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TA-38-24805

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AFFIDAVIT

STATE OF COLORADO)
County of MEJA) ss.

I, FRED A. ROTHAGE, being first duly sworn, depose and say:

I am the identical party who made, executed, and delivered that certain Deed to Housing Division, Department of Commerce, State of Oregon** and its successors and assigns, Grantee, dated the 26th day of April, 1982, conveying the real property situated in Klamath County, Oregon, described as Lots 27 and 28, CHILOQUIN in the County of Klamath, State of Oregon (the "Real Property").

The Deed was an absolute conveyance of all of my right, title, and interest in the Real Property to the Grantee, in effect as well as in form, and was not and is not now intended as a mortgage, conveyance in trust, pledge, or security instrument of any kind. Possession of the Real Property has been surrendered to Grantee.

Consideration for the Deed is as follows: I executed and agreed to pay to Peoples Mortgage Company a certain promissory note in the amount of \$24,250, secured by a Deed of Trust against the Real Property. Peoples Mortgage Company subsequently assigned its beneficial interest in the Real Property under the Deed of Trust to Grantee. Payments due under the terms of the promissory note and Deed of Trust have been and are now in default. In order to forego the necessity of a foreclosure, I executed the aforementioned Deed to the Grantee.

The Deed was made by me as the result of my request that the Grantee accept the Deed, and was my free and voluntary act. At the time of making the Deed, I felt, and still feel, that the remaining balance due under the note and Deed of Trust represented a fair market value of the Real Property. The Deed was not given as a preference against any other of my creditors. At the time it was given, there was no other person or persons, firms or corporations other than the Grantee interested directly or indirectly in the Real Property. I am solvent and have no other creditors whose rights would be prejudiced by such conveyance and I am not obligated upon any bond or mortgage wherein any lien has attached or exists against the Real Property.

In offering to execute the Deed to the Grantee, and in executing the same, I was not acting under any misapprehension as to the effect thereof or under any duress, undue influence,

**This Affidavit 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.

Affidavit - 1

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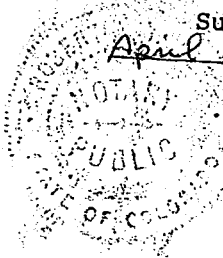
or misrepresentation by the Grantee or any agent or attorney of the Grantee. It was my intention as Grantor to convey and by the Deed I did convey to the Grantee all of my right, title, and interest absolutely in and to the Real Property.

This Affidavit is made for the protection and benefit of the Grantee, its successors, assigns and all other persons hereafter dealing with or who may acquire an interest in the Real Property, and shall bind the respective heirs, administrators, and assigns of the undersigned.

Fred A. Rothauge
Fred A. Rothauge

By _____
Attorney-in-Fact for
Fred A. Rothauge

Subscribed and sworn to before me this 26 day of April, 1982.



[Signature]
Notary Public for Colorado
My Commission Expires: March 13, 1985
650 Main St #202
Grand Junction, Colorado

RETURN TO: William S Wiley
P.O. Box 1147
Eugene, Oregon 97440

DATE: FILED ESCN; COUNTY OF KLAMATH; ss.

Filed for record

this 7 day of July A.D. 19 82 at 10:56 o'clock A.M. and
duly recorded in Vol. M 82, of Deeds

Fee \$8.00

By Joyce Mc

EVELYN BIEHN

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 M82 of Deeds on page 9819.

Fee \$ 8.00.

EVELYN BIEHN
COUNTY CLERK

By Joyce Mc deputy

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