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90365

ESTOPPEL DEED

Vol. 788 Page 13186



THIS INDENTURE between John Miller  
hereinafter called the first party, and J. Claude Bowden, and Thelma M. Bowden  
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/reel/ volume No. M-83 at page 15794 thereof or as fee/file/instrument/microfilm/reception No. (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 \$142,275.94, 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 description of property set forth on Exhibit "A" hereto.

AKA Rt. 5 Box 1343 through 1346 and 1347, 1347A, 1347B, 1347C,  
3809 Section 7C Tax Lots 3700, 5400, 5500.

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

(CONTINUED ON REVERSE SIDE)

John Miller

1869 Morganite xx 7417 Eberlein  
Klamath Falls, Oregon 97601

GRANTOR'S NAME AND ADDRESS

J. Claude Bowden & Thelma M. Bowden  
1551 McClellan Drive  
Klamath Falls, Oregon 97603

GRANTEE'S NAME AND ADDRESS

After recording return to:

J. Claude Bowden  
P.O. Box 7596  
Klamath Falls, Oregon 97602

NAME, ADDRESS, ZIP

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

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/reel/volume No. on  
page or as fee/file/instru-  
ment/microfilm/reception No.  
Record of Deeds of said county.  
Witness my hand and seal of  
County affixed.

NAME

TITLE

By Deputy

SPACE RESERVED  
FOR  
RECORDER'S USE

\*88 AUG 15 PM 2 24

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 No Exceptions

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-

~~any other consideration (indicate which)~~

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 19 88

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

John R. Miller

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

STATE OF OREGON,

County of Klamath

} ss.

[ORS 194.570]

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

The foregoing instrument was acknowledged before me this

, 19 \_\_\_\_\_, by \_\_\_\_\_,

president, and by \_\_\_\_\_,

secretary of \_\_\_\_\_,

a \_\_\_\_\_ corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires:

(SEAL)

(If executed by a corporation, affix corporate seal)

The foregoing instrument was acknowledged before me (s/s) August 15, 1988, by John R. Miller

Notary Public for Oregon

My commission expires: April 22, 1989

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

EXHIBIT A  
DESCRIPTION

PARCEL 1

The West 130 feet of a tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point on the Westerly line of the right of way of the Dalles-California Highway, now known as Wocus Road which point bears North 89° 49' West a distance of 629.8 feet, and North 6° 02' East a distance of 107.2 feet from the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 7, said point also being at the Southeast corner of the tract herein described; thence North 6° 02' East along said Westerly right of way line a distance of 180 feet; thence North 89° 49' West a distance of 486.54 feet; thence South 6° 02' West 180 feet; thence South 89° 49' East 486.54 feet to the place of beginning.

PARCEL 2

A tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point which lies North 89° 49' West a distance of 976.04 feet and South 6° 02' West a distance of 1050.3 feet from the iron pin which marks the center of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, and running thence: continuing South 6° 02' West a distance of 180 feet to a point; thence North 89° 49' West a distance of 486.54 feet to a point; thence North 6° 02' East a distance of 180 feet to a point; thence South 89° 49' East a distance of 486.54 feet more or less to the point of beginning.

EXCEPTING that portion of the above tract deeded to the State of Oregon for highway purposes.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of J. Claude Bowden the 15th day  
of Aug. A.D. 19 88 at 2:24 o'clock P. M., and duly recorded in Vol. M88  
of Deeds on Page 13186.  
By Evelyn Biehn County Clerk  
Pauline M. Mendenhall

FEE 18.00

1888  
restrictions, rights of way and easements of record and those apparent on the land.