

Amerititle  
MTC 53630AM

2017-000361

Klamath County, Oregon

01/13/2017 02:50:00 PM

Fee: \$62.00

RECORDING REQUESTED BY:

SB FINCO I, L.P.

AFTER RECORDING RETURN TO:

SB FINCO I, L.P.  
301 Commerce St.  
Suite 3200  
Fort Worth, TX 76102  
Attn: Brandon Johnson

THE AREA ABOVE IS RESERVED FOR RECORDER'S USE

### MEMORANDUM OF MODIFICATION AGREEMENT

THIS MEMORANDUM OF MODIFICATION AGREEMENT (this "**Memorandum**") is entered into and delivered as of the date of the acknowledgements below, but effective as of December 16, 2016 (the "**Modification Effective Date**"), by and between CD DG MERRILL, LLC, a Texas limited liability company ("**Borrower**"), whose address is 5317 Inverrary Drive, Plano, Texas 75093, and SB FINCO I, L.P., a Texas limited partnership ("**Lender**"), whose address is 301 Commerce, Suite 3200, Fort Worth, Texas 76102.

A. Lender made a loan to Borrower in the original principal amount of ONE MILLION FOUR HUNDRED SEVENTY-ONE THOUSAND TWO HUNDRED EIGHTY-FIVE AND 48/100 DOLLARS (\$1,471,285.48) ("**Loan**").

B. Lender and Borrower executed that certain Construction Loan Agreement dated effective December 18, 2015, pertaining to the Loan (as the same may have been or may hereafter be amended, modified, supplemented or replaced from time to time, "**Loan Agreement**").

C. Borrower executed and delivered to Lender that certain Promissory Note (the "**Note**") of even date with the Loan Agreement, payable to the order of Lender in the amount of and evidencing the Loan.

D. The Loan is secured by, among other things, a LINE OF CREDIT INSTRUMENT DEED OF TRUST, ASSIGNMENT OF RENTS AND LEASES, SECURITY AGREEMENT AND FIXTURE FILING (as the same may have been or may hereafter be amended, modified, supplemented or replaced from time to time, "**Security Instrument**"), executed by Borrower, as Grantor, in favor of Amerititle, as Trustee, for the benefit of Lender, as Beneficiary, and recorded December 21, 2015, under Document Number 2015-013633 of the Real Property Records of Klamath County, Oregon encumbering, among other property, the real property described on Exhibit "A" attached hereto and incorporated herein for all purposes (the "**Property**").

E. The Note, the Loan Agreement, the Security Instrument, and all other writings executed in connection with the Note, as all such instruments may have been previously modified, are collectively called the "**Loan Documents**". Each capitalized term used but not otherwise defined herein shall have the meaning given to such term in the Loan Documents.

F. Lender is the current owner and holder of the Loan Documents.

G. Borrower is currently indebted and obligated to Lender pursuant to the terms of the Loan Documents.

H. The parties hereto desire to extend the Maturity Date of the Loan effective as of the Modification Effective Date and otherwise modify the Loan pursuant to the terms of that certain Renewal, Extension and Modification Agreement dated of even date herewith evidenced of record by this Memorandum.

I. The Maturity Date of the Note has been extended to March 18, 2017.

Attachments:

Exhibit A: Property Description

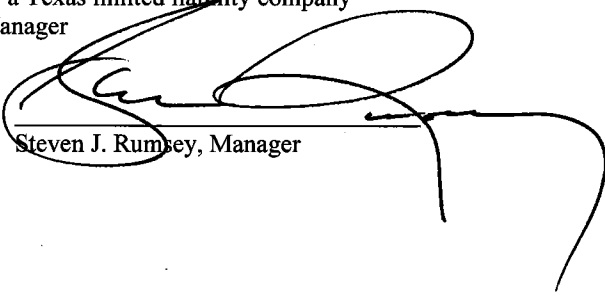
[SIGNATURE PAGES FOLLOW]

**EXECUTED and DELIVERED** as of the date of the acknowledgements below, to be effective as of the Modification Effective Date.

**BORROWER:**

**CD DG MERRILL, LLC,**  
a Texas limited liability company

By: Cross Development Management,  
LLC, a Texas limited liability company  
its Manager

By:   
Steven J. Rumsey, Manager

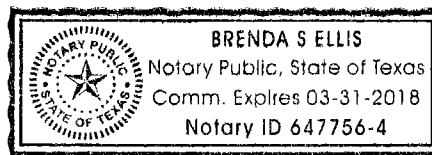
STATE OF TEXAS

§  
§  
§

COUNTY OF DALLAS

This instrument was acknowledged before me on the 20<sup>th</sup> day of December, 2016, by Steven J. Rumsey as Manager of Cross Development Management, LLC, a Texas limited liability company, Manager of CD DG Merrill, LLC, LLC, a Texas limited liability company, on behalf of each limited liability company.

  
Notary Public in and for the State of Texas



**LENDER:**

**SB FINCO I, L.P.,**  
a Texas limited partnership

By: PINPOINT FINCO I, LLC  
its general partner

By: ARTHUR HOLDINGS, LLC,  
Manager

By: Patrick W. Dunne  
Name: Patrick W. Dunne  
Authorized Signatory

STATE OF TEXAS           §  
                                     §  
COUNTY OF TARRANT   §

This instrument was acknowledged before me on this 16 day of December, 2016, by Patrick W. Dunne, the Authorized Signatory of ARTHUR HOLDINGS LLC, a Texas limited liability company, Manager of Pinpoint Finco I, LLC, a Texas limited liability company, as General Partner of SB FINCO I, L.P., a Texas limited partnership on behalf of said limited liabilities companies and limited partnership.

Laura D. Mitchell  
Notary Public in and for the State of Texas



**EXHIBIT "A"**

**PROPERTY DESCRIPTION**

Parcels 1 and 2 of Land Partition 19-15, a replat of Tracts 19 and 20 of Merrill Tract situated in the S1/2 of Section 2, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, recorded December 8, 2015 in Volume 2015-013240, Microfilm Records of Klamath County, Oregon.