

1st Courtesy

2011-012070

Klamath County, Oregon



00109330201100120700060060

10/27/2011 02:34:08 PM

Fee: \$62.00

After recording return to:

Tarlow Naito & Summers, LLP
150 SW Harrison St., Suite 200
Portland OR 97201

Send tax statements to:

No change

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TRUST DEED

THIS TRUST DEED, made this 20th day of October, 2011, between Kenneth S. Eiler, ("Receiver"), herein called Grantor, acting in his capacity as Receiver and not individually, by appointment by the Honorable Suzanne M. Upton and as supplemented by the Stipulated Order signed by the Honorable D. Charles Bailey on October 13, 2011, in Washington County Circuit Court Case No. C112822CV, *Columbia Community Bank Corporation v. The Mortgage Exchange, Inc., et al.* (the "Court Case"); First American Title Insurance Company, as Trustee; and Columbia Community Bank, an Oregon corporation, and Kenneth S. Eiler, Receiver, as Joint Beneficiaries.

Grantor irrevocably grants, bargains, sells, and conveys to Trustee in trust, with power of sale, certain real property located in Klamath County, Oregon as follows:

See Exhibit A attached hereto and incorporated herein (the "Property");

together with all and singular the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in any way now or hereafter appertaining, and the rents, issues and profits thereof, and all fixtures now or hereafter attached to or used in connection with said real estate.

The Property described herein is owned by certain parties, including the defendants in the Court Case, and is subject to the terms of the Stipulated Order dated October 13, 2011.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of the terms of the Stipulated Order, together with the payment of the sum of FOUR MILLION TWO HUNDRED SEVENTY THOUSAND TWO HUNDRED THIRTY-TWO and No/100 Dollars (\$4,270,232.00), with interest thereon, according to the terms of Stipulated Order.

This trust deed applies to, insures to the benefit of and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, personal representatives, successors and assigns. The term Beneficiary shall mean the holder and owner, including any assignee, of the Stipulated Order secured hereby, whether or not named as a Beneficiary herein. In construing this deed and whenever the context

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so requires, the masculine gender includes the feminine and the neuter, and the singular number includes the plural.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand the day and year first above written.

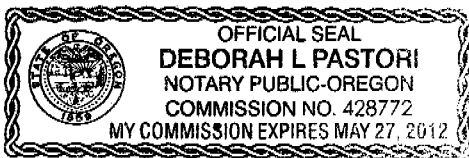
Grantor:

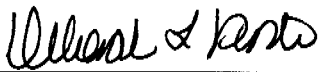
By: 

Kenneth S. Eiler, Receiver
Appointed in Washington County Circuit Court
Case No. C112822CV

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on October 20, 2011, by Kenneth S. Eiler as Receiver appointed in Washington County Circuit Court Case No. C112822CV.




Notary Public for Oregon
My Commission Expires: 5.27.2012

REQUEST FOR FULL RECONVEYANCE

To be used only when obligations have been paid.

TO: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by the foregoing trust deed. All sums secured by said trust deed have been fully paid and satisfied. You hereby are directed, on payment to you of any sums owing to you under the terms of said trust deed or pursuant to statute, to cancel all evidences of indebtedness secured by said trust deed (which are delivered to you herewith together with said trust deed) and to reconvey, without warranty, to the parties designated by the terms of said trust deed the estate now held by you under the same. Mail reconveyance and documents to _____.

DATED: _____

Beneficiary

Beneficiary

Do not lose or destroy this Trust Deed OR THE NOTE which it secures. Both must be delivered to the Trustee for cancellation before reconveyance will be made.

Exhibit "A"

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

PARCEL 1:

LOTS 19 AND 20 IN TRACT 1383, SIERRA HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PARCEL 2:

TOWNSHIP 40 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON:

SECTION 6: THAT PORTION OF GOVERNMENT LOT 7 LYING WESTERLY OF KENO-WORDEN HIGHWAY EXCEPTING THEREFROM:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN; THENCE NORTH 300 FEET; THENCE EAST TO THE MEANDER LINE OF THE SWAMP; SAME BEING THE WESTERLY BOUNDARY OF THE C.V. NELSON PROPERTY; THENCE SOUTHEASTERLY ALONG SAID MEANDER LINE TO THE SECTION LINE BETWEEN SECTIONS 6 AND 7 OF SAID TOWNSHIP AND RANGE; THENCE WEST TO THE PLACE OF BEGINNING, KLAMATH COUNTY, OREGON.

