



47675

97 OCT 28 NO 54

Vol. 1997 Page 35470ATC #01046837  
SPECIAL

## WARRANTY DEED

AFTER RECORDING RETURN TO:  
ROBBIE L. RUSH  
~~234 MAIN STREET~~ P.O. Box 697  
MERRILL, OREGON 97633

UNTIL A CHANGE IS REQUESTED ALL TAX  
STATEMENTS TO THE FOLLOWING ADDRESS:  
SAME AS ABOVE

KNOW ALL BY THESE PRESENTS that THE BANK OF NEW YORK AS  
TRUSTEE FOR THE POOLING AND SERVICING AGREEMENT DATED AS OF  
8/31/95 SERIES 1995-B, hereinafter called GRANTOR(S), for the  
consideration hereinafter stated, to grantor paid by ROBBIE L.  
RUSH hereinafter called grantee, does hereby grant, bargain,  
sell and convey unto the grantee and grantee's heirs,  
successors and assigns, that certain real property, with the  
tenements, hereditaments and appurtenances thereunto belonging  
or in any appertaining, situated in Klamath County, State of  
Oregon described as follows, to-wit;

LOT 1, BLOCK 21 ORIGINAL TOWN OF MERRILL, in the County of  
Klamath, and State of Oregon.

Code 14 MAP 4110-2DD TL 3100

Subject to:

- 1) Regulations, including levies, liens and utility assessments  
of the City of Merrill.
- 2) Conditions, Restrictions, Easements and Assessments, as shown  
on the recorded plat of Original Town of Merrill.

*RR* "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 30.390."

To Have and to Hold the same unto grantee and grantee's heirs,  
successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's  
heirs, successors and assigns, that the real property is free  
from encumbrances created or suffered thereon by grantor and  
that grantor will warrant and defend the same and every part  
and parcel thereof against the lawful claims and demands of  
all persons, claiming by, through, or under the grantor.

The true and actual consideration for this transfer stated in  
terms of dollars is \$41,500.00.

In construing this deed and where the context so requires, the  
singular includes the plural, and all grammatical changes shall  
be made so that this deed shall apply equally to corporations  
and individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument  
this 23rd day of October 1997; if grantor 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.

WARRANTY DEED  
PAGE 2

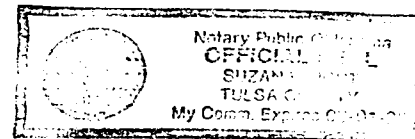
THE BANK OF NEW YORK AS TRUSTEE  
FOR THE POOLING AND SERVICING  
AGREEMENT DATED AS OF 8/31/95  
SERIES 1995-B

BY: *[Signature]* TITLE: X Vice-President  
**Stephen E. Schneider** **its Attorney-in-Fact**

STATE OF Oklahoma County of Tulsa ) SS.

On October 23 1997 personally appeared  
*Stephen E. Schneider* as Vice-President of  
TMS Mortgage Inc., successor by merger to The Money Store/Oregon Inc.,  
Attorney-in fact for The Bank of New York as Trustee for the Pooling  
and Servicing Agreement Dated as of 8/31/95 series 1995-B.

*Suzanne Wright*  
Notary Public for Oklahoma  
My Commission Expires: 08-01-98



*Maurin*

ADDENDUM TO SPECIAL WARRANTY DEED DATED October 23, 1997 FROM  
THE BANK OF NEW YORK AS TRUSTEE.

SPECIAL PROVISION: WITHOUT LIMITING THE FOREGOING WARRANTY OF TITLE, GRANTOR MAKE NO WARRANTIES OR REPRESENTATIONS, ORAL OR WRITTEN, EXPRESS OR IMPLIED, CONCERNING THE CONDITION OR VALUE OF THE PROPERTY HEREIN DESCRIBED, OR THE IMPROVEMENTS LOCATED THEREON (IF ANY), INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF HABITABILITY, MERCHANTABILITY OR FITNESS FOR ANY PURPOSE. GRANTEE (S) HAS CAREFULLY INSPECTED THE PREMISES (OR HAS BEEN AFFORDED A REASONABLE OPPORTUNITY TO DO SO) AND, BY THE ACCEPTANCE OF THIS DEED, ACCEPTS THE PROPERTY "AS IS" AND "WHERE IS", WITH ALL FAULTS AND IN ITS PRESENT CONDITION.

Ad valorem taxes having been prorated to the date hereof, Grantee(s) assumes payment thereof.

The following reservations from and exceptions to this conveyance and the warranty made herein shall apply:

- (1) All easements, rights-of-way and prescriptive rights whether of record or not, pertaining to any portion (s) of the herein described Property;
- (2) All restrictive covenants, terms, conditions, contracts, provisions, zoning ordinances and other items of record in any county in which any portion of the property is located, pertaining to any portion (s) of the herein described Property, but only to the extent that same are still in effect;
- (3) All presently recorded instruments (other than liens and conveyances by through or under the Grantor) that affect the Property and any portion (s) thereof;
- (4) Ad valorem taxes, fees and assessments, if any, for the current year and subsequent years, the payment of which Grantee(s) assumes at the time of transfer of title; and subsequent assessments for this and prior years due to change (s) in land usage, ownership, or both, the payment of which Grantee (s) assumes; and
- (5) Any conditions that would be revealed by a physical inspection and survey of the herein described Property.

GRANTEE (S) ACCEPT THIS DEED  
SUBJECT TO THE FOREGOING  
SPECIAL PROVISIONS

Robbie L. Bush

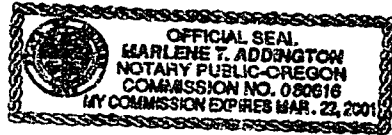
DATE: 10-27-97 <sup>RR</sup>

STATE OF OREGON

35473

COUNTY OF Klamath

This instrument was acknowledged before me on October 27, 1997  
by Robbie L. Rush



Marlene T. Addington  
Notary Public, State of Oregon  
Name Printed Marlene T. Addington  
My Commission Expires: 3-22-01

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 1997  
by \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Name Printed \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 28th day  
of October A.D., 19 97 at 10:54 o'clock A.M., and duly recorded in Vol. M97  
of Deeds on Page 35470

FEE \$45.00

By Bernetha G. Letsch Bernetha G. Letsch, County Clerk  
Kathleen Ross