

2016-004313

Klamath County, Oregon



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04/28/2016 09:48:24 AM

Fee: \$57.00

**WHEN RECORDED MAIL TO:**

Banner Bank  
Bothell Loan Service Center  
P.O. Box 1589  
Bothell, WA 98041

**SEND TAX NOTICES TO:**

BK Ranch, LLC  
P. O. Box 644  
Condon, OR 97823

**FOR RECORDER'S USE ONLY**

**MODIFICATION OF DEED OF TRUST**

**THIS MODIFICATION OF DEED OF TRUST** dated April 14, 2016, is made and executed between BK Ranch, LLC, An Oregon Limited Liability Company, whose address is 61645 Hwy 19, Condon, OR 97823 ("Grantor") and Banner Bank, whose address is Hermiston Commercial Banking Center, 100 E. Gladys Ave., Suite A, Hermiston, OR 97838 ("Lender").

**DEED OF TRUST.** Lender and Grantor have entered into a Deed of Trust dated October 9, 2015 (the "Deed of Trust") which has been recorded in Klamath County, State of Oregon, as follows:

Recorded on October 19, 2015 under Recording Number 2015-011467, records of Klamath County, State of Oregon.

**REAL PROPERTY DESCRIPTION.** The Deed of Trust covers the following described real property located in Klamath County, State of Oregon:

See Exhibit A, which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 22450 Campbell Road & 22500 Campbell Road, Bly, OR 97622. The Real Property tax identification number is Code No. 092 Account No. R363378 Map No. R-3614-00000-02700-000; Code No. 092 Account No. R363680 Map No. R-3614-00000-03300-000; Code No. 092 Account No. R363671 Map No. R-3614-00000-03400-000; Code No. 092 Account No. R363699 Map No. R-3614-00000-03500-000; Code No. 092 Account No. R363706 Map No. R-3614-00000-03600-000; Code No. 092 Account No. R363136 Map No. R-3614-00900-00100-000; Code No. 092 Account No. R363662 Map No. R-3614-02000-00100-000; Code No. 092 Account No. R363653 Map No. R-3614-02000-01000-000; Code No. 092 Account No. R363813 Map No. R-3614-02800-00100-000; Code No. 092 Account No. R363145 Map No. R-3614-00000-01500-000.

**MODIFICATION.** Lender and Grantor hereby modify the Deed of Trust as follows:

This Deed of Trust secures a Promissory Note dated April 14, 2016, between Borrower and Lender, in the amount of \$1,700,000.00, with a maturity date of December 15, 2030, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the Note or Credit Agreement.

**CONTINUING VALIDITY.** Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

**GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED APRIL 14, 2016.**

MODIFICATION OF DEED OF TRUST  
(Continued)

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GRANTOR:

BK RANCH, LLC

By: William V. Hill  
William V. Hill, Member of BK Ranch, LLC

By: Kellie D. Hill  
Kellie D. Hill, Member of BK Ranch, LLC

By: Dustin D. Hill  
Dustin D. Hill, Member of BK Ranch, LLC

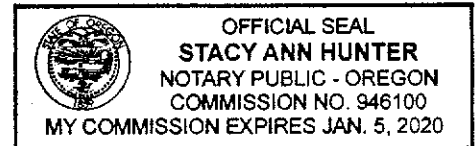
LENDER:

BANNER BANK

X [Signature]  
Authorized Officer

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Oregon )  
COUNTY OF Umatilla ) SS  
)



On this 21<sup>st</sup> day of April, 20 16, before me, the undersigned Notary Public, personally appeared William V. Hill, Member of BK Ranch, LLC, and known to me to be a member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By [Signature]  
Notary Public in and for the State of Oregon

Residing at Hermiston, OR  
My commission expires Jan 5, 2020

MODIFICATION OF DEED OF TRUST  
(Continued)

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LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Oregon )  
 ) SS  
COUNTY OF Umatilla )



OFFICIAL SEAL  
STACY ANN HUNTER  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 946100  
MY COMMISSION EXPIRES JAN. 5, 2020

On this 21<sup>st</sup> day of April, 20 16, before me, the undersigned Notary Public, personally appeared Kellie D. Hill, Member of BK Ranch, LLC, and known to me to be a member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By [Signature]  
Notary Public in and for the State of Oregon

Residing at Hermiston, OR  
My commission expires Jan 5, 2020

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF Oregon )  
 ) SS  
COUNTY OF Umatilla )



OFFICIAL SEAL  
STACY ANN HUNTER  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 946100  
MY COMMISSION EXPIRES JAN. 5, 2020

On this 21<sup>st</sup> day of April, 20 16, before me, the undersigned Notary Public, personally appeared Dustin D. Hill, Member of BK Ranch, LLC, and known to me to be a member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By [Signature]  
Notary Public in and for the State of Oregon

Residing at Hermiston, OR  
My commission expires Jan 5, 2020

LENDER ACKNOWLEDGMENT

STATE OF Oregon )  
 ) SS  
COUNTY OF Umatilla )



OFFICIAL SEAL  
STACY ANN HUNTER  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 946100  
MY COMMISSION EXPIRES JAN. 5, 2020

On this 21<sup>st</sup> day of April, 20 16, before me, the undersigned Notary Public, personally appeared Jared Luttrell and known to me to be the Vice President, authorized agent for Banner Bank that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of Banner Bank, duly authorized by Banner Bank through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of Banner Bank.

By [Signature]  
Notary Public in and for the State of Oregon

Residing at Hermiston, OR  
My commission expires Jan 5, 2020

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel One**

The following described real property situated in Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows

Section 10: ALL

Section 15: ALL EXCEPT portion conveyed to Klamath County, Oregon by Deed recorded in Volume 288, page 189

Section 20: E 1/2 NE 1/4, that portion of SE 1/4 SE 1/4 lying Northeasterly of Sprague River

Section 21: E 1/2 NW 1/4, E 1/2, W 1/2 NW 1/4, SW 1/4

Section 22: ALL

Section 23: ALL EXCEPT the following described portion thereof,

Beginning at a point 100 feet West of the Southeast corner of SW 1/4 SE 1/4 of said Section 23, thence North 200 feet, thence West 200 feet, thence South 200 feet, thence East 200 feet to the place of beginning, and ALSO EXCEPTING portion conveyed to Klamath County, Oregon, by deed recorded in Volume 288 at page 189

Section 28: Beginning at the Northeast corner of said Section 28, thence West on the North line of said Section 28, 160 rods to the Northwest corner of the NE 1/4 of Section 28, thence South on the West line of said NE 1/4 of Section 28, 120 feet, thence in a Northeasterly direction in a straight line to a point on the East line of said Section 28, 86 feet South of the place of beginning, thence North on the East line of said Section 28 to the place of beginning

That portion of the NW 1/4 NW 1/4 lying Northerly of Sprague River and Northwesterly of the BK Canal

**Parcel Two**

N 1/2 S 1/2 NE 1/4 NE 1/4 of Section 9, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPT those portion lying within County road right of ways