

36559

## ESTOPPEL DEED

THIS INDENTURE between RONALD GENE TORRENCE and ROSALITA RAMONA TORRENCE, husband and wife, hereinafter called the first party, and WILLIAM T. McGAUGHEY and NELLIE C. McGAUGHEY, husband and wife, hereinafter called the second party;

## W I T N E S S E T H:

WHEREAS, the first party is vendee of a contract of sale recorded in the deed records of the county hereinafter named, in Book 83 at page 5610 thereof, reference to said records being made, and the indebtedness secured by said contract of sale is now owned by the second party, on which contract of sale there is now owing and unpaid the sum of \$144,810.79, the same being now in default and said contract of sale being now subject to immediate foreclosure, and where as the first party, being unable to pay the same, has requested the second party to accept an absolute deed of conveyance of property in satisfaction of the indebtedness secured by said contract of sale and the second party does now accede to said request;

NOW THEREFORE, for the consideration hereinafter stated (which includes the cancellation of the indebtedness secured by said contract of sale), the first party does hereby grant, bargain, sell and convey unto the second party, his heirs, successors and assigns, all of the following-described property situate in Klamath County, State of Oregon, to-wit:

PARCEL 1: East 100 feet of Lot 1, Block 1, FIRST ADDITION TO ALTAMONT ACRES.

PARCEL 2: The West 50 feet of East 150 feet of Lot 1, Block 1, FIRST ADDITION TO ALTAMONT ACRES.

Subject to: Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Klamath Irrigation District; Regulations, including levies, liens, assessments, rights of way and easements of the South Suburban Sanitary District; Right reserved to construct irrigation ditches along line of said premises, as shown in deed recorded Aug. 3, 1926, in Book 73, page 178, Deed Records of Klamath County, Oregon; requirements and provisions of ORS Chapter 481 pertaining to the registration and transfer of ownership of a mobile home, and any interests or liens disclosed thereby.

TOGETHER WITH 1 - 1972 FLEETWOOD 24' x 52' MOBILE HOME, SERIAL NO. S13086.

Together with all of the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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 contract of sale and real property taxes; 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,

WILLIAM L. SISEMORE  
Attorney at Law  
540 Main Street  
KLAMATH FALLS, ORE.  
97601  
503/882-7229  
O.S.B. #70133

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Other than as shown of record, neither the said beneficiary nor the said trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN OR INTEREST

Vincent J. Mow, Trustee of Trust Executed

June 22, 1990, by William Louis Mow

P.O. Box 393

Merion Station, Pennsylvania 19066

Louis William Mow  
3536 Granite Street  
Klamath Falls, Oregon 97601

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: October 25, 1991

Donald R. Crane

Trustee

Beneficiary

(State which)

(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 October 25, 1991, by Donald R. Crane

(ORS 194.570)

STATE OF OREGON, County of Klamath 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

(SEAL)

(SEAL)

My commission expires: 6-9-93

My commission expires:

# NOTICE OF DEFAULT AND ELECTION TO SELL

(FORM No. 884)

STEVENS-NESS LAW PUB. CO., PORTLAND, OR.

Re: Trust Deed From

Louis William Mow

Grantor

To

Aspen Title & Escrow, Inc., an Oregon corporation

Trustee

AFTER RECORDING RETURN TO

Donald R. Crane  
Crane & Foltyn  
635 Main Street

Klamath Falls, OR 97601

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 28th day of Oct., 1991, at 9:30 o'clock A.M., and recorded in book/reel/volume No. M91 on page 22371 or as fee/file/instrument/microfilm/reception No. 36558, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By Pauline M. Muller, Deputy

Fee \$13.00