

1-1-74

753187

# ESTOPPEL DEED

Vol. 1485 Page 14719

**THIS INDENTURE** between RUDOLPH F. & LEORA B. LUCERO

(If husband and wife, so indicate)

FRED W. KOEHLER JR. & HARIL W. NEWTON

hereinafter called the first party, and

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 M83 at page 8821 thereof or as file/reel number 24291 (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 \$ 14,660.88, 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**

See "Exhibit A" attached to and made a part of....setting forth the full legal description.

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

(CONTINUED ON REVERSE SIDE)

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

**After recording return to:**

FRED W KOEHLER JR  
P.O. Box 332  
CHILQUIN, OR. 97624

NAME ADDRESS ZIP

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

KOENLER : NEWTON  
P.O. BOX 332  
CHILQUIN OR 97624  
NAME ADDRESS ZIP

NAME ADDRESS ZIP

STATE OF OREGON.

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County of

~~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**

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

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 August 13, 1985.

Rudolph F. Lucero  
Leora B. Lucero

(If executed by a corporation,  
affix corporate seal)

STATE OF OREGON, California ) ss.

County of Mendocino, 1985.

Personally appeared the above named Rudolph F. and Leora B. Lucero; Husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed.

They are personally known to me.

Before me:  
(OFFICIAL SEAL) C Diane Paoli  
Notary Public for Oregon  
My commission expires: Jan. 11, 1988

STATE OF OREGON, County of \_\_\_\_\_ ) ss.  
\_\_\_\_\_, 19\_\_\_\_.

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 \_\_\_\_\_

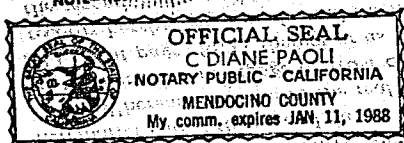
\_\_\_\_\_ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary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

Before me:

Notary Public for Oregon  
My commission expires:

(OFFICIAL SEAL)

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



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"EXHIBIT A"  
DESCRIPTION

A parcel of land situated in Government Lots 29, 32 and 33, Section 16, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a  $\frac{1}{2}$  inch iron pin marking the Northeast corner of that certain parcel of land described in Deed Volume M75 at page 7623, Klamath County Deed Records, on the Northerly line of said Lot 33 from which a  $\frac{3}{4}$ " pipe marking the intersection of the Easterly right of way line of U.S. Highway No. 97 with said Northerly line of Lot 33 bears South  $89^{\circ} 49' 56''$  West, 542.29 feet; thence South  $00^{\circ} 08' 48''$  East along the East line of said described parcel, 40.41 feet to a  $\frac{3}{4}$ " iron pipe on the Northerly line of that certain parcel described in Deed Volume 363 at page 58 of Klamath County Deed Records; thence along said parcel boundary the following courses and distances: North  $89^{\circ} 46' 48''$  East parallel to but 40.00 feet South of said North line of Lot 33, 454.20 feet to a  $\frac{3}{4}$ " iron pipe on the East line of said Lot 33; South  $00^{\circ} 08' 48''$  East along said East line, 95.00 feet to a  $\frac{1}{2}$  inch iron pin; North  $89^{\circ} 49' 56''$  East 107.41 feet to a  $\frac{5}{8}$ " iron pin marking the Northwest corner of that certain parcel described in Deed Volume M76, page 17502, Klamath County Deed Records; thence North  $41^{\circ} 53' 10''$  East along the Northwest line thereof, 151.74 feet to a  $\frac{5}{8}$ " iron pin marking the Northeast corner thereof; thence North  $51^{\circ} 10' 25''$  West along the Southwest line of that certain parcel described in Deed Volume M75, at page 4969 of Klamath County Deed Records, 56.00 feet to a  $\frac{1}{2}$ " iron pin marking the Northwest corner thereof; thence North  $45^{\circ} 48' 35''$  East, 265.63 feet along the Northwest line of the aforesaid parcel and the Northwest line of that certain parcel described in Deed Volume M74, page 14340, Klamath County Deed Records to a  $\frac{1}{2}$ " iron pin marking the Northeast corner thereof; thence North  $23^{\circ} 36' 00''$  East along the Northwest line of that certain parcel described in Deed Volume M76, page 3844, Klamath County Deed Records, 329.90 feet to a  $\frac{1}{2}$  inch iron pin marking the Northeast corner thereof; thence North  $55^{\circ} 40' 18''$  West along the Southwest line of that certain parcel described in Deed Volume M76 at page 13692, of Klamath County Deed Records, 281.84 feet to a  $\frac{5}{8}$ " pin marking the most Westerly corner thereof; thence West along the North line of said Lot 29, 256.91 feet to the Northwest corner thereof; thence South  $00^{\circ} 08' 48''$  East, 659.79 feet to a  $\frac{1}{2}$ " iron pin marking the Southwest corner thereof; thence South  $89^{\circ} 49' 56''$  West along said North line of Lot 33, 454.20 feet to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 12th day  
of September A.D., 19 85 at 11:02 o'clock A M., and duly recorded in Vol. 1885  
of Deeds on Page 14719.

FEE \$13.00

Evelyn Biehn, County Clerk  
By *Pam Smith*