

2013-013779

Klamath County, Oregon



00146324201300137790060063

12/17/2013 10:47:29 AM

Fee: \$62.00

RETAIL TRUST III
PROPERTY NO.: 1772
COUNTY: Klamath
STATE: Oregon

RELEASE OF MORTGAGE

THIS RELEASE OF MORTGAGE (this "Release") is made effective as of December 24, 2012, by **U.S. BANK NATIONAL ASSOCIATION**, a national banking association, as successor in interest to State Street Bank and Trust Company of Connecticut, National Association, not in its individual capacity, but solely as Corporate Indenture Trustee ("Corporate Indenture Trustee"), and **TODD DINEZZA**, as successor in interest to Sandy Lamarr Cody, not in his individual capacity, but solely as Co-Indenture Trustee ("Co-Indenture Trustee," together with the Corporate Indenture Trustee, the "Indenture Trustees"), (collectively, the "Mortgagee"), under the Mortgage as defined below. All capitalized terms used herein but not defined shall have the meaning given to them in the Mortgage (defined below).

WITNESSETH

WHEREAS, Retail Trust III, a Delaware statutory trust (the "Mortgagor"), by that certain Indenture, Mortgage and Deed of Trust, Assignment of Rents and Security Agreement dated December 1, 1992, between the Mortgagor and the Mortgagee, as has been supplemented from time to time, (collectively, the "Mortgage"), for the consideration therein mentioned and to secure payment of one certain Mortgage Note described therein issued under the Indenture (the "Mortgage Note"), did mortgage certain property therein described located in Klamath Falls, Klamath County, Oregon, to the Mortgagee; and

WHEREAS, the Mortgage Note has been paid in full, the Mortgage has been satisfied and discharged, and the present owner and holder of the Mortgage has been requested to release the property described on Exhibit A attached hereto (the "Property") from the lien of the Mortgage;

NOW THEREFORE, in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree to the following:

RELEASE OF MORTGAGE

KLAMATH FALLS, KLAMATH COUNTY, OREGON – Page 1

Re: Vol. M93, Page 215

1. Mortgagee hereby releases the Property from the lien and the operation of the Mortgage and reconveys, without warranty, to the person or persons entitled thereto, the Property.
2. Mortgagee hereby releases the Property from the lien and operation of all UCC Financing Statements from Mortgagor, as debtor, in favor of Mortgagee, as secured party, recorded in the Real Property Records of Klamath County, Oregon, as said UCC Financing Statements may have been amended from time to time. Furthermore, Mortgagee authorizes filing of the UCC financing statement documents described on and/or attached hereto as Exhibit B and made a part hereof.
3. This Release may be executed in counterparts, each of which will be deemed an original and will be binding upon the party that executed same, but all of which will constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have duly executed this Release to be effective as of the day and year above written.

U.S. BANK NATIONAL ASSOCIATION, a national banking association, as successor in interest to State Street Bank and Trust Company of Connecticut, National Association, not in its individual capacity, but solely as Corporate Indenture Trustee

By: Todd R Di Nezza
Name: Todd DiNezza
Title: Assistant Vice President

Todd R. Di Nezza
TODD DINEZZA, as successor in interest to Sandy Lamarr Cody, not in his individual capacity, but solely as Co-Indenture Trustee

COMMONWEALTH OF MASSACHUSETTS)

) SS.

COUNTY OF SUFFOLK

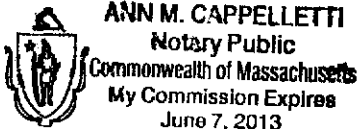
)

I, Ann Cappelleth, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that TODD DINEZZA, personally known to me to be the ASSISTANT VICE PRESIDENT of **U.S. BANK NATIONAL ASSOCIATION**, a national banking association, as successor in interest to State Street Bank and Trust Company of Connecticut, National Association, not in its individual capacity, but solely as Corporate Indenture Trustee, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Assistant Vice President he signed and delivered the said instrument, pursuant to authority given by the Board of Directors of said Corporate Indenture Trustee as his/her free and voluntary act and as the free and voluntary act and deed of said Corporate Indenture Trustee, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 23rd day of April, 2013.


Notary Public


My Commission Expires:



COUNTY OF SUFFOLK

GIVEN under my hand and official seal this 23rd day of April, 2013.

Notary Public

 ANN M. CAPPELLETTI
Notary Public
Commonwealth of Massachusetts
My Commission Expires
June 7, 2013

Tiffany Burnett
c/o Real Estate Entity Management
Wal-Mart Realty
2001 S.E. 10th Street
Mail Stop 5525
Bentonville, AR 72712

EXHIBIT A TO RELEASE OF MORTGAGE

PROPERTY

A TRACT OF LAND SITUATED IN LOTS 1, 2, AND 3, BLOCK 1, OF "TRACT 1080 - WASHBURN PARK", ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, AND THE SE1/4 NE1/4 OF SECTION 9, T39S, R9EWM, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE S00°02'00"E, ALONG THE EAST LINE OF SAID LOT 2, 60.00 FEET; THENCE S89°58'00"W 209.00 FEET; THENCE S00°02'00"E 209.00 FEET; THENCE N89°58'00"E 181.66 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE ALONG THE BOUNDARIES OF SAID LOTS 2 AND 1, ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS POINT BEARS N68°55'22"W 532.96 FEET AND CENTRAL ANGLE EQUALS 49°28'52") 460.27 FEET, ALONG THE ARC OF A SPIRAL CURVE TO THE RIGHT (THE LONG CHORD OF WHICH BEARS S84°01'29"W 384.34 FEET) 386.00, N89°26'30"W 40.35 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, AND N89°26'30"W 359.98 FEET TO A POINT FROM WHICH THE SOUTHWEST CORNER OF SAID LOT 1 BEARS N89°26'30"W 260.00 FEET; THENCE N00°07'15"W, PARALLEL TO THE WEST LINE OF SAID LOT 1, 619.18 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE CONTINUING N00°07'15"W 32.00 FEET; THENCE S89°25'35"E 359.98 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE N89°58'00"E 771.06 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE S00°02'00"E 32.00 FEET TO THE POINT OF BEGINNING, CONTAINING 14.519 ACRES, MORE OR LESS, AND WITH BEARINGS BASED ON SAID "TRACT 1080 -- WASHBURN PARK".

TOGETHER WITH the benefits of an easement granted in that certain Agreement of Easement with Covenants and Restrictions Affecting Land between Wal-Mart Stores, Inc. and Washburn Enterprises, Inc. dated May 21, 1991, and recorded June 25, 1991, in M91, Page 12081.

EXHIBIT B

UCC FINANCING STATEMENT AMENDMENTS AUTHORIZED FOR FILING

The Indenture Trustees hereby authorize the following:

1. The UCC financing statements, amendments and/or termination statements in respect of the Property attached hereto and incorporated herein.
2. Such other filings as may be necessary and/or appropriate to release or terminate any security interest of the Indenture Trustees in and to the Property under or pursuant to the Indenture and/or Supplemental Indenture.