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6992

ESTOPPEL DEED

Vol. m89 Page 20523



THIS INDENTURE between Robert K. Marks and Clydia M. Marks, Husband & Wife hereinafter called the first party, and John L. Perry and Donna S. Perry, as Tenants by the Entirety 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-87 at page 21213 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 \$ 133,704.52, 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.

Trust Deed

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 , to-wit:

See Exhibit A which is attached hereto and incorporated by this reference.

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

(CONTINUED ON REVERSE SIDE)

Robert K. Marks & Clydia M. Marks
P.O. Box 238
Beatty, OR 97621
GRANTOR'S NAME AND ADDRESS

John L. Perry & Donna S. Perry
P.O. Box 25
Beatty, OR 97621
GRANTEE'S NAME AND ADDRESS

After recording return to:
John L. Perry & Donna S. Perry
P.O. Box 25
Beatty, OR 97621
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.
John L. Perry & Donna S. Perry
P.O. Box 25
Beatty, OR 97621
NAME, ADDRESS, ZIP

STATE OF OREGON,
 County of Klamath ss.
 I certify that the within instrument was received for record on the 17 day of October, 1989, at 1:00 o'clock PM, 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

50257

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

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 10-17, 1989

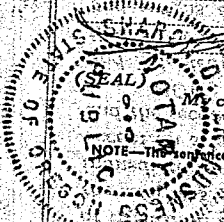
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO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

Robert K. Marks
Clydia Marks

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

STATE OF OREGON, } ss.
County of Klamath }
The foregoing instrument was acknowledged before me this October 17, 1989, by Robert K. Marks & Clydia M. Marks

(ORS 194.570)
STATE OF OREGON, County of KLAMATH } ss.
The foregoing instrument was acknowledged before me this OCT 17, 1989, by _____, president, and by _____ secretary of _____ corporation, on behalf of the corporation.



Notary Public for Oregon
My commission expires: 07-29-90

Notary Public for Oregon
My commission expires: _____ (SEAL)

(If executed by a corporation, affix corporate seal)

8305

EXHIBIT "A"

PARCEL 1:

Beginning at a point which is 30 feet North and 212 feet East from the Southwest corner of Lot 29, Section 14, Township 36 South, Range 12 East of the Willamette Meridian; thence due East along the State Highway, 132 feet; thence due North 132 feet; thence West 116 feet; thence North 198 feet; thence West 16 feet; thence South 330 feet to the point of beginning, in the County of Klamath, State of Oregon.

EXCEPTING THEREFROM the following: A seven foot strip of land situated in said Lot 29, in the SW 1/4 of SW 1/4 of Section 14, Township 36 South, Range 12 East of the Willamette Meridian, more particularly described as follows:

Beginning at an iron pin located North a distance of 30.0 feet and East a distance of 344.0 feet from the iron pipe marking the Southwest corner of said Section 14; thence North a distance of 132.0 feet to an iron pin; thence West a distance of 7.0 feet to an iron pin; thence South a distance of 132.0 feet to an iron pin; thence East a distance of 7.0 feet, more or less, to the point of beginning.

PARCEL 2:

Beginning at the Southwest corner of the SW 1/4 SW 1/4 of Section 14, Township 36 South, Range 12 East of the Willamette Meridian; thence East 228 feet; thence North 162 feet to the place of beginning; thence North 198 feet; thence East 109.4 feet; thence South 198 feet; thence West 109.4 feet to the place of beginning in SW 1/4 SW 1/4, Section 14, Township 36 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 3:

A parcel of land situated in Lot 29, Section 14, Township 36 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point 337.4 feet East and 162 feet North of the quarter corner common to Sections 15, 14, 22 and 23, Township 36 South, Range 12 East of the Willamette Meridian, which point is the Southeast corner of property described in Deed Volume 74 at Page 607 and the true point of beginning; thence East to the Southwest corner of property described in Deed Volume 76 at Page 408; thence North 208.75 feet to a point on the South line of property described in Deed Volume 116 at Page 175; thence West along the South line of said parcel described in Deed Volume 116 at Page 175 to the Southwest corner of said parcel; thence

Continued on next page

EXHIBIT "A" CONTINUED

North 208 feet along the West line of said parcel to a point on the South line of parcel described in Deed Volume 117 at page 375; thence West along the South line of said parcel described in Deed Volume 117 at Page 375 to the Southwest corner of said parcel; thence South 218.9 feet, more or less, to the Northwest corner of property described in Deed Volume 74 at Page 607; thence East 109.4 feet along the North line of said parcel described in Deed Volume 74 at Page 607 to the Northeast corner of said parcel; thence South along the East line of said parcel, 198 feet to the point of beginning.

PARCEL 4:

Beginning at a point which is 30 feet North and 30 feet East of the Southwest corner of Lot 29 in Section 14, Township 36 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon; thence due East 177 feet along the state highway to the point of beginning; thence at right angles due North 330 feet; thence East 5 feet; thence South 330 feet; thence West to the point of beginning.

EXCEPTING THEREFROM that portion lying within the boundaries of Klamath Falls-Lakeview Highway.

CODE 8 MAP 3612-14CO TL 2100
 CODE 8 MAP 3612-14CO TL 2099
 CODE 8 MAP 3612-14CO TL 1700
 CODE 8 MAP 3612-14CO TL 2200

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 26th day
 of Oct. A.D., 19 89 at 10:54 o'clock AM., and duly recorded in Vol. M89,
 of Deeds on Page 20523.

FEE \$23.00

Evelyn Biehn County Clerk

By Daniel Meindler