

36429

AS per 32332
ESTOPPEL DEED

Vol. m89 Page 1463



Retain
THIS INDENTURE between DONALD R. MANNING AND LILLIAN MANNING
hereinafter called the first party, and THE STATE OF OREGON ACTING BY AND THROUGH THE DIRECTOR
hereinafter called the second party; WITNESSETH: OF VETERANS' AFFAIRS

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. ** at page ** 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 \$153,833.00, 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:

** ORIGINAL NOTE AND MORTGAGE RECORDED IN BOOK M-77 PAGE 1310
RE-RECORDED IN BOOK M-77 PAGE 9093
ASSUMPTION AGREEMENT RECORDED IN BOOK M-83 PAGE 7571

SEE ATTACHED EXHIBIT "B" FOR LEGAL DESCRIPTION

(ACCOUNT NUMBERS: 0290447 R (CODE 8 MAP 3512-3400 TL 200)
0290474 R (CODE 8 MAP 3512-3400 TL 800)
0290483 R (CODE 8 MAP 3512-3400 TL 700)
0290456 R (CODE 8 MAP 3512-3400 TL 500)

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

(CONTINUED ON REVERSE SIDE)

DONALD R. MANNING

Rt 1, Box 18

Bonanza, OR 97623

GRANTOR'S NAME AND ADDRESS

Department of Veterans' Affairs

700 Summer St. NE

Salem, OR 97310-1201

GRANTEE'S NAME AND ADDRESS

After recording return to:

Department of Veterans' Affairs

700 Summer St. NE

Salem, OR 97310-1201

NAME, ADDRESS, ZIP

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

Department of Veterans' Affairs

700 Summer St. NE

Salem, OR 97310-1201

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



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 NONE.

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 \$ NONE.

ⓐ 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 _____, 19____.

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.

Donald R. Manning
 DONALD R. MANNING
Lillian Manning
 LILLIAN MANNING

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

STATE OF OREGON,

County of Klamath

} ss.

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

DONALD R. MANNING AND LILLIAN MANNING

Agnita Cacka
 Notary Public for Oregon

My commission expires: 3-24-93

(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)

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

(If executed by a corporation, affix corporate seal)

EXHIBIT "B"

PARCEL 1

The S½NE¼NE¼, E½SW¼ and the SE¼ of Section 34, Township 35 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 2

Section 34, Township 35 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon, the SE¼NE¼,

EXCEPTING THEREFROM that portion of the SE¼NE¼, (also known as the Clark Chocktoot Allotment #1001), lying East of the Klamath County Road, and that portion of said allotment lying West of the Klamath County Road and described by metes and bounds as follows:

Beginning on the West boundary of Klamath County Road right of way, which point bears West, 40.0 feet from the quarter section corner common to Sections 34 and 35, Township 35 South, Range 12 East of the Willamette Meridian; thence West 150.0 feet along the South boundary of said SE¼NE¼, Section 34; thence North 370.0 feet; thence East, 95.0 feet; thence South 14° 46' East, 97.5 feet along said road right of way line; thence continuing on said right of way along the arc of a 6° 16' curve, a distance of 235.8 feet, the long chord bears South 7° 23' East 235.2 feet; thence South 42.4 feet along said road right of way line to a point of beginning.

PARCEL 3

A parcel of land lying in Section 35, Township 35 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Those parts of the S½S½NW¼NW¼ and of the SW¼NW¼ lying Northwesterly of Indian Service Road S-65 commonly known as Godowa Springs Road.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 25th day of Jan. A.D. 19 89 at 11:15 o'clock A.M., and duly recorded in Vol. M89 of Deeds on Page 1463.

FEE \$18.00

Evelyn Biehn, County Clerk

By Caroline Muelken