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3109

ESTOPPEL DEED

MORTGAGE OR TRUST DEED Vol. 195 Page 18994

ATC 951285

THIS INDENTURE between FRANK J. YEARICKS and DENA YEARICKS, husband and wife, hereinafter called the first party, and GEORGE A. PONDELLA, JR. and DONALD E. BAILEY, each as to**, hereinafter called the second party; WITNESSETH: **an 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 14090 thereof and/or as fee/file/instrument/microfilm/reception No. 17607 (state which), reference to those records hereby being made, and the notes and indebtedness secured by the 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 \$ 11673.70, the same being now in default and the 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 the property in satisfaction of the indebtedness secured by the mortgage and the second party does now accede to that request.

NOW, THEREFORE, for the consideration hereinafter stated (which includes the cancellation of the notes and indebtedness secured by the 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 situated in Klamath County, State of Oregon, to-wit:

Lot 3, Block 1, Tract No. 1114, in the County of Klamath, State of Oregon.

Code 8 Map 3610-2200 TL 1200

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

The true and actual consideration for this conveyance is \$ -0- (Here comply with ORS 93.030.)

(CONTINUED ON REVERSE SIDE)

Grantor's Name and Address
Grantee's Name and Address
After recording return to (Name, Address, Zip): <u>George A. Pondella & Donald E. Bailey</u> <u>5082 Ankney</u> <u>Klamath Falls, OR 97603</u>
Until requested otherwise send all tax statements to (Name, Address, Zip): <u>SAME AS ABOVE</u>

SPACE RESERVED
FOR
RECORDER'S USE

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 _____ and/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 the 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 the property, free and clear of incumbrances except the 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 the 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 the premises hereby is surrendered and delivered to the 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 the premises directly or indirectly, in any manner whatsoever, except as set forth above.

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 name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Dated July 21, 1995

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Frank J. Yearicks
FRANK J. YEARICKS
Dena Yearicks
DENA YEARICKS

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on July 21, 1995,

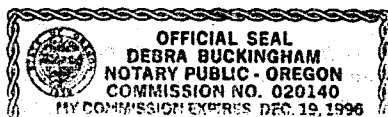
by Frank J. Yearicks and Dena Yearicks

This instrument was acknowledged before me on , 19 ,

by

as

of



My commission expires 12-19-96 Notary Public for Oregon

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of Aspen Title & Escrow the 21st day of July A.D., 1995 at 3:42 o'clock P M., and duly recorded in Vol. M95 of Deeds on Page 18994

FEE \$35.00

Bernetha G. Letsch, County Clerk
By Lynette H. Heston