

93933

ASSIGNMENT OF CONTRACT

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KNOW ALL MEN BY THESE PRESENTS, That the undersigned, for the consideration hereinafter stated, has sold and assigned and hereby does grant, bargain, sell, assign and set over unto Albert C. Lavenik and Edrie Lavenik, husband and wife

his heirs, successors and assigns, all of the vendor's right, title and interest in and to that certain contract for the sale of real estate dated April 3, 19 78, between Joe H. Victor and Eleanor Victor, husband and wife as seller and

Enoch C. Hutcheson, Robert T. Blair and Wilfred A. Johnson, dba Tri-Angle Investments as buyer, which contract is recorded in the Deed* ~~Microfilm~~ Records of Klamath County, Oregon, in ~~book/reel~~/volume No. M78 at page 8288 or as fee/file/instrument/microfilm/reception No. (indicate which) (reference to said recorded contract hereby being expressly made) together with all the right, title and interest of the undersigned in and to all moneys due and to become due thereon; the undersigned hereby expressly covenants and warrants to the assignee above named that the undersigned is the owner of the vendor's interest in the real estate described in said contract of sale and that the unpaid principal balance of the purchase price thereof is not less than \$20,000 with interest paid thereon to date, 19 .

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 1.00.
 However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).
~~XXXXXX~~

See Exhibit "A" attached hereto for further terms.

In construing this assignment, it is understood that if the context so requires, the singular shall be taken to mean and include the plural, the masculine shall include 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 one or more individuals and/or corporations.

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

DATED: Nov. 15, 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.

Joe H. Victor
 Joe H. Victor

Eleanor D. Victor
 Eleanor Victor

STATE OF OREGON,

County of Klamath } ss.
Nov 15, 19 88.

Personally appeared the above named Joe H. Victor and Eleanor Victor

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

Before me:
 (OFFICIAL SEAL) [Signature]

Notary Public for Oregon

My commission expires: 10/9/92

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)

(If executed by a corporation, affix corporate seal)

*Strike whichever word not applicable. NOTE—The sentence between the symbols (), if not applicable, should be deleted. See ORS 93.030. If the contract is not already of record, it should be recorded, preferably in the Deed Records.

Joe H. and Eleanor Victor

GRANTOR'S NAME AND ADDRESS

Albert C. and Edrie Lavenik

GRANTEE'S NAME AND ADDRESS

After recording return to:

Jerry Molatore, Atty at Law
426 Main Street
Klamath Falls, OR 97601
 NAME, ADDRESS, ZIP

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

Michael F. Schmeck
735 Commercial
Klamath Falls, OR 97601
 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/instrument/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

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 88 NOV 15 PM 2 45

EXHIBIT "A"

This assignment is intended to secure payment of that certain note, attached hereto, marked Exhibit A-1 and made a part hereof, in the amount of \$17,608.28. Upon payment in full of said note, including interest, this assignment shall be of no further effect.

\$ 17,608.28. Klamath Falls, Oregon, November 15, 1988.
 I (or if more than one maker) we, jointly and severally, promise to pay to the order of Albert C. Lavenik and Edrie Lavenik, husband and wife, at 3570 Denver Park, Klamath Falls, OR SEVENTEEN THOUSAND SIX HUNDRED EIGHT and 28/100----- DOLLARS, with interest thereon at the rate of 10 percent per annum from October 1, 1988 until paid, payable in monthly installments of not less than \$ 477.83 in any one payment; interest shall be paid monthly and ~~is included in~~ the minimum payments above required; the first payment to be made on the 15th day of November 1988, and a like payment on the 15th day of each month thereafter, until the whole sum, principal and interest has been paid; if any of said installments is not so paid, all principal and interest to become immediately due and collectible at the option of the holder of this note. If this note is placed in the hands of an attorney for collection, I/we promise and agree to pay holder's reasonable attorney's fees and collection costs, even though no suit or action is filed hereon; however, if a suit or an action is filed, the amount of such reasonable attorney's fees shall be fixed by the court, or courts in which the suit or action, including any appeal therein, is tried, heard or decided.

* Strike words not applicable.

For further terms see Exhibit "A" attached hereto.

Joe H. Victor
 Joe H. Victor
 Eleanor Victor

EXHIBIT "A"

Payment of this note has been secured by assignment from Joe H. Victor and Eleanor Victor to Albert C. Lavenik and Edrie Lavenik of that certain contract dated April 3, 1978 between Joe H. Victor and Eleanor Victor, husband and wife, as seller and Enoch C. Hutcheson, Robert T. Blair and Wilfred A. Johnson, dba Tri-Angle Investments as buyer, which contract is recorded in Klamath County Deed Records in Volume M87 at page 8288. Said assignment is subject to a judgment against Joseph Victor held by Davis, Ainsworth, Pinnock, entered April 14, 1987 in Judgment Lien Docket, Case No. 87-67TJ, in the amount of \$2,068.50, cost \$187.70, records of Klamath County, Oregon. The parties agree that in the event of an execution by the holders of said judgment against the interest of Joe H. Victor and Eleanor Victor in the above contract, that within five days after mailing of written notice of the execution to Joe H. Victor and Eleanor Victor at the address maintained by Klamath First Federal, certified mail return receipt requested, that Joe H. Victor and Eleanor Victor will make the payments required under this note directly to Albert C. Lavenik and Edrie Lavenik.

STATE OF OREGON; COUNTY OF KLAMATH: ss.

Filed for record at request of Jerry Molatore
 of Nov. A.D., 19 88 at 2:45 o'clock P.M., and duly recorded in Vol. M88
 of Deeds on Page 19381
 FEE \$23.00
 Evelyn Biehn County Clerk
 By Rauline Mullins