

OABE

51158

ESTOPPEL DEED

STEVENS-NESS LAW FIRM, CO., PORTLAND, OR 97204

Vol. 1185 Page 11292

THIS INDENTURE between PACIFIC WEST MORTGAGE CO., an Oregon corporation hereinafter called the first party, and HAL R. BRAIKER and BARBARA W. BRAIKER, husband and wife, hereinafter called the second party; **WITNESSETH:** as to a 50% interest

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/reel/ volume No. M80 at page 3840 thereof or as fee/file/instrument/microfilm/reception No. 81230 (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 \$ 49,000.00, 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 Klamath County, State of Oregon, to-wit:

The Southeasterly 1/2 of Lots 9 and 10, Block 84, **KLAMATH ADDITION TO THE CITY OF KLAMATH FALLS,** in the County of Klamath, State of Oregon.

THIS DEED DOES NOT MERGE THE EQUITABLE AND LEGAL INTERESTS OF THE GRANTEE

together with all of the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

(CONTINUED ON REVERSE SIDE)

PACIFIC WEST MORTGAGE Co.

Post Office Box 13909

Salem, OR 97309

GRANTOR'S NAME AND ADDRESS

Hal R. & Barbara W. Braiker

Black Butte Ranch

Sisters, OR 97759

GRANTEE'S NAME AND ADDRESS

Hal R. & Barbara W. Braiker

Black Butte Ranch

Sisters, OR 97759

NAME, ADDRESS, ZIP

Hal R. & Barbara W. Braiker

Black Butte Ranch

Sisters, OR 97759

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of Clatsop ss.I certify that the within instrument was received for record on the 11 day of July, 1982, at10 o'clock AM, and recorded in book/reel/volume No. 1185 onpage 11292 or as fee/file/instrument/microfilm/reception No. 81230

Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By Hal R. Braiker Deputy

11503

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 the above premises is the sum of \$100.00.

However, the actual consideration paid for the above premises is the sum of \$100.00.

part of the consideration, except as aforesaid. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 49,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which) ☒ may be more than one person; that the

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 caused this instrument to be signed by its authorized person, it has caused its corporate name to be printed hereon, and its corporate seal to be hereunto affixed.

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 hereunto by order of its Board of Directors.

Dated July 3, 1985

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

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

STATE OF OREGON.

County of

The foregoing instrument was acknowledged before
this _____ day of _____, 19____ by

STATE OF OREGON, County of Marion

July 3

The foregoing instrument was acknowledged before me this 19th day of May, 1985, by Wm. G. Pelley, president of XXXXXXXX.

Wm. G. Pelley
president, and by
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Secretary of
PACIFIC WEST MORTGAGE
region corporation

Notary Public for _____ corporation, on behalf of the corporation

My commission expires

(SEAL) Notary Public for Oregon

My commission expires:

NOTE—The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of
of July

A.D., 19 85 at 11:23 o'clock A.M., and duly recorded in Vol. 17ch day
of Deeds on Page 11292 in MB5

FEE \$9.00

By Evelyn Biehn County Clerk

Evelyn Biehn County Clerk
By Phyllis Smith