SECTION 7: NORTH 1/2 NORTHWEST 1/4 AND SOUTHWEST 1/4 NORTHWEST 1/4.

TOWNSHIP 41 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON:
SECTION 18: GOVERNMENT LOTS 1, 2, 3 AND 4.

PARCEL 3:

PARCEL 3 OF LAND PARTITION 11-92 SITUATED IN THE SOUTHWEST QUARTER OF SECTION 6, AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, ALL IN TOWNSHIP 39 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, FILED IN THE OFFICE OF THE COUNTY CLERK, ON JULY 09, 1993, RECORDS OF KLAMATH COUNTY, OREGON.

ALSO, COMMENCING AT THE WEST 1/16 CORNER COMMON TO SECTIONS 6 AND 7, TOWNSHIP 39 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN; THENCE N. 00° 07' 00" EAST 259.45 FEET TO A 5/8" IRON PIN; THENCE N. 49° 37' 00" EAST 627.09 FEET TO A 5/8" IRON PIN; THENCE NORTH 58° 09' 25" EAST 171.49 FEET; THENCE NORTH 28° 30' 00" EAST 84.29 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 61° 30' 00" WEST 80.00 FEET; THENCE NORTH 28° 30' 00" EAST 25.71 FEET; THENCE SOUTH 61° 30' 00" EAST 80.00 FEET; THENCE SOUTH 28° 30' 00" WEST 25.71 FEET TO THE POINT OF BEGINNING.

SAVING AND EXCEPTING, THE FOLLOWING: COMMENCING AT THE WEST 1/16TH CORNER COMMON TO SECTIONS 6 AND 7 TOWNSHIP 39 SOUTH, RANGE 10 EAST WILLAMETTE MERIDIAN; THENCE NORTH 00° 07' 00" EAST 259.45 FEET TO A 5/8" IRON PIN; THENCE NORTH 49° 37' 00" EAST 627.09 FEET TO A 5/8" IRON PIN; THENCE NORTH 58° 09' 25" EAST 171.49 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE NORTH 61° 30' 00" WEST 80.00 FEET; THENCE NORTH 28° 30' 00" EAST 84.29 FEET; THENCE NORTH 61° 30' 00" WEST 58.38 FEET; THENCE SOUTH 28° 30' 00" WEST 160.00 FEET; THENCE SOUTH 61° 30' 00" EAST 176.00 FEET; THENCE NORTH 28° 30' 00" EAST 160.00 FEET; THENCE NORTH 61° 30' 00" EAST 37.62 FEET; THENCE SOUTH 28° 30' 00" WEST 84.29 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

ALL THAT PORTION OF LOT 7, SECTION 6, TOWNSHIP 39 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE S. 89°59'00" E. ALONG THE SOUTH LINE OF SAID SECTION 6 (N. 89°58" E. BY DEED RECORDED M-65 ON PAGE 446) A DISTANCE OF 794.00 FEET; THENCE N. 00°01'00" E. AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 6 (N. 00°02' W. BY SAID DEED RECORD) A DISTANCE OF 153.70 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING N. 00°01'00" E. A DISTANCE OF 216.30 FEET, MORE OR LESS, TO THE LOWER BANK OF THE ENTERPRISE IRRIGATION DITCH; THENCE EASTERLY AND SOUTHERLY ALONG THE LOWER BANK OF SAID DITCH A DISTANCE OF 660 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 6; THENCE N. 89°59'00" W. ALONG THE SOUTH LINE OF SAID SECTION 6 A DISTANCE OF 35.50 FEET; MORE OR LESS, TO THE POINT THAT IS S. 89°59'00" E. A DISTANCE OF 909.50 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE N. 00°19'20" W. PARALLEL WITH THE WEST LINE OF SAID SECTION 6 A DISTANCE OF 153.70 FEET; THENCE N. 89°05'00" W. A DISTANCE OF 114.60 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL 5:

