2018-009476

Klamath County, Oregon

08/09/2018 03:48:01 PM

Fee: \$142.00

236473 AM

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

RABO AGRIFINANCE LLC 14767 N. Outer 40 Rd., Suite 400 Chesterfield, MO 63017 Attn: Closing Department

Space above this line for Recorder's Use

MODIFICATION AGREEMENT TO THE DEED OF TRUST, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT

(Klamath County, Oregon)

Operating Line of Credit 1: 22104222
Operating Line of Credit 2: 22105499
Real Estate Term Loan 1: 10170200
Real Estate Term Loan 2: 10137500
Equipment Term Loan 1: 10908400
Real Estate Term Loan 3: 22108590
Real Estate Term Loan 5: 22113398

LINE OF CREDIT TRUST DEED - MODIFICATION

THE MAXIMUM PRINCIPAL AMOUNT TO BE ADVANCED PURSUANT TO THE CREDIT AGREEMENT IS \$47,944,060.00.

O.R.S. 86.155 STATEMENTS:

PRINCIPAL AMOUNT: \$47,944,060.00

MATURITY DATE: July 5, 2038, EXCLUSIVE OF OPTIONS TO EXTEND, IF ANY

THIS MODIFICATION AGREEMENT is made as of July 10, 2018, with respect to that certain Deed of Trust, Assignment of Rents and Security Agreement dated April 28,2018, executed by Grantor named therein to and in favor of AMERITITLE, an Oregon company ("Trustee") and recorded as Document Number 2018-006595 in the records of Klamath County, Oregon, on May 30, 2018 ("Deed of Trust"), for the benefit of RABO AGRIFINANCE LLC, a Delaware limited liability company, as agent for itself, as "Lender", and the other Secured Parties under a Collateral Agency Agreement (and in that capacity, "Beneficiary") located and having its principal office at 14767 N. Outer 40 Rd., Suite 400, Chesterfield, MO 63017.

WITNESSETH:

WHEREAS, Lender is the holder of certain Loan Obligations under the terms and conditions of the Master Credit Agreement between "Borrower" (individually and collectively, Windy Ridge, LLC, an Oregon limited liability company; Bonanza View Dairy, Inc., an Oregon corporation; Lost River Farms, LLC, an Oregon limited liability company; Ponderosa Farms, LP, an Oregon limited partnership; Arie De Jong, a married person or member of a civil union or domestic partnership; and Jenneke Helena Dejong, a married person or member of a civil union or domestic partnership) and Lender dated September 22, 2017, as may be amended,

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modified, replaced, or supplemented from time to time (the "MCA"), including without limitation the Note and other Secured Obligations as defined and set forth in Section 1 of the Deed of Trust (as modified hereinbelow); and

WHEREAS, the parties hereto are desirous of modifying the Note, Secured Obligations and Deed of Trust in the particulars hereinafter mentioned.

NOW THEREFORE, in consideration of the premises and of the mutual promises herein contained, and of the sum of One Dollar (\$1.00) duly paid to Lender, it is hereby mutually covenanted and agreed that the terms of the Note, Secured Obligations and Deed of Trust be and the same are hereby modified as follows:

- 1. Grantor and Borrower hereby authorize Lender, without obtaining the signature of Grantor or Borrower, to file financing statements or amendments to existing financing statements in order to perfect the lien granted by the Deed of Trust.
- 2. Grantor affirmatively represents to Lender that the debt currently evidenced by the MCA and Note constitutes the fair and just debt of the Borrower to the Lender that is due and payable in accordance with the MCA and Note without defect, adjustment or offset, and that the Deed of Trust given by Grantor to Lender to secure the indebtedness evidenced by the MCA constitutes a good and valid lien on the collateral described in the Deed of Trust to secure the MCA and Note.
- 3. The bolded caption above the body of the Deed of Trust on page one is hereby amended and replaced in its entirety as follows:

THE MAXIMUM PRINCIPAL AMOUNT TO BE ADVANCED PURSUANT TO THE CREDIT AGREEMENT IS \$47,944,060.00.

