

MTC 110447 K

10451

62611

THIS INDENTURE between JOHN H. MOLOSKY and ALICIA M. MOLOSKY, husband and wife, hereinafter called the first party, and JAMES R. DE BAUN, TRUSTEE, and/or Successor Trustee under written Declaration of Trust dated September 7, 1972, 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-82 at page 9334 thereof, 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 \$ , 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:

ALL THAT CERTAIN REAL PROPERTY LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT A, ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN BY REFERENCE AS IF FULLY SET FORTH, AND WHICH SAID EXHIBIT DESCRIBES CERTAIN PARCELS DESCRIBED THEREON AS PARCEL 1, PARCEL 2, AND PARCEL 3;

\*\*\*and rerecorded at M-82, page 10382, and again rerecorded at M-82, page 11142; together with all of the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

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 real property taxes owing, reservations, easements, restrictions and rights of way of record, and those apparent on the land 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 \$ 5,000.00 .

However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which): being payment of unpaid real property taxes and encumbrances.

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 June 16, 1986 .

Alicia M. Molosky  
John H. Molosky

STATE OF OREGON, County of Klamath } ss.  
Personally appeared the above named  
Alicia M. Molosky and John H. Molosky  
and acknowledged the foregoing instrument to be their  
voluntary act and deed.

(OFFICIAL SEAL)

Before me:

Kristi L. Kidd  
Notary Public for Oregon

My commission expires: 11/16/87

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

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 \_\_\_\_\_

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)

EXHIBIT "A" DESCRIPTIONPARCEL 1:

The N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 25, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM all subsurface rights as reserved in Deeds recorded in Volume M75, page 1496, and Volume M75, page 15175, Microfilm Records of Klamath County, Oregon.

PARCEL 2:

The S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 25, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 3:

The NE $\frac{1}{4}$  and the E $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 36, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 4:

The SE $\frac{1}{4}$  Section 25, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

*J.H.M.*  
*A.M.M.*

After recording, return to:

James R. Debaun  
c/o Mountain Title Company  
407 main Street  
Klamath Falls - OR 97601

EXHIBIT "A"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ day  
of \_\_\_\_\_ June \_\_\_\_\_ A.D. 19 86 at 3:52 o'clock P. M., and duly recorded in Vol. \_\_\_\_\_ M86  
of \_\_\_\_\_ Deeds \_\_\_\_\_ on Page 10451.

FEE \$14.00

Evelyn Biehn, County Clerk  
By *Pam Smith*