

314152

31415

RECORDATION REQUESTED BY:

D. L. Evans Bank
South Burley Branch
P.O. Box 1188
2281 Overland Ave.
Burley, ID 83318

CASSIA COUNTY, IDAHO

LARRY A. MICKELSEN

RECORDER

FEE 1800 DEPUTY DM

WHEN RECORDED MAIL TO:

D. L. Evans Bank
South Burley Branch
P.O. Box 1188
2281 Overland Ave.
Burley, ID 83318

2007 FEB 26 PM 4 32

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

SEND TAX NOTICES TO:

D. L. Evans Bank
South Burley Branch
P.O. Box 1188
2281 Overland Ave.
Burley, ID 83318

#41746.1

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE

THIS MODIFICATION OF MORTGAGE dated February 6, 2007, is made and executed between Wade Zollinger and Linda Zollinger; Husband and Wife (referred to below as "Grantor") and D. L. Evans Bank, whose address is P.O. Box 1188, 2281 Overland Ave., Burley, ID 83318 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated April 26, 2006 (the "Mortgage") which has been recorded in Cassia County, State of Idaho, as follows:

Mortgage dated April 26, 2006 and recorded April 28, 2006 as Instrument No. 308239 and modified this date.

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property located in Cassia County, State of Idaho:

REFER TO EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO. 45-559C WITH A CLAIMED PRIORITY OF DECEMBER 31, 1879 TO 0.17 CFS OF THE GROUND WATERS OF MILL CREEK AND WARM SPRINGS, AND WATER RIGHT NO. 45-559D WITH A CLAIMED PRIORITY OF DECEMBER 31, 1879 TO 0.25 CFS OF THE GROUND WATERS OF MILL CREEK, AND WATER RIGHT NO. 45-559E WITH A CLAIMED PRIORITY OF DECEMBER 31, 1879 TO 0.21 CFS OF THE GROUND WATERS OF MILL CREEK AND WARM SPRINGS, AND WATER RIGHT NO. 45-559F WITH A CLAIMED PRIORITY OF DECEMBER 31, 1879 TO 0.19 CFS OF THE GROUND WATERS OF MILL CREEK, TOGETHER WITH ANY AND ALL OTHER WATER RIGHTS AND DITCH RIGHTS APPURTENANT TO THE ABOVE DESCRIBED PREMISES.

The Real Property or its address is commonly known as See Legal Description, Oakley, ID 83346.

MODIFICATION. Lender and Grantor hereby modify the Mortgage as follows:

Note #1741005613/20 dated April 26, 2006, is being replaced with new Note #1712105959/12 dated February 6, 2007, in the principal amount of ****ONE HUNDRED SIXTY TWO THOUSAND TWO HUNDRED SIXTY ONE DOLLARS AND 50/100** (\$162,261.50)**, bearing a fixed interest rate of 7.25% and due on November 5, 2011.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Mortgage 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 Mortgage (the "Note"). It is the intention of Lender to retain as liable all parties to the Mortgage and all parties, makers and endorser 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 Mortgage 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 MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED FEBRUARY 6, 2007.

GRANTOR:

x

Wade Zollinger

x

Linda Zollinger

LENDER:

D. L. EVANS BANK

x

Diane Barger
Authorized Signer

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Idaho

)

COUNTY OF Cassia

) SS

)

On this 26th day of February, in the year 20 07, before me Diane Barger, a notary public in and for the State of Idaho, personally appeared Wade Zollinger and Linda Zollinger, Husband and Wife, known or identified to me (or proved to me on the oath of _____), to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Diane Barger
Notary Public for Idaho

Residing at IdahoMy commission expires 11-7-12

DIANE BARGER
NOTARY PUBLIC
STATE OF IDAHO

LENDER ACKNOWLEDGMENT

STATE OF Idaho

)

COUNTY OF Cassia

) SS

)

On this 26th day of February, in the year 20 07, before me _____, a notary public in and for the State of Idaho, personally appeared Diane Barger, known or identified to me (or proved to me on the oath of _____), to be Loan Officer, authorized agent for the Lender that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said Lender, duly authorized by the Lender 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 said instrument and that the seal affixed is the corporate seal of said Lender.

Linda Ferrau
Notary Public for Idaho

Residing at BurleyMy commission expires 4-4-12

LINDA FERRAU
NOTARY PUBLIC
STATE OF IDAHO

77005613

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**CONTINUATION
SCHEDULE A**

Policy Number: G32-Z124389

PARCEL NO. 1:

**TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 4: Lot 3, and all of Lot 4 EXCEPT the following described parcel:

Beginning at the Northwest corner of said Lot 4;
Thence South along the West boundary of said Lot 4 for 280 feet;
Thence East for 816 feet;
Thence North for 280 feet to a point in the North boundary line of said
Lot 4;
Thence West along the North boundary line of said Lot 4 for 816 feet to the
Point of Beginning.