O.R.S. 86.155 STATEMENTS:

PRINCIPAL AMOUNT: \$47,944,060.00

MATURITY DATE: July 5, 2038, EXCLUSIVE OF OPTIONS TO EXTEND, IF ANY

- 4. **Section 3. Note Maturity Date** is hereby amended to July 5, 2038.
- 5. Grantor and Borrower represent and warrant that (a) Grantor's chief executive office or principal residence is Grantor's address set forth in the first paragraph of this Agreement; (b) Grantor's state of organization, if applicable, is as set forth in the first paragraph of this Agreement; and (c) Grantor's exact legal name is as set forth in the first paragraph of this Agreement.
- 6. Grantor's submission of any report, record or other information pertaining to Grantor's or any of its subsidiary's condition or operations, financial or otherwise, from time to time, whether or not required under the terms of this Agreement, will be deemed to be accompanied by a representation by Grantor that such report, record or information is complete and accurate in all material respects as to Grantor's or any such subsidiary's (and, if applicable, any of Grantor's or such subsidiary's partners, shareholders, partners, members, or other principals) condition or operations, as of the date of such submission, including, without limitation, all material contingent liabilities, condition or operations.
- 7. WAIVER OF PRIOR CLAIMS. MORTGAGOR WAIVES AND RELEASES ANY AND ALL CLAIMS AGAINST LENDER, ITS PARENT, SUBSIDIARIES, AFFILIATES AND THE RESPECTIVE SUCCESSORS, ASSIGNS, PARTICIPANTS, AGENTS AND EMPLOYEES OF EACH AND ALL OF THE FOREGOING, RELATING OR PERTAINING TO OR AS A RESULT OF THE EXISTING LOANS, AND ANY OTHER ACT OR OMISSION WHICH HAS OCCURRED PRIOR TO THE EXECUTION OF THIS AGREEMENT, INCLUDING ALL CLAIMS OF USURY, FRAUD, DECEIT, MISREPRESENTATION,

UNCONSCIONABILITY, DURESS, OR LENDER LIABILITY, ANY OTHER CLAIM IN TORT OR IN CONTRACT, OR FOR VIOLATION OF ANY LAW, RULE OR REGULATION

All of the provisions of the Note and Deed of Trust shall remain in full force and effect except as herein specifically 8. modified and this Agreement is made upon the express condition that the Grantor is vested with the fee simple title to the premises covered by the Deed of Trust. And the said Grantor in consideration of the granting of this modification further covenants and agrees to pay and comply with the terms and conditions of the Note and Deed of Trust as herein modified, and nothing herein contained shall invalidate any of the security now held for the payment of said debt. This Agreement shall bind the parties, their heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this Deed of Trust Modification Agreement to be duly executed as of the day and year first above written.

Address for Notices:

14767 N. Outer 40 Rd., Suite 400 Chesterfield, MO 63017

Attention: Loan Closing Department

LENDER

RABO AGRIFINANCE LLC

STATE OF MISSOURI

SS

day of H

in the year 20**.0** before me,

a Notary Public in and for said state, personally appeared (name of officer), Xolovan Hapevrut Inus AGRIFINANCE LLC, a Delaware limited liability company, known to me to be the person who executed the within agreement or instrument on behalf of that corporation and acknowledged to me that he or she executed the same for the purposes therein stated.

Official signature and official seal of notary:

SANDRA SIEBERT

Notary Public - Notary Seal State of Missouri, St Louis County Commission Number 11421521

My Commission Expires Sep 8, 2020

GRANTOR

Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623 WINDY RIDGE, LLC, an Oregon limited liability company

ARIE DE JONG Manager

Manager

STATE OF OREGON

SS (COUNTY OF

This instrument was acknowledged before me on _ by ARIE DE JONG, as Manager of WINDY RIDGE, LLC, an Oregon limited liability company.

(SEAL)

My commission expires: 10

STATE OF OREGON

This instrument was acknowledged before me on by JENNEKE HELENA DEJONG, as Manager of WINDY RIDGE, LLC, an Oregon limited liability company.

(SEAL)

OFFICIAL STAMP JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON COMMISSION NO. 967507 MY COMMISSION EXPIRES OCTOBER 18, 2021

OFFICIAL STAMP JA**MIE LYNN SWANSO**N NOTARY PUBLIC-OREGON COMMISSION NO. 967507

MY COMMISSION EXPIRES OCTOBER 18, 2021

Address for Notices:
4721 Harpold Road
Bonanza, Oregon 97623

By:

ARIE DE JONG
Manager

By:

JENNEKE HELENA DEJONG
Manager

STATE OF OREGON

This instrument was acknowledged before me on

RIVER FARMS, LLC, an Oregon limited liability company.

