

NTC1396-10414

2011-003392

Klamath County, Oregon



00098701201100033920030035

03/09/2011 11:18:49 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 DEED OF TRUST

This Assignment of Note and Deed of Trust 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 March 17, 2010 made by ROBERT S. BERMAN ("**Borrower**"), to the order of Assignor in the original principal amount of \$1,050,000 (the "**Note**"). The Note is secured by a Deed of Trust encumbering real property in Klamath County, Oregon described on attached Exhibit A which was recorded March 24, 2010 as Instrument No. 2010003658, Records of Klamath County, Oregon (the "**Deed of Trust**"). 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 Deed of Trust, 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 Deed of Trust, the Other Security Documents and the Environmental Indemnity Agreement.

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

HARVEST CAPITAL COMPANY  
an Oregon corporation

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

Name: Brian L. Field  
Its: President

70560278.1 0021392-00001

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 pms

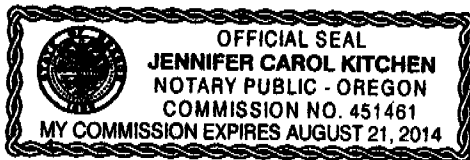
1

**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.



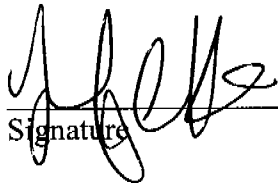
  
\_\_\_\_\_  
Signature

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN KLAMATH COUNTY, OREGON,  
TO WIT:

TOWNSHIP 38 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH  
COUNTY, OREGON.

SECTION 21: EAST HALF OF THE EAST HALF

SECTION 22: NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SOUTH  
HALF OF THE NORTHWEST QUARTER, SOUTHWEST QUARTER,  
SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER

SECTION 27: EAST HALF, NORTH HALF OF THE NORTHWEST QUARTER,  
SOUTHEAST QUARTER OF THE NORTHWEST QUARTER

SECTION 28: NORTHEAST QUARTER OF THE NORTHEAST QUARTER

SECTION 34: NORTH HALF OF THE NORTHEAST QUARTER

EXCEPTING THEREFROM ALL OF THE FOLLOWING PARCEL LYING EAST OF THE  
BLY/BONANZA CUT OFF ROAD:

TOWNSHIP 38 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH  
COUNTY, OREGON.

SECTION 22: SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER

SECTION 27: EAST HALF

SECTION 34: NORTH HALF OF THE NORTHEAST QUARTER

PARCEL 2:

ALL OF THE FOLLOWING PARCEL LYING EAST OF THE BLY/BONANZA CUT OFF ROAD:

TOWNSHIP 38 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH  
COUNTY, OREGON.

SECTION 22: SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER

SECTION 27: EAST HALF

SECTION 34: NORTH HALF OF THE NORTHEAST QUARTER