

13302

Vol. M82 Page 8487

13108

Vol. M87 Page 9816DEED

KNOW ALL MEN BY THESE PRESENTS, that FRED A. ROTHAUGE, Grantor herein, does hereby grant, bargain, sell and convey unto Housing Division, Department of Commerce, State of Oregon\*\* (Grantee herein), and its successors and assigns to the real property situated in Klamath County, Oregon, more particularly described as Lots 27 and 28, Block 4, CHILOQUIN, in the County of Klamath, State of Oregon, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, for and in consideration of the Grantee not instituting foreclosure proceedings with respect to that certain Deed of Trust dated May 30, 1980, having Fred A. Rothauge as grantor, Pioneer National Title Insurance Company as trustee, and Peoples Mortgage Company, a Washington corporation, as beneficiary, recorded June 10, 1980, in Book M-80 at page 10620, re-recorded July 23, 1980, in Book M-80 at page 13705, Microfilm Records of Klamath County, Oregon; and assigned by Peoples Mortgage Company by instrument recorded June 17, 1980, in Book M-80 at page 11077, re-recorded July 23, 1980, in Book M-80 at page 13710, Microfilm Records of Klamath County, Oregon, to Grantee herein.

TO HAVE AND TO HOLD the above described and granted premises unto the Grantee, its successors, representatives and assigns, absolutely and forever.

This Deed is executed and delivered as an absolute conveyance of title by Grantor to said premises to the said Grantee in fact as well as in form and is not intended as a mortgage, conveyance in trust, pledge or security instrument of any kind or nature; however, the Grantor intends and the Grantee by its acceptance hereof intends that the Deed of Trust above mentioned is not cancelled or extinguished nor merged in fee as against any and all encumbrances, liens or claims which would be subordinate and junior to the interest of the Grantee under the terms of the Deed of Trust.

This Deed is made, executed and delivered by the Grantor to the Grantee at the Grantor's request and as his free and voluntary act and deed. The Grantor acknowledges that he, the Grantor, is in default under the terms of the Deed of Trust and Promissory Note secured thereby, and that the unpaid balance of said Deed of Trust represents the fair market value of the premises hereby conveyed, excluding past due payments and interest.

Grantor does hereby waive, surrender, convey and relinquish any and all rights of redemption concerning the real

\*\*This Deed is being re-recorded to correctly name the Housing Division, Department of Commerce, State of Oregon, as the Grantee, which Grantee will assign their interest to Samuel R. Pierce, Jr., Secretary of Housing and Urban Development, Washington, D.C., the Grantee first named.

property described above. It is the intent of Grantor that Grantee retain all payments previously made on said Contract, and that this Deed not be construed as a mutual rescission of the Contract.

This conveyance is not made as a preference to the Grantee as against any other creditor, and no other person, firm or corporation other than the Grantee has any right, title or interest in and to said premises directly or indirectly.

It is Grantor's intention by this instrument to convey to the Grantee all of his estate, right, title and interest in and to the premises above described absolutely and forever and without reservation, condition or limitation.

The true consideration for this conveyance is none:  
Deed in lieu of foreclosure.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand this 26 day of April, 1982.

Fred A. Rothauge  
Fred A. Rothauge

By \_\_\_\_\_  
Attorney-in-Fact for  
Fred A. Rothauge

STATE OF COLORADO )  
County of Mesa ) ss.

On this the 26th day of April, 1982, personally appeared Fred A. Rothauge, who, being duly sworn, did say that he is the attorney in fact for Fred A. Rothauge and that he executed the foregoing instrument by authority of and in behalf of said principal; and he acknowledged said instrument to be the act and deed of said principal.

Before me:

[Signature]  
Notary Public for Colorado  
My Commission Expires:

650 Main St #202  
Grand Junction, Colo.

My Commission Expires: March 3, 1985  
RETURN TO: William S Wiley  
P.O. Box 1147  
Eugene, Oregon 97440

State of OREGON: COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the  
7 day of July A.D., 1982 at 10:56 o'clock A M., and duly recorded on  
Vol M82 of Deeds on page 8487.

Fee \$ 8.00

State of OREGON: COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the  
2 day of August A.D., 1982 at 10:28 o'clock A M., and duly recorded in  
Vol M 82 of Deeds on page 9816.

Fee \$ 8.00

[Signature]  
EVELYN BIEHN  
COUNTY CLERK  
By [Signature] deputy

[Signature]  
EVELYN BIEHN  
COUNTY CLERK  
By [Signature] deputy