PARCEL NO. 2:

**TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 34: SW $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL NO. 3:

**TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 34: NW $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL NO. 4:

**TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

**Section 8: NE $\frac{1}{4}$ of said Section 8, EXCEPTING THEREFROM the following described
tracts:**

Tract No. 1:

Commencing 20 $\frac{1}{3}$ rods East from the Northwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$
of said Section 8;
Thence running 111 $\frac{1}{3}$ rods South to the Southwest corner;
Thence East 28 $\frac{1}{3}$ rods;
Thence North 28 $\frac{1}{3}$ rods;
Thence West 24 $\frac{1}{3}$ rods;
Thence North 83 $\frac{1}{3}$ rods;
Thence West 4 rods to the Place of Beginning.

CONTINUATION**SCHEDULE A****Policy Number: G32-Z124389****Tract No. 2:****The West 20 1/3 rods of the NW¼NE¼****Tract No. 3:****Beginning at the Northeast section corner of Section 8, said corner marked by a 5/8 inch rebar with a 3 inch aluminum cap on top which shall be the Point of Beginning;****Thence South 00°02'57" East along the east line of the NE¼NE¼ for a distance of 1321.65 feet to the Southeast corner of the NE¼NE¼ marked by a 5/8 inch rebar;****Thence South 00°03'15" East along the east line of the SE¼NE¼ for a distance of 24.06 feet;****Thence North 89°44'53" West for a distance of 36.22 feet to a 1/2 inch rebar;****Thence North 89°44'53" West for a distance of 609.05 feet to a 1/2 inch rebar;****Thence North 00°02'57" West for a distance of 1287.18 feet to a 1/2 inch rebar;****Thence North 00°02'57" West for a distance of 67.35 feet to the north line of the NE¼NE¼;****Thence South 88°57'55" East along said line for a distance of 645.38 feet to the Point of Beginning.****- Continued -**

**CONTINUATION
SCHEDULE A**

Policy Number: G32-Z124389

Tract No. 4:

Beginning at the N $\frac{1}{4}$ corner of said Section 8, said corner marked by a 5/8 inch rebar; Thence South 88°57'55" East (East, rec.) along the North section line for a distance of 345.18 feet to the Point of Beginning;
Thence South 88°57'55" East continuing along said line for a distance of 1637.21 feet to a point which is 645.38 feet North 88°57'55" West of the Northeast section corner;
Thence South 00°02'57" East for a distance of 67.35 feet to a ½ inch rebar;
Thence South 00°02'57" East for a distance of 1287.18 feet to a ½ inch rebar;
Thence North 89°21'49" West for a distance of 1185.51 feet to a ½ inch rebar;
Thence North 89°25'50" West for a distance of 401.50 feet to a ½ inch rebar;
Thence North 89°25'50" West for a distance of 36.00 feet;
Thence North 00°38'14" West for a distance of 1280.67 feet to a ½ inch rebar;
Thence North 00°38'14" West for a distance of 86.00 feet to the Point of Beginning.

SAVE AND EXCEPTING the following described tract:

Beginning at the North $\frac{1}{4}$ section corner of said Section 8, said corner marked by a 5/8 inch rebar; Thence South 88°57'55" East (East rec.) along the North section line for a distance of 345.18 feet to the Point of Beginning;
Thence South 88°57'55" East (East, rec.) continuing along said line for a distance of 56.32 feet to a point which is 401.50 feet (24 1/3 rods) South 88°57'55" East from the N $\frac{1}{4}$ section corner;
Thence South 00°41'01" East (South, rec.) along a line parallel to and 401.50 feet from the West line of the NE $\frac{1}{4}$ for a distance of 1366.23 feet;
Thence North 89°25'50" West for a distance of 21.42 feet to a ½ inch rebar;
Thence North 89°25'50" West for a distance of 36.00 feet;
Thence North 00°38'14" West for a distance of 1280.67 feet to a ½ inch rebar;
Thence North 00°38'14" West for a distance of 86.00 feet to the Point of Beginning.

PARCEL NO. 5:

**TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 4: SE $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT that portion that lies North of the Basin Creek Channel sometimes known as Mill Creek, more particularly described as follows:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 4;
Thence South along the East boundary line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 800 feet, more or less, to the Channel of Basin Creek;
Thence Northwesterly along the channel of Basin Creek to a point in the North boundary line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1200 feet, more or less, West of the said Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence East 1200 feet, more or less, to the Point of Beginning.

**CONTINUATION
SCHEDULE A**

Policy Number: G32-Z124389

PARCEL NO. 6:

**TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 4: SW¼NW¼

PARCEL NO. 7:

**TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 4: SE¼SW¼, EXCEPTING THEREFROM the following described tract:

**Beginning at the Southeast corner of said SE¼SW¼ of Section 4; Thence
North along the East boundary line of the SE¼SW¼ for 192 feet to
the True Point of Beginning;
Thence West 150 feet;
Thence North 290 feet;
Thence East 150 feet to the East boundary line of said SE¼SW¼;
Thence South 290 feet along the East boundary line of the SE¼SW¼ to the
True Point of Beginning.**

END OF SCHEDULE A