(SEAL)

My commission expires: 10

COUNTY OF Klamas

(SEAL)

My commission expires: 10 - 16-

STATE OF OREGON

OFFICIAL STAMP
JAMIE LYNN SWANSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 967507

MY COMMISSION EXPIRES OCTOBER 18, 2021

by JENNEKE HELENA DEJONG, as

OFFICIAL STAMP
JAMIE LYNN SWANSON
NOTARY PUBLIC-OREGON

COMMISSION NO. 967507

MY COMMISSION EXPIRES OCTOBER 18, 2021

) SS

STATE OF OREGON COUNTY OF This instrument was acknowledged before me on PONDEROSA FARMS, LP, an Oregon limited partnership. (SEAL) My commission expires: STATE OF OREGON COUNTY OF This instrument was acknowledged before me on SS COUNTY OF This instrument was acknowledged before me on SS General Partner of PONDEROSA FARMS, LP, an Oregon limited partnership. (SEAL) My commission expires: (SEAL) My commission expires: CONSENTED TO BY BORROWER WINDY RIDGE, LLC, an Oregon limited Hability company MY COMMISSION NO. 97607 WY COMMISSION PO. 97607 WY COMMISSI	Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623	By: ARIE DE JONG, General Partner By: JENNEKE HELENA DE JONG, General Partner
This instrument was acknowledged before me on		
My commission expires: Notany Public STATE OF OREGON COUNTY OF This instrument was acknowledged before me on (SEAL) My commission expires: Dong Imited partnership. (SEAL) This instrument was acknowledged before me on (SEAL) My commission expires: Dong Imited partnership. (SEAL) My commission expires: Dong Imited partnership. CONSENTED TO BY BORROWER WINDY RIDGE, LLC, an Oregon limited Hability company Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623 By: ARIE DE JONG Manager My COMMISSION EXPRES OCTOBER 19, 2021 ARIE DE JONG Manager	COUNTY OF 2 handh	
My commission expires: STATE OF OREGON SS COUNTY OF This instrument was acknowledged before me on General Partner of PONDEROSA FARMS, LP, an Oregon limited partnership. (SEAL) My commission expires: (SEAL) My commission expires: CONSENTED TO BY BORROWER WINDY RIDGE, LLC, an Oregon limited fieldlifty company Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623 By: ARIE DE JONG MARIANA By: ARIE DE JONG Manager MY COMMISSION EXPIRES OCTOBER 19, 20 MY COMMIS		
My commission expires: STATE OF OREGON COUNTY OF This instrument was acknowledged before me on SEAL We commission expires: (SEAL) My commission expires: CONSENTED TO BY BORROWER WINDY RIDGE, LLC, an Oregon limited Hability company Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623 By: ARIE DE JONG MY COMMISSION EXPRES OCTORER 19, 2021 ARIE DE JONG MY COMMISSION PROPES OCTORER 19, 2021 MY COMMISSION PROPES OCTORER 19, 2021 ARIE DE JONG MY COMMISSION PROPES OCTORER 19, 2021 MY COMMISSION PRO	(SEAL)	romer from
STATE OF OREGON COUNTY OF This instrument was acknowledged before me on	My commission expires: 10-16-3	
COUNTY OF		NOTARY PUBLIC-OREGON
General Partner of PONDEROSA FARMS, LP, an Oregon limited partnership. (SEAL) Notary Public CONSENTED TO BY BORROWER Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623 By: ARIE DE JONG Manager ARIE DE JONG Manager By: JENNEKE HELENA DEJONG	COUNTY OF Klamath	COMMISSION NO GRAFAT
My commission expires: Notary Public		
Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623 By: ARIE DE JONG Manager ARIE DE JONG Manager OFFICIAL STAMP JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON COMMISSION NO. 967607 WINDY RIDGE, LLC, an Oregon limited Hability company ARIE DE JONG Manager By: JENNEKE HELENA DE JONG	(SEAL)	samos (dans)
Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623 By: ARIE DE JONG Manager AMAIN SWANSON NOTARY PUBLIC-OREGON COMMISSION NO. 967507 MY COMMISSION NO. 967507 MY COMMISSION NO. 967507 ARIE DE JONG Manager By: JENNEKE HELENA DE, ONG	My commission expires: 10-16-5	
Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623 By: ARIE DE JONG Manager By: DENMEKE HELENA DEJONG		JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON
4721 Harpold Road Bonanza, Oregon 97623 By: ARIE DE JONG Manager By: DENNEKE HELENA DEJONG	Address for Notices:	WY COMMISSION NO. 967507
ARIE DE JONG Manager By: JENNEKE HELENA DE JONG	4721 Harpold Road	$C \cap A$
JENNEKE HELENA DEJONG		ARIE DE JONG
JENNEKE HELENA DEJONG		By anny
		JENNEKE HELENA DEJONG

