

OS 18544

ASSIGNMENT OF CONTRACT

Vol. m90 Page 15681

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

FREDERICK W. SMITH, JR.

his heirs, successors and assigns, all of the vendee's right, title and interest in and to that certain contract for the sale of real estate dated August 24, 1979, between HERMAN PENDERGRAFT AND LAURA N. PENDERGRAFT, husband and wife as seller and ART DAVINA AND MARY M. DAVINA, husband and wife

as buyer, which contract is recorded in the Deed* Miscellaneous* Records of Klamath County, Oregon, in book/reel/volume No. M79 at page 20434 thereof, or as fee/file/instrument/microfilm/reception No. (indicate which), (reference to said recorded contract hereby being expressly made), together with all of the right, title and interest of the undersigned in and to the real estate described therein; the undersigned hereby expressly covenants with and warrants to the assignee above named that the undersigned is the owner of the vendee's interest in the real estate described in said contract of sale and that the unpaid balance of the purchase price thereof is not more than \$240,898.80 with interest paid thereon to July 31, 1990; further, upon compliance by said assignee with the terms of said contract, the undersigned directs that conveyance of said real estate be made and delivered to the order of said assignee.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$300,000.00

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

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 name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its board of directors.

DATED: July 31, 1990

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.

ART DAVINA

MARY M. DAVINA

STATE OF OREGON,

County of Klamath

July 31, 1990

Personally appeared the above named

Art Davina

Mary M. Davina

NOTARY

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 12-19-92

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

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.

Art and Mary Davina

GRANTOR'S NAME AND ADDRESS

Frederick W. Smith, Jr.

GRANTEE'S NAME AND ADDRESS

After recording return to:

Mountain Title Company

NAME, ADDRESS, ZIP

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

NAME, ADDRESS, ZIP

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

County of Klamath) ss.

I certify that the within instrument was received for record on the 6th day of Aug., 1990, at 3:54 o'clock P.M., and recorded in book/reel/volume No. M90 on page 15681 or as fee/file/instrument/microfilm/reception No. 18544, Record of Deeds of said county.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By Carol M. Mullendore Deputy

Fee \$28.00