

50227

ASSIGNMENT OF TRUST DEED BY BENEFICIARY OR HIS SUCCESSOR IN INTEREST

Vol. 185 Page 9555

FOR VALUE RECEIVED, the undersigned who is the beneficiary or his successor in interest under that certain trust deed dated June 1, 1985, executed and delivered by ANDREW B. GEORGE, grantor, to TRANSAMERICA TITLE INSURANCE CO., trustee, in which TED L. GLIDEWELL and JUDY A. GLIDEWELL is the beneficiary, recorded on June 9, 1981, in book/ ~~reel~~ volume No. M81 on page 10355 ~~spaces/~~ ~~microfilm/reception No. xxxxxxxxxxxxxxxxxx~~ of the Mortgage Records of Klamath County, Oregon, and conveying real property in said county described as follows:

See Ex. A attached hereto and by this reference incorporated herein.

hereby grants, assigns, transfers and sets over to JOSEPH STAHANCYK and BERTIE LEE STAHANCYK, hereinafter called assignee, and assignee's heirs, personal representatives, successors and assigns, all his beneficial interest in and under said trust deed, together with the notes, moneys and obligations therein described or referred to, with the interest thereon, and all rights and benefits whatsoever accrued or to accrue under said trust deed.

The undersigned hereby covenants to and with said assignee that the undersigned is the beneficiary or his successor in interest under said trust deed and is the owner and holder of the beneficial interest therein; that he has good right to sell, transfer and assign the same, and the note or other obligation secured thereby, and that there is now unpaid on the obligations secured by said trust deed the sum of not less than \$49,124.53 with interest thereon from June 4, 1985.

In construing this instrument and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter and the singular includes the plural.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: JUNE 21, 1985.

(If executed by a corporation, affix corporate seal)

(If the signer of the above is a corporation, use the form of acknowledgment opposite.)

(ORS 93.490)

STATE OF OREGON,)
County of Crook)
June 21, 1985)

Personally appeared the above named

Russell D. Fitzgerald and
Alissa K. Fitzgerald

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

Before me:
(OFFICIAL SEAL)

Notary Public for Oregon
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:

Notary Public for Oregon
My commission expires:

(OFFICIAL SEAL)

ASSIGNMENT OF TRUST DEED BY BENEFICIARY

Fitzgeralds

Assignor

to

Stahancyks

Assignee

AFTER RECORDING RETURN TO

Return
M.T.C.
Attn Jean

(DON'T USE THIS
SPACE; RESERVED
FOR RECORDING
LABEL IN COUNTIES
WHERE USED.)

STATE OF OREGON,) ss.

I certify that the within instrument was received for record on the day of 19, at o'clock M., and recorded in book/reel/volume No. on page or as fee/file/instrument/microfilm/reception No. Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME TITLE
By Deputy

CH
9.00

EXHIBIT "A"

9556

The SE $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 23; and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 24, Township 36 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon. TOGETHER with an easement for road and utility purposes over the South 60 feet of that portion of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23 lying Easterly of Sprague River Highway in Township 36 South, Range 11 East of the Willamette Meridian.

SUBJECT TO: (1) The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given. (2) Reservation of all subsurface rights, except water, to the heirs of Susan Hutchinson, their heirs and assigns as set forth in Patent from the United States of America, recorded January 3, 1958 in Volume 296, page 481, Microfilm Records of Klamath County, Oregon. The interest of Glenn D. Ramirez to an undivided $\frac{4}{9}$ interest in and to the subsurface rights as contained in Sheriffs Deed, recorded August 23, 1971, in volume M71, page 8909, Microfilm Records of Klamath County, Oregon (Affects the SE $\frac{1}{4}$ of Section 23). (3) Reservation contained in Deed to Restricted Indian Land, to-wit: recorded August 18, 1958, in volume 302, page 259, Microfilm Records of Klamath County, Oregon. "Title to the above described property is conveyed subject to any existing easements for public roads, highways, for public utilities, and for railroads and pipe lines, and for any other easements or rights of way of record." (Affects the SW $\frac{1}{4}$ in Section 24). (4) An easement created by instrument, including the terms and provisions thereof, dated December 20, 1977, recorded August 14, 1980, in Volume M80, page 15375, Microfilm Records of Klamath County, Oregon, in favor of Robert C. Johnson and Patricia A. Johnson, husband and wife for a permanent non-exclusive easement for ingress, egress and utility purposes across the existing road in the SE $\frac{1}{4}$ of Section 23. (5) Trust Deed, including the terms and provisions thereof, give to secure an indebtedness with interest thereon and such future advances as may be provided therein, dated June 1, 1981, recorded June 9, 1981, in Volume M81, page 10355, Microfilm Records of Klamath County, Oregon, in the amount of \$53,250.00 with Andrew B. George as grantor, Transamerica Title Insurance Company as trustee and Ted L. Glidewell and Judy A. Glidewell, husband and wife, as beneficiary. The beneficial interest under said Trust Deed was assigned by instrument recorded December 12, 1983, in Volume M83, page 21214, Microfilm Records of Klamath County, Oregon to Russell D. Fitzgerald and Alissa K. Fitzgerald. Diane E. George was not in title at the time the Trust Deed was executed. She acquired title March 17, 1983 by deed recorded in Volume M83, page 4106, Microfilm Records of Klamath County, Oregon.

This assignment of note, trust deed, and proceeds thereof, is given to secure payment due from Russell D. Fitzgerald and Alissa K. Fitzgerald to Joseph Stahancyk and Bertie Lee Stahancyk pursuant to that certain promissory note dated June 21, 1985. When the balance due from Fitzgerald to Stahancyk pursuant to the terms of said note has been paid in full, Stahancyks shall execute all documents necessary to reconvey the beneficial interest in and to said note, trust deed and proceeds thereof to Russell D. Fitzgerald and Alissa K. Fitzgerald.

STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for record on the 24th day of June, A.D., 19 85 at 9:45 o'clock A M, and duly recorded in Vol M85, of Mortgages on page 9555.

Fee: \$ 9.00

EVELYN BIEHN, COUNTY CLERK

by: Pam Smith, Deputy