

00

22950

ASPEN 02035796  
ESTOPPEL DEED

Vol. m90 Page 23450

THIS INDENTURE between Maile L. Moore and Oida L. Moore  
hereinafter called the first party, and Ronald J. Vueller and Janis Irene Vueller  
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. 1787 at page 2757 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 \$21,500.00, 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, second party's heirs, successors and assigns, all of the following described real property situate in Klamath County, State of Oregon, to-wit:

Lot 33 in Block 1 Klamath River Acres,  
according to the official plat thereof, in  
file, in the office of the County Clerk  
of, Klamath County, Oregon.

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

(CONTINUED ON REVERSE SIDE)

Ronald J. Vueller & Janis Irene Vueller  
909 21st Ave. NW, Apt. A  
Minnetonka, North Dakota 58701.  
GRANTOR'S NAME AND ADDRESS

Maile & Oida Moore  
2860 Frontage Road  
Klamath Falls, Or. 97601.  
GRANTEE'S NAME AND ADDRESS

After recording return to:

Oida Moore  
2860 Frontage Road  
Klamath Falls Or 97601.  
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/instrument/microfilm/reception No. \_\_\_\_\_,  
Record of Deeds of said county.

Witness my hand and seal of  
County affixed.

NAME

TITLE

By \_\_\_\_\_ Deputy



TO HAVE AND TO HOLD the same unto said second party, second party's heirs, successors and assigns forever.

And the first party, for first party and first party's heirs and legal representatives, does covenant to and with the second party, second party's 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 \$ 21,500.00.

However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).<sup>①</sup>

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 pronoun includes the plural and that 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 and its seal affixed by an officer duly authorized thereto by order of its Board of Directors.

Dated June 25, 19 90

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.

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

STATE OF OREGON,

County of \_\_\_\_\_

ss.

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

Notary Public for Oregon

(SEAL)

My commission expires:

N. D.

STATE OF OREGON,

County of WARD

ss.

This instrument was acknowledged before me on 6-25, 1990, by Bruce A. Bremer

as NOTARY

of WARD Co. ND.

Notary Public for Oregon ND.

My commission expires:

(SEAL)

NOTE—The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.

BRUCE A. BREMER, Notary Public  
Ward County, North Dakota  
My Commission Expires March 2, 1992

## AFFIDAVIT

STATE OF OREGON       )  
                                  ) ss  
County of Klamath    )

WHEREAS, Aspen Title & Escrow, Inc., An Oregon Corporation, hereinafter referred to as "Company" is about to issue its title insurance policy under Title Order No. 35796, insuring against loss by reason of defect in the title to the real property described hereinbelow.

AND, WHEREAS, Company has issued its Preliminary Title Report No. 35796 dated as of September 24, 1990, which report shows Donald J. Voeller and Janis Irene Voeller in title with a Trust Deed against said property dated December 14, 1987 and recorded December 17, 1987 in Book M-87 at page 22470. Escrow Agent has been presented with an Estoppel Deed from Voeller to Moore. The deed was prepared by Ms. Orda L. Moore and the position of the First and Second Parties were reversed on this instrument. Ms. Moore hereby affirms that the deed contains a clerical error.

I, Orda L. Moore, hereby state that I prepared the attached Estoppel Deed on property described as:

Lot 33 in Block 1, Klamath River Acres according to the official plat thereof, on file in the office of the County Clerk of Klamath County, Oregon.

When preparing said deed, I hereby state that I have placed the names of the first party and the second party in error, and by this affidavit state that this statement is being made because of the clerical error on my part. The intent of this deed was to place the property back into the names of Doyle L. Moore and Orda L. Moore, who are the Beneficiaries on that Trust Deed dated December 14, 1987 and recorded on December 17, 1987 in Book M-87 at page 22470. Mr. and Mrs. Voeller had defaulted on their obligations under the Note and Trust Deed and signed this deed in lieu of foreclosure.

Dated this 23<sup>rd</sup> day of November, 1990.

Doyle L. Moore  
DOYLE L. MOORE

Orda L. Moore  
ORDA L. MOORE

ACCEPTED AND ACKNOWLEDGED THIS 23<sup>rd</sup> DAY OF NOVEMBER, 1990.

Vernon D. Angrimson  
VERNON D. ANGRIMSON

Mary Lou Angrimson  
MARY LOU ANGRIMSON

STATE OF OREGON: COUNTY OF KLAMATH:   ss.

Filed for record at request of Aspen Title Co. the 26th day of Nov. A.D., 19 90 at 10:45 o'clock AM., and duly recorded in Vol. M90 of Deeds on Page 23450.

FEE   \$38.00

Evelyn Biehn   County Clerk

By Daniel M. Williams