

RECORDATION REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Ally Bank  
Attn: Nora Larez  
5851 Legacy Circle, Suite 200  
Plano, TX 75024

PREPARED BY:

Faegre Drinker Biddle & Reath LLP  
Attn: Paul Moe, Esq.  
2200 Wells Fargo Center  
90 South 7<sup>th</sup> Street  
Minneapolis, MN 55402

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SPACE ABOVE THE LINE FOR RECORDER'S USE

### RELEASE OF SUBORDINATION AND ATTORNMENT AGREEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, ALLY BANK (Ally Capital in Hawaii, Mississippi, Montana and New Jersey), a Utah state-chartered bank ("Bank"), hereby releases that certain Subordination and Attornment Agreement made by and between KLAMATH FALLS PROPERTY HOLDINGS LLC, an Oregon limited liability company ("Landlord"), TAG KFS, INC. dba KLAMATH FALLS SUBARU, an Oregon corporation ("Tenant") and Bank, dated June 30, 2021, and filed July 2, 2021, as Document No. 2021-010406, with the County Clerk of Klamath County, Oregon (the "2021 Agreement"), which encumbers certain real property ("Property") more particularly described in Exhibit A attached hereto and incorporated herein.

NOW, THEREFORE, Bank hereby RELEASES and DISCHARGES, without recourse or warranty, the Property from the liens, rights, titles, interests, assignments and security interests covering such Property held by Landlord solely by virtue of the 2021 Agreement.

*[Signature page follows]*

EXHIBIT A

**LEGAL DESCRIPTION**

Property One:

Parcels 1, 2 and 3, Land Partition No. 16-17 a replat of a Portion of Lots 4 and 5, Block 6 of "Tract 1080 - Washburn Park" in the SE1/4 SE1/4 of Section 4, Township 39 South, Range 9 East of the Willamette Meridian, City of Klamath Falls, Klamath County, Oregon. Recorded November 13, 2017 in 2017-013013, Records of Klamath County, Oregon.

Property Two:

Parcels 2 and 3 of Land Partition 42-03 replat of Land Partition 39-92 in SW1/4 Section 3, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon

Property Three:

The Southerly 220 feet of Lot 3 in Block 6 of TRACT 1080, WASHBURN PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

IN WITNESS WHEREOF, this instrument was executed, signed and delivered by the undersigned, as Trustee and Beneficiary, on this the 22 day of August, 2024.

**ALLY BANK** (Ally Capital in Hawaii, Mississippi, Montana and New Jersey), a Utah state-chartered bank

By: Julian McAloney  
Name: Julian McAloney  
Title: Authorized Representative

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

COUNTY OF Orange )

On Aug 22, 2024 before me, Wendi Reille,  
Notary Public, personally appeared Julian McAloney, who  
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 they executed the same in their authorized capacity, and that by their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature] (seal)