	STATE OF OREGON) SS COUNTY OF Karasta	
	This instrument was acknowledged before me on	by ARIE DE JONG, as Manager of
	(SEAL)	raine Jane James
	My commission expires: 10-18-31	Notary Public OFFICIAL STAMP JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON NOTARY PUBLIC-OREGON
	STATE OF OREGON COUNTY OF **Lamath**) SS	COMMISSION NO. 967507 MY COMMISSION EXPIRES OCTOBER 18, 2021
	This instrument was acknowledged before me on Manager of WINDY RIDGE, LLC, an Oregon limited liability of	ompany. by JENNEKE HELENA DEJONG, as
	(SEAL) 10-18-21	Notary Public Humburger
	My commission expires:	OFFICIAL STAMP JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON COMMISSION NO. 967507 MY COMMISSION EXPIRES OCTOBER 18, 2021
	Address for Notices: 4721 Harpold Road	BONANZA VIEW DAIRY, INC., an Oregon corporation
Bonanza, Oregon 97623		By: ARIE DE JONG President
		By: JENNEKE HELENA DESONG Secretary
		,

STATE OF OREGON) SS COUNTY OF Kranch	.1/
This instrument was acknowledged before me on BONANZA VIEW DAIRY, INC., an Oregon corporation.	SONG, SONG, as President of
(SEAL)	raway Inny Dinne
My commission expires: 10 10 1	Notary Public OFFICIAL STAMP JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON
STATE OF OREGON) SS	COMMISSION NO. 987507 MY COMMISSION EXPIRES OCTOBER 18, 2021
COUNTY OF Klamath	Tearrest and an arrange of the second
This instrument was acknowledged before me on	
(SEAL)	James James James
My commission expires:	Notary Public OFFICIAL STAMP JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON COMMISSION NO. 967507 MY COMMISSION EXPIRES OCTOBER 18, 2021
Address for Notices:	LOST RIVER FARMS, LLC, an Oregon limited liability company
4721 Harpold Road Bonanza, Oregon 97623	By: ARIE DE JONG Manager
	By: SENMEKE HELENA DEJONG

STATE OF OREGON) SS COUNTY OF **Larrot**)	
This instrument was acknowledged before me on	7-30- by ARIE DE JONG, as Manager of LOST
(SEAL)	romallamon
My commission expires: 10 - 16-21	Notary Public OFFICIAL STAMP JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON
STATE OF OREGON) SS	COMMISSION NO. 987507 MY COMMISSION EXPIRES OCTOBER 10, 202
COUNTY OF Klamath	
This instrument was acknowledged before me on Manager of LOST RIVER FARMS, LLC, an Oregon limited	liability company. by JENNEKE HELENA DEJONG, as
(SEAL)	ranna Lange Langer
My commission expires:	Notary Rublic OFFICIAL STAMP JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON COMMISSION NO. 987507
Address for Notices:	MY COMMISSION EXPIRES OCTOBER 18, 2021 PONDEROSA FARMS, LP, an Oregon limited partnership
4721 Harpold Road Bonanza, Oregon 97623	By: ARIE DE JONG General Partner
	By:

STATE OF OREGON COUNTY OF COUNTY OF	
This instrument was acknowledged before me on PONDEROSA FARMS, LP, an Oregon limited partnership.	by ARIE DE JONG, as General Partner of
(SEAL)	La considerance de las constantes
My commission expires: 10 - 16 - 31	Motary Public OFFICIAL STAMP JAMIE LYNN SWANSOM
STATE OF OREGON COUNTY OF Klaunath SS	NOTARY PUBLIC-OREGON COMMISSION NO. 967507 MY COMMISSION EXPIRES OCTOBER 19, 2027
This instrument was acknowledged before me on	by JENNEKE HELENA DEJONG, as lited partnership.
(SEAL) My commission expires: 10-18-31	Notary Public OFFICIAL STAMP JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON COMMISSION NO. 967507 MY COMMISSION EXPIRES OCTOBER 18, 2021
Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623	ARIE DE JONG (a/loa Arie De Jong)
STATE OF OREGON COUNTY OF Lamata	
This instrument was acknowledged before me on	30-, Y by ARIE DE JONG.
(SEAL)	romen Luna De march
My commission expires: 10-31-18	Notary Public
	OFFICIAL STAMP JAMIE LYNN SWANSON NOTARY PUBLIC-OREGON COMMISSION NO. 967507 MY COMMISSION EXPIRES OCTOBER 18, 2021

Address for Notices: 4721 Harpold Road Bonanza, Oregon 97623 JENNEKE HELENA DEJONG (a/k/a Jenneke DeJong)

OFFICIAL STAMP
JAMIE LYNN SWANSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 967507
MY COMMISSION EXPIRES OCTOBER 18, 2021

STATE OF OREGON

COUNTY OF Klamaton)SS

This instrument was acknowledged before me on ______

_ by JENNEKE HELENA DEJONG.

(SEAL)

My commission expires: 10-16-31