

2014-000747

Klamath County, Oregon

Recording Requested By:

Britt Miller, Vice President
Nebraska State Bank



01/28/2014 09:52:03 AM

Fee: \$57.00

And When Recorded Return To:

Nebraska State Bank
P.O. Box 260
Oshkosh, NE 69154

The undersigned hereby affirm that there is no Social
Security number contained in this document

MODIFICATION AND SUPPLEMENT TO MORTGAGE AND NOTICE OF ADDITIONAL ADVANCE

This Modification and Supplement to Mortgage and Notice of Additional Advance ("Modification and Supplement"), made January 13, 2014, by and between Dennis R. Hynes trustee of the J & J Family Trust, whose address is 13131 Hwy 39, Klamath Falls, OR 97603 (hereinafter referred to as "Trustor") and Nebraska State Bank, whose address is P.O. Box 260, Oshkosh, NE 69154, hereinafter referred to as "Lender".

WITNESSETH

That whereas, on January 19, 2007 Trustor did make, execute and deliver to Lender that certain Mortgage recorded January 24, 2007, Instrument No. 2007-001274, official records of Klamath County, State of Oregon securing a promissory note dated January 19, 2007 for the amount of \$50,000 in favor of Lender and covering the following described real property:

Refer to Exhibit "A" attached hereto and incorporated herein by reference thereto

And whereas, the Mortgage provides that the same is also given to secure the payment of such additional sum or sums that may hereafter be advanced by Lender to Trustor and said Trustor wishes to borrow additional sums and to provide notice of such additional amounts;

And whereas, the parties hereto desire to modify and supplement said Mortgage as follows:

NOW, THEREFORE, FOR VALUE RECEIVED, NOTICE OF THE FUTURE ADVANCE IS HEREBY GIVEN AS DESCRIBED BELOW AND THE MORTGAGE SHALL BE MODIFIED AND SUPPLEMENTED AS DESCRIBED BELOW:

I. NOTICE.

NOTICE IS HEREBY GIVEN that Nebraska State Bank has advanced to Trustor an additional \$100,000; the said amount is payable with interest as prescribed in a promissory note dated January 13, 2014, and that the said advance is acknowledged by the undersigned to be secured by the hereinabove referred to Mortgage pursuant to the provisions recited therein.

FURTHER NOTICE IS HEREBY GIVEN that the balance owing secured by the hereinabove referred to Mortgage to the date hereof totals \$150,000.

II. MODIFICATION OF MORTGAGE.

Lender and Trustor hereby modify the Mortgage as follows:


Increase indebtedness from \$50,000 to \$150,000.

Lender and Trustor do hereby agree that in all other respects not inconsistent herewith the terms of said Mortgage, which is incorporated therein by reference thereto, shall remain in full force and effect and be binding hereon. Said Mortgage as herein modified and supplement shall constitute one Mortgage.

This agreement shall inure to and bind the heirs, devisees, successors and assigns of the parties hereto.

In witness whereof, the parties hereto have executed this agreement the day and year first above written.

Trustor


Dennis R. Hynes, Trustee

Lender

Nebraska State Bank

By: Britt R. Miller, VP

Britt R. Miller
Vice President

[This document must be acknowledged before a Notary Public]

OREGON ALL-PURPOSE ACKNOWLEDGMENT

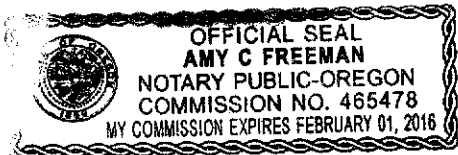
State of Oregon)
County of Klamath) ss.

On January 23, 2014 before me, Amy C Freeman, Notary Public

Personally appeared: Dennis R. Hynes

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

To be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

Amy C Freeman

State of Nebraska)
County of Garden) ss.

On January 13, 2014 before me, James R. Levick, Notary Public

Personally appeared: Britt R. Miller, Vice President of Nebraska State Bank

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

To be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

James R. Levick

EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land situated in Sections 20, 21, 28, and 29, all in Township 40 South, Range 10 East, Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the point of intersection of the Northeasterly right of way line of State Highway No. 39 (Merrill Highway) and the section line common to said Section 28 and 29; thence Northwesterly along said Northeasterly right of way line to the West line of the SE1/4 SE1/4 of said Section 20; thence Northerly along the West line of the SE1/4 SE1/4 of said Section 20 to the centerline of the U.S.B.R. No. 5 drain; thence Easterly along said drain to the Section line common to said Sections 20 and 21; thence East to the East line of the SW1/4 SW1/4 of said Section 21; thence Southerly along the East line of the SW1/4 SW1/4 of said Section 21 and the East line of the W1/2 NW1/4 of said Section 28 to the Southwesterly right of way line of the Southern Pacific Railroad; thence Southeasterly along said railroad right of way line to the South line of the NW1/4 of said Section 28; thence Westerly along the South line of the said NW1/4 to the Southwest corner of the NW1/4 of said Section 28; thence Northerly along the West line of the NW1/4 of said Section 28 to the Point of Beginning. The above described tract of land includes the right of Fred Hess, John Hess and Paul Hess, their heirs or assigns to use and maintain the existing road beginning at the intersection of Highway 39 and the line common to Sections 28 and 29, Township 40 South, Range 10 East, Willamette Meridian, running thence Northerly and Easterly to the NE1/4 SW1/4 of said Section 21.

EXCEPTING THEREFROM all that portion of the W 1/2 NW 1/4 of said Section 28 lying Easterly of the centerline of the USBR 5-H Drain; AND EXCEPTING THEREFROM all that portion of the W 1/2 NW 1/4 of said Section 28 lying Southwesterly of the Northerly line of State Hwy No. 39 (Klamath Falls - Malin Highway).

AND EXCEPTING THEREFROM all that portion of the SW 1/4 SW 1/4 of Section 21 lying Northeasterly and Easterly of the USBR 5-H Drain.

AND EXCEPTING THEREFROM any portion thereof in the SW 1/4 SW 1/4 of Section 21 lying within the boundaries of the USBR No. 5 Drain.

AND EXCEPTING THEREFROM any portions of the above described property lying within the boundaries of State Hwy 39, Wong Road, Chin Road and Buesing Road.