

52623

38-21262-D cap

-ESTOPPEL DEED-

Vol. 1780 Page 6070

THIS INDENTURE BETWEEN FRED KOEHLER, JR., hereinafter called Grantor, and HAROLD O. HODGES, hereinafter called Grantee:

## R E C I T A L S:

A. On April 1, 1976 Grantee sold to LEO E. MURRER and ALICE G. MURRER, under a Mortgage recorded in Volume M-76, page 5177 of the official records of Klamath County, Oregon, which mortgage was assumed by Grantor in that instrument dated June 6, 1977, recorded in Volume M-77 page 11290 of records of Klamath County, Oregon, the following described property, which Mortgage is in default and subject to immediate foreclosure.

B. That foreclosure has been commenced in the Circuit Court of the State of Oregon for the County of Klamath, entitled "Answer-Affirmative Defense and Cross-Complaint", Case No. 79-351 Equity, and a Decree of Foreclosure was entered on the 28th day of February, 1980.

C. Grantor has requested Grantee to accept an absolute deed of conveyance of said property in satisfaction of the indebtedness and judgment and Grantee has acceded to said request.

## W I T N E S S E T H:

NOW, THEREFORE, in consideration of the cancellation of the indebtedness evidenced by said Mortgage, and the judgment entered therein, and the dismissal of the above-entitled law suit, and relinquishment of any claims whatsoever, Grantor does hereby grant, bargain, sell and convey to Grantee, the following described property:

The Southeast quarter of Section 36, Township 40 South, Range 13 EWM; also the portion of Lots 2 and 3 of Section 1, Township 41 South, Range 13 E.W.M.; which lie Westerly of the main Langell Valley Irrigation District Canal; also Lot 4 of Section 1, and Lot 1 of Section 2, Township 41 South, Range 13, E.W.M. SAVING AND EXCEPTING THEREFROM that portion conveyed to Klamath County by deed recorded October 3, 1952, Volume 256, page 131, and recorded November 18, 1957, Volume 295-514 and Volume 395-519, records of Klamath County, Oregon

The Grantor covenants that by this conveyance he is conveying all his right, title and interest to said premises, including but not limited to any redemption rights and that he is not acting under any misrepresentations, duress or undue influence by Grantee.

The true and actual consideration for this transfer is cancellation of the debt in the above-described mortgage.

IN WITNESS WHEREOF, the Grantor above-named has executed this instrument this 5th day of March, 1980.

STATE OF OregonCounty of Klamathss. March 5, 1980.

Personally appeared the above-named FRED KOEHLER, JR., and acknowledged the foregoing instrument to be his voluntary act. Before me:

WILLIAM P. BRANDSNESS  
A PROFESSIONAL CORPORATION  
ATTORNEY AT LAW  
411 PINE STREET  
KLAMATH FALLS, OREGON 97601

Paul V. McDonald  
Notary Public for Oregon  
My Commission expires: Feb. 22, 1984

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 1st day of April A.D., 19 80 at 3:56 o'clock P M., and duly recorded in Vol. 1780 of Deeds on Page 6070.

FEE \$3.50

WM. D. MILNE, County Clerk

By Bernetha H. Hetch Deputy

980 APR 1 PM 3 56