

1-1-74

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ESTOPPEL DEED

Vol. m 83 Page 3759

THIS INDENTURE between BRUCE E. BRINK and BARBARA L. BRINK, husband and wife,
(If husband and wife, so indicate)
hereinafter called the first party, and WASHBURN ENTERPRISES, INC., an Oregon corporation,
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 M-79 at page 17134 thereof or as file/reel number (state which), 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 \$311,416.85, 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 Klamath County, State of Oregon, to-wit:

Lot 5, Block 1, WASHBURN PARK, 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)

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

R.F. SMITH
Attorney at Law
640 Main Street
Klamath Falls, OR 97601

NAME, ADDRESS, ZIP

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

Washburn Enterprises, Inc.
P. O. Box 1886
Klamath Falls, Oregon 97601

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.

By _____ Recording Officer
Deputy

SPACE RESERVED
FOR
RECORDER'S USE

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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 those encumbrances of record and apparent on the ground

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 \$ 0
However, the actual consideration consists of or includes other property or value given or promised which is ~~the whole~~ consideration (indicate which).^⓪

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 February 14, 1983

[Signature]
[Signature]

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,
County of KLAMATH } ss.
October 22, 1982
Personally appeared the above named ~~BRUCE E. BRINK~~
BRINK and BARBARA L. BRINK
and acknowledged the foregoing instrument to be ~~their~~ her voluntary act and deed.

Before me:
[Signature]
Notary Public for Oregon
My commission expires: 5/13/85

STATE OF OREGON, County of _____) ss.
Personally appeared _____
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 _____

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:

Notary Public for Oregon (OFFICIAL SEAL)

FORM NO. 23 — ACKNOWLEDGMENT
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,
County of Klamath } ss.
BE IT REMEMBERED, That on this 14th day of February, 1983,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named BRUCE E. BRINK

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]
Notary Public for Oregon
My Commission expires Feb 3, 1987

STATE OF OREGON: COUNTY OF KLAMATH :ss
I hereby certify that the within instrument was received and filed for record on the 14th day of March A.D., 1983 at 9:08 o'clock A.M., and duly recorded in Vol M83, of Deeds on page 3759.

Fee \$ 8.00

EVELYN BIEHN COUNTY CLERK
by *[Signature]* Deputy