

25969

ESTOPPEL DEED

Vol. 779 / Page 2901

THIS INDENTURE between CRAIG A. KUYPER AND KATHY L. KUYPER, HUSBAND AND WIFE hereinafter called the first party, and JACK GANN AND JOYCE GANN, AS tenants in common each as to an* hereinafter called the second party; WITNESSETH: *undivided one half interest

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. M90 at page 17633 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 \$, 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:

A tract of land situated in the SE1/4 of Section 11, Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the North line of said SE1/4 from which the Northeast corner of said SE1/4 bears South 89 degrees 05' 04" East, 328.39 feet; thence North 89 degrees 05' 04" West on said North line, 1042.12 feet to the Northerly right-of-way line of Schaupp Road; thence Easterly on said Northerly right-of-way line the following four courses:

On a 174.63 foot radius curve to the left (delta= 28 degrees 44' 27") 87.60 feet; North 89 degrees 30' 20" East, 364.88 feet; on a 388.10 foot radius curve to the right (delta= 44 degrees 44') 303.01 feet; South 45 degrees 45' 40" East, 443.87 feet; thence leaving said Northerly right-of-way line North 00 degrees 07' 00" East, 420.69 feet to the point of beginning.

together with all of the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; (CONTINUED ON REVERSE SIDE)

Craig A. Kuyper and Kathy L. Kuyper

GRANTOR'S NAME AND ADDRESS

Jack Gann Joyce Gann
1863 NE Tombstone
Bend, Oregon 97701

GRANTEE'S NAME AND ADDRESS

After recording return to:

Same as above

NAME, ADDRESS, ZIP

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

Same as above

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of

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 of as fee/file/instrument/microfilm/reception No. Record of Deeds of said county. Witness my hand and seal of County affixed.

By Deputy

91 FEB 15 PM 2 23

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

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 consideration (indicate which) 0 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 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 Feb 15, 19 91

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.

Craig A. Kuyper Attorney in fact Kathy Kuyper
Craig A. Kuyper

Kathy L. Kuyper
Kathy L. Kuyper

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

STATE OF OREGON
County of Klamath ss.

This instrument was acknowledged before me on February 15, 19 91, by Craig A. Kuyper Attorney in fact Kathy Kuyper
Kathy L. Kuyper

William C. Havlina
Notary Public for Oregon

(SEAL) My commission expires: 5-31-94

STATE OF OREGON
County of ss.

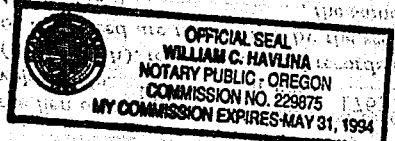
This instrument was acknowledged before me on 19, by as of

Notary Public for Oregon

My commission expires:

(SEAL)

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



STATE OF OREGON: COUNTY OF KLAMATH: ss. Mountain Title

Filed for record at request of Feb A.D., 19 91 at 2:23 o'clock P M., and duly recorded in Vol. M91 day of Deeds on Page 2901

FEE 33.00

Evelyn Biehn
By Bernetha Schuch County Clerk