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## ESTOPPEL DEED

Vol 1792 Page 11695

THIS INDENTURE between DONNIE HEATON aka DONNIE D. HEATON and MARGRET HEATON aka MARGRET C. HEATON hereinafter called the first party, and R. N. BELCHER 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. M91 at page 6819 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 \$ 175,000.00, 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:

See Exhibit "A", attached hereto and by this reference incorporated herein.

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

(CONTINUED ON REVERSE SIDE)

Donnie D. and Margret C. Heaton  
P. O. Box 210  
Merrill, OR 97633

GRANTOR'S NAME AND ADDRESS

R. N. Belcher  
815 Washburn Way  
Klamath Falls, OR 97603

GRANTEE'S NAME AND ADDRESS

After recording return to:

R. N. BELCHER  
815 Washburn Way  
Klamath Falls, OR 97603

NAME, ADDRESS, ZIP

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

R. N. BELCHER  
815 Washburn Way  
Klamath Falls, OR 97603

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

et 4000

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 liens and encumbrances of record and those apparent on the land

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.

① The face and actual consideration paid for this transfer, stated in terms of dollars, is \$175,000.00

XXXXXXX  
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 . . . . . March 5 , 1992 . . .

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.

DONNIE D. HEATON

Donnie D. Heaton  
MARCOET C. HEATON

MARGRET C. HEATO

(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  
March 5, 1992, by Donnie D.  
Heaton and Margret C. Heaton.

*Nancy L. Boone*  
Notary Public for Oregon

(SEAL)

**My commission expires:**

STATE OF OREGON.

County of ..... } ss.

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

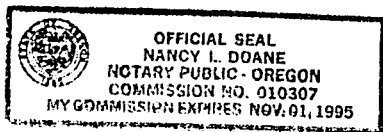
**AS** .....  
**ot** .....

**Notary Public for Oregon**

**My commission expires:**

(SEAL)

**NOTE**—The sentence between the symbols (i), if not applicable, should be deleted. See ORS 93.030.



## EXHIBIT "A"

## DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

PARCEL 1: NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and the N $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, Township 41 South, Range 10 East of the Willamette Meridian.

PARCEL 2: A tract of land situated in Section 2, Township 41 South, Range 10 East of the Willamette Meridian, more particularly described as follows: That portion of the N $\frac{1}{4}$  of said section lying easterly of the Northeasterly boundary of the D-1-C Lateral deeded to the United States of America in Deed Volume 111, Page 183; and West of the Westerly right of way line of the Great Northern Railway, recorded October 13, 1932, in Deed Volume 99, page 109, records of Klamath County, Oregon. SAVING AND EXCEPTING therefrom the right of way of the K.I.D. No. 6 Drain recorded January 13, 1915, in Deed Volume 43, page 239, records of Klamath County, Oregon.

AND ALSO That portion of the S $\frac{1}{4}$  of said Section 2 lying Easterly of the Northeasterly right of way of Highway 39 and Westerly of the Westerly boundary of the K.I.D. No. 6 Drain, recorded January 13, 1915, in Deed Volume 43, page 239, records of Klamath County, Oregon, SAVING AND EXCEPTING therefrom that portion conveyed to the United States of America for the D-1-C Lateral in Deed Volume 111, page 183, records of Klamath County, Oregon.

EXCEPTING THEREFROM that portion of Tracts 19, 20, 35 and 40, and Second Street adjacent thereto of MERRILL TRACTS, according to the official plat on file in the office of the County Clerk of Klamath County, Oregon, lying Northeasterly of the Dalles-California Highway.

PARCEL 3: A portion of 19 and 20 Merrill Tracts lying Easterly of the Northeasterly right of way of Highway 39 and Westerly of the Westerly boundary of the K.I.D. No. 6 Drain, recorded January 13, 1915, in Deed Volume 43, page 239, records of Klamath County, Oregon, SAVING AND EXCEPTING therefrom that portion conveyed to the United States of America for the D-1-C Lateral in Deed Volume 111, page 183, records of Klamath County, Oregon.

PARCEL 4: Township 41 South, Range 10 East of the Willamette Meridian, Section 02 Tract 19 & 20 Merrill Tract lying Northeasterly of the Northeast right-of-way of Klamath Falls - Malin Highway No. 39 and West of the U.S.B.R. No. 6 Drain right-of-way.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of R. N. Belcher the 29th day  
of May A.D., 19 92 at 3:47 o'clock P M., and duly recorded in Vol. M92  
of Deeds on Page 11695.

Evelyn Biehn County Clerk

FEE \$40.00

By [Signature]