

2013-003606

Klamath County, Oregon

04/04/2013 03:32:08 PM

Fee: \$57.00

MC 95969
PREPARED BY AND RETURN TO:
Benjamin A. Kelley, Esq.
Ballard Spahr LLP
300 East Lombard Street, 18th Floor
Baltimore, Maryland 21202

**TERMINATION OF SUBORDINATION, ASSIGNMENT AND SECURITY
AGREEMENT**

WHEREAS, Pelican Pointe Assisted Living, LLC, an Oregon limited liability company ("**Borrower**"), Red Mortgage Capital, LLC, a Delaware corporation ("**Original Lender**"), and KF Pointe, LLC, an Oregon limited liability company, entered into that certain Subordination, Assignment and Security Agreement dated March 30, 2012, and recorded among the land records of Klamath County, Oregon (the "**Land Records**"), on March 30, 2012, as Instrument No. 2012-003326 (the "**Subordination Agreement**"), affecting the real property more fully described on **Exhibit A** attached hereto;

WHEREAS, Original Lender assigned its interest in the Subordination Agreement to FANNIE MAE, the body corporate duly organized under the Federal National Mortgage Association Charter Act, as amended, 12 U.S.C. §1716 et seq. and duly organized and existing under the laws of the United States ("**Fannie Mae**") pursuant to that certain Assignment of Collateral Agreements and Other Loan Documents dated March 30, 2012, and

WHEREAS, Fannie Mae hereby desires to terminate and release the Subordination Agreement;

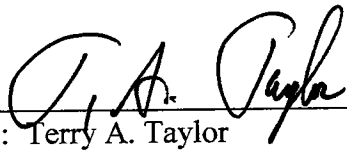
NOW THEREFORE, Fannie Mae does hereby terminate and release the Subordination Agreement.

IN WITNESS WHEREOF, Fannie Mae has caused this Termination of Subordination, Assignment and Security Agreement to be executed effective as of March 28, 2013.

[SIGNATURE APPEARS ON THE FOLLOWING PAGE]

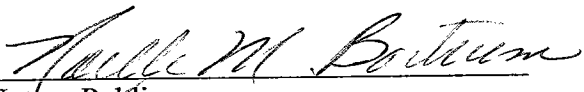
47 AMT

RED MORTGAGE CAPITAL, LLC,
a Delaware limited liability company,
as Attorney-In-Fact for Fannie Mae

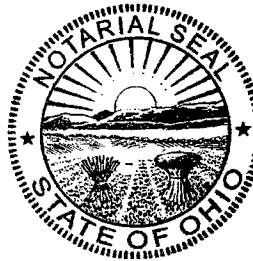
By: 
Name: Terry A. Taylor
Title: Managing Director

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

This instrument was acknowledged before me on March 25th, 2013, by Terry A. Taylor, as the Managing Director of RED MORTGAGE CAPITAL, LLC, a Delaware limited liability company, as Attorney-in-Fact for FANNIE MAE.


Notary Public

My commission expires: 10-3-17



Noelle M. Bartrum
Notary Public, State of Ohio
My Commission Expires 10-3-2017

EXHIBIT A
Legal Description

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

PARCEL 1:

THAT PORTION OF TRACT 40B LYING SOUTH AND WESTERLY OF THE U.S.B.R. "A" CANAL AND EASTERLY OF WASHBURN WAY AND ALL OF TRACT 40C, ENTERPRISE TRACTS, IN THE COUNTY OF KLAMATH, STATE OF OREGON. EXCEPTING THEREFROM THAT PORTION DEEDED TO KLAMATH COUNTY IN VOLUME 335, PAGE 87, AND PARCEL DEEDED TO UNITED STATE OF AMERICA FOR CANALS AND LATERALS RECORDED JUNE 25, 1909 IN VOLUME 27, PAGE 236 AND IN VOLUME 38, PAGES 209 AND 210, ALL DEED RECORDS OF KLAMATH COUNTY, OREGON, AND THAT PORTION OF TRACT 40C DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE-HALF INCH IRON PIN ON THE EAST RIGHT OF WAY LINE OF WASHBURN WAY, SAID POINT BEING NORTH 00° 20' 00" EAST ALONG THE CENTERLINE OF WASHBURN WAY AND ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 332.19 FEET AND SOUTH 89° 33' 03" EAST A DISTANCE OF 30.00 FEET FROM THE 5/8 INCH IRON PIN MARKING THE WEST ONE-QUARTER CORNER OF SECTION 34; THENCE NORTH 00° 20' 00" EAST ALONG THE EAST RIGHT OF WAY LINE OF WASHBURN WAY A DISTANCE OF 285.00 FEET TO A ONE-HALF INCH IRON PIN; THENCE SOUTH 89° 33' 03" EAST PARALLEL WITH THE NORTH LINE OF "MILLS GARDEN" SUBDIVISION A DISTANCE OF 472.43 FEET TO A ONE-HALF INCH IRON PIN; THENCE CONTINUING SOUTH 89° 33' 03" EAST A DISTANCE OF 29 FEET MORE OR LESS, TO THE WESTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A" CANAL; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE IN THE NORTH LINE OF "MILLS GARDEN" SUBDIVISION; THENCE NORTH 89° 33' 03" WEST ALONG THE NORTH LINE OF "MILLS GARDEN" (SOUTH 89° 45' WEST BY SAID SUBDIVISION PLAT) A DISTANCE OF 20.96 FEET, MORE OR LESS, TO A TWO-INCH IRON PIPE; THENCE CONTINUING NORTH 89° 33' 03" WEST ALONG SAID SUBDIVISION LINE A DISTANCE OF 606.40 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDARIES OF WASHBURN WAY.

PARCEL 2:

A TRACT OF LAND SITUATED IN TRACTS 40B AND 40C, ENTERPRISE TRACTS, IN THE NW 1/4 OF SECTION 34, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED NORTH 0 DEGREES 24' WEST A DISTANCE OF 792.2 FEET FROM THE TWO-INCH PIPE MARKING THE INITIAL POINT OF "MILLS GARDENS" SUBDIVISION, SAID INITIAL POINT BEING NORTH 0 DEGREES 24' WEST A DISTANCE OF 15.0 FEET AND NORTH 89 DEGREES 45' EAST A DISTANCE OF 30.0 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 34 ACCORDING TO THE OFFICIALLY RECORDED PLAT OF SAID "MILLS GARDENS" SUBDIVISION; THENCE NORTH 0 DEGREES 24' WEST A DISTANCE OF 85.0 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 36' EAST A DISTANCE OF 100.0 FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 24' EAST A DISTANCE OF 85.0 FEET TO AN IRON PIN; THENCE SOUTH 89 DEGREES 36' WEST A DISTANCE OF 100.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION LYING WITHIN THE BOUNDARIES OF WASHBURN WAY.