

19509

ESTOPPEL DEED

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THIS INDENTURE between William Porter Trustee of the Cropsey-Caldwell Trust No. 1 and No. 2, hereinafter called the first party, and Stanley M. Downs and C. Eloise Downs, husband and wife, hereinafter called the second party; WITNESSETH:

Whereas, the title to the real property hereinafter described is vested in fee simple in the first party, subject to the lien of a mortgage or trust deed recorded in the mortgage records of the county hereinafter named, in book M81 at page 14736 thereof ~~XXXXXX~~ reference to said records hereby being made, and the notes and indebtedness secured by said mortgage or trust deed are now owned by the second party, on which notes and indebtedness there is now owing and unpaid the sum of \$ 139,027.44, the same being now in default and said mortgage or trust deed being now subject to immediate foreclosure, and whereas the first party, being unable to pay the same, has requested the second party to accept an absolute deed of conveyance of said property in satisfaction of the indebtedness secured by said mortgage and the second party does now accede to said request;

NOW, THEREFORE, for the consideration hereinafter stated (which includes the cancellation of the notes and indebtedness secured by said mortgage or trust deed and the surrender thereof marked "Paid in Full" to the first party), the first party does hereby grant, bargain, sell and convey unto the second party, his heirs, successors and assigns, all of the following described real property situate in Oregon, to-wit:

PARCEL 1: Lots 13 and 14, Block 1, CHILOQUIN, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PARCEL 2: Lots 15 through 18, less the South 6 feet of Lot 18, Block 1, CHILOQUIN, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

together with all of the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;
(CONTINUED ON REVERSE SIDE)

William Porter, Trustee of the Cropsey-Caldwell Trust No. 1 and No. 2;
HSR 578, Victorville, CA 92392
GRANTOR'S NAME AND ADDRESS

Stanley M. Downs and C. Eloise Downs,
P.O. Box 333
Chiloquin, OR 97624
GRANTEE'S NAME AND ADDRESS

After recording return to:

BOIVIN & BOIVIN, P.C.
110 North Sixth Street
Klamath Falls, OR 97601
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

Stanley M. Downs and C. Eloise Downs
P.O. Box 333
Chiloquin, OR 97624
NAME, ADDRESS, ZIP

STATE OF OREGON.

County of } ss.
I certify that the within instrument was received for record on the day of , 19 , at o'clock M., and recorded in book on page or as file/reel number
Record of Deeds of said county.
Witness my hand and seal of County affixed.

SPACE RESERVED
FOR
RECORDER'S USE

By

Recording Officer
Deputy

TO HAVE AND TO HOLD the same unto said second party, his heirs, successors and assigns forever.

And the first party, for himself and his heirs and legal representatives, does covenant to and with the second party, his heirs, successors and assigns, that the first party is lawfully seized in fee simple of said property, free and clear of incumbrances except said mortgage or trust deed and further except

that the first party will warrant and forever defend the above granted premises, and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, other than the liens above expressly excepted; that this deed is intended as a conveyance, absolute in legal effect as well as in form, of the title to said premises to the second party and all redemption rights which the first party may have therein, and not as a mortgage, trust deed or security of any kind; that possession of said premises hereby is surrendered and delivered to said second party; that in executing this deed the first party is not acting under any misapprehension as to the effect thereof or under any duress, undue influence, or misrepresentation by the second party, or second party's representatives, agents or attorneys; that this deed is not given as a preference over other creditors of the first party and that at this time there is no person, co-partnership or corporation, other than the second party, interested in said premises directly or indirectly, in any manner whatsoever, except as aforesaid.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$

① However, the actual consideration consists of or includes other property or value given or promised which is ~~the whole~~ consideration (indicate which).^①

In construing this instrument, it is understood and agreed that the first party as well as the second party may be more than one person; that if the context so requires, the singular shall be taken to mean and include the plural; that the singular pronoun means and includes the plural, the masculine, the feminine and the neuter and that, generally, all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the first party above named has executed this instrument; if first party is a corporation, it has caused its corporate name to be signed hereto and its corporate seal affixed by its officers duly authorized thereunto by order of its Board of Directors.

Dated December 23, 1982

William Porter
William Porter, Trustee of the Cropsey-Caldwell Trust No. 1 and No. 2

(If executed by a corporation,
affix corporate seal)

California

STATE OF ~~OREGON~~)
County of San Bernardino) ss.

December 23, 1982

Personally appeared the above named
William Porter

and acknowledged the foregoing instrument to be his voluntary act and deed.

(OFFICIAL
SEAL)

Before me:

Michael Cham
Notary Public for ~~Oregon~~ California
My commission expires:

STATE OF OREGON, County of _____) ss.

Personally appeared _____

and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

_____, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: STATE OF OREGON,)

County of Klamath)

Notary Public for Oregon

My commission expires:

(OFFICIAL
SEAL)

Filed for record at 4:39 PM

NOTE—The sentence between the symbols \odot and \odot should be deleted. See ORS 93.030.

OFFICIAL SEAL
JIMMIE DAVIS
NOTARY PUBLIC
CALIFORNIA
My commission expires: 12/15/87

mins 17th day of December 1982

4:39 P M, and duly

Recorded in Vol. 113 of 1982

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EVELYN BIEHN, County Clerk

By *Karel Gray* Deputy

Fee \$.00