A PARCEL OF LAND LOCATED IN THE W 1/2 OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON PIN WHICH IS SOUTH 89°54'36" EAST 60 FEET FROM THE NORTHEAST CORNER OF LOT 1 IN BLOCK 1 WHISPERING PINES SUBDIVISION, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF WHISPERING PINES DRIVE; THENCE SOUTH 0°04' EAST 375.90 FEET TO A 5/8 INCH IRON PIN WHICH IS THE TRUE POINT OF BEGINNING; THENCE EAST 703.0 FEET TO A 5/8 INCH IRON PIN WHICH IS ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE KENO-WORDEN HIGHWAY; THENCE ALONG THE SOUTHWESTERLY RIGHT OF WAY OF SAID HIGHWAY SOUTH 31°33' EAST A DISTANCE OF 324.27 FEET TO A 5/8 INCH IRON PIN; THENCE WEST 872.67 FEET TO A 5/8 INCH IRON PIN ON THE EAST RIGHT OF WAY OF A PROPOSED 60 FOOT ROAD; THENCE NORTH 0°04' WEST 276.35 FEET ALONG THE EAST RIGHT OF WAY OF SAID PROPOSED ROAD TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT OVER AND ACROSS THE FOLLOWING DESCRIBED TRACT OF LAND SITUATED IN THE NE 1/4 SW 1/4 AND THE SE 1/4 NW 1/4 OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED VOLUME M83 PAGE 4375 OF THE KLAMATH COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 IN BLOCK 1 OF "KENO WHISPERING PINES"; THENCE ALONG THE BOUNDARY OF SAID "KENO WHISPERING PINES", SOUTH 00°03'7" EAST 603.80 FEET TO THE C-W 1/16 CORNER OF SAID SECTION 6; THENCE EAST A DISTANCE OF 60 FEET TO A POINT; THENCE NORTH 00°03'57" WEST 276.35 FEET; THENCE CONTINUING NORTH 00°03'57" WEST 375.90 FEET; THENCE SOUTH 89°54'36" WEST 60 FEET TO THE POINT OF BEGINNING.

A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 5 IN SE 1/4 NW 1/4 OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8 INCH IRON PIN WHICH IS SOUTH 0°03'59" EAST 2050.32 FEET AND SOUTH 89°54'36" EAST 1385.73 FEET FROM THE NORTHWEST CORNER OF SECTION 6 AND IS ALSO SOUTH 89°54'36" EAST 60.0 FEET FROM THE NORTHEAST CORNER OF LOT 1 IN BLOCK 1 OF KENO WHISPERING PINES SUBDIVISION, WHICH POINT OF BEGINNING IS ALSO ON THE EAST RIGHT OF WAY LINE OF A PUBLIC ROAD; THENCE CONTINUING EAST ALONG THE SOUTH LINE OF PROPERTY DESCRIBED IN DEED FROM BEN L. SNOWGOOSE, ET UX., TO EDWARD J. SHIPSEY, ET UX, RECORDED MAY 6, 1968 DEED VOLUME M68 PAGE 4060, RECORDS KLAMATH COUNTY, OREGON, A DISTANCE OF 455.09 FEET TO A 5/8 INCH IRON PIN ON THE WESTERLY RIGHT OF WAY LINE OF THE KENO-WORDEN COUNTY ROAD; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 34°10'53" EAST A DISTANCE OF 321.20 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE SOUTH 31°33' EAST 129.30 FEET TO A 5/8 INCH IRON PIN; THENCE WEST 703.00 FEET TO A 5/8 INCH IRON PIN ON THE EASTERLY LINE OF THE SOUTHERLY PROJECTION OF THE AFORESAID PUBLIC ROAD; THENCE ALONG SAID EAST LINE NORTH 0°03'57" WEST 375.90 FEET TO THE POINT OF BEGINNING, AND

TRACT OF LAND SITUATED IN THE NE 1/4 SW 1/4 AND THE SE 1/4 NW 1/4 OF SECTION 6, TOWNSHIP 40 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED VOLUME M83 PAGE 4375 OF THE KLAMATH COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 BLOCK 1 OF "KENO WHISPERING PINES"; THENCE ALONG THE BOUNDARY OF SAID "KENO WHISPERING PINES", SOUTH 00°03'57" EAST 603.80 FEET TO THE C-W 1/16 CORNER OF SAID SECTION 6, AND SOUTH 00°01'15" WEST 273.55 FEET; THENCE SOUTH 89°59'24" EAST 530.06 FEET; THENCE NORTH 71°13'12" EAST 471.36 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE KENO-WORDEN ROAD; THENCE NORTH 41°33'00" WEST, ALONG SAID RIGHT OF WAY LINE, 86.1 FEET, MORE OR LESS, TO THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED VOLUME M72 PAGE 12797; THENCE, ALONG THE LINES OF SAID TRACT, WEST 871.3 FEET, MORE OR LESS, TO A 5/8 INCH IRON PIN AND NORTH 00°03'57" WEST 276.35 FEET; THENCE CONTINUING NORTH 00°03'57" WEST 375.90 FEET; THENCE SOUTH 89°54'36" WEST 60.00 FEET TO THE POINT OF BEGINNING.

Tax Parcel Number: