The following described property in Section 22, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon:

Government Lots 4 and 9, that portion of the S1/2 NE1/4 lying Westerly of the Southern Pacific Railroad right-of-way and that portion of the E1/2 SE1/4 lying Westerly of the Southern Pacific railroad right-of-way and North of the plat of Tract 1314 – PINE RIDGE RANCHES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.