

53124

MTG 4347-KB

Vol. 1198 Page 4702

THIS INDENTURE between AUBREY DALE HARRIS and GINGER LEE HARRIS, husband hereinafter called the first party, and MICHAEL A. ABTS 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. 195 at page 27441 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 \$18,000 more than 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, his heirs, successors and assigns, all of the following described real property situate in Oregon to-wit:

See attached Exhibits "A", "B" and "C"

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

(CONTINUED ON REVERSE SIDE)

Aubrey Dale and Ginger Lee Harris
1515 Old Fort Road
Klamath Falls, OR 97601

GRANTOR'S NAME AND ADDRESS

Michael A. Abts
123 N. 4th Street
Klamath Falls, OR 97601

GRATTEE'S NAME AND ADDRESS

Jerry M. Molatore
426 Main Street
Klamath Falls, OR 97601

NAME, ADDRESS, ZIP

When a change is requested off the documents shall be sent to the following address:

Michael A. Abts
123 N. 4th Street
Klamath Falls, OR 97601

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 aforesaid.

By Deputy

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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 mortgage or trust deed and further except

See Exhibit B

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).

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 shall be taken to mean and include the plural; that the singular pronoun means and includes the plural, the masculine, the feminine and the neuter and that, generally, 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 hereto and its corporate seal affixed by its officers duly authorized thereunto by order of its Board of Directors.

Dated February 13, 1998

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.

(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 February 13, 1998, by

AUBREY DALE HARRIS & GINGER

LEE HARRIS

Quail O. Redd

(SEAL) Notary Public for Oregon

My commission expires: 11/16/99

(ORS 194.570)

STATE OF OREGON, County of _____ ss.

The foregoing instrument was acknowledged before me this

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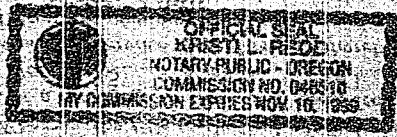
_____,

_____,

_____,

_____,

(If executed by a corporation, affix corporate seal)



20353

WILSON

11/16/99

11/16/99

EXHIBIT "A" LEGAL DESCRIPTION

A portion of Tract 8 of EMPIRE TRACTS and a portion of the SW1/4 NW1/4 SW1/4 of Section 35, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of Tract 8 of Empire Tracts; thence North 89 degrees 59' East 171.0 feet to the true point of beginning of this description; thence North 0 degrees 15' East 66.3 feet; thence North 89 degrees 59' East 73.0 feet; thence South 0 degrees 15' West 81.3 feet; thence South 89 degrees 59' West 73.0 feet; thence North 0 degrees 15' East, 15 feet more or less to the point of beginning.

EXHIBIT "B" EXCEPTIONS

1. Taxes for the fiscal year 1996-1997, delinquent.

Account No: 3809-035CC-01600

Amount: \$418.48

Key No: 447779

Code No: 041

2. Taxes for the fiscal year 1997-1998, a lien due and payable.

Account No: 3809-035CC-01600

Amount: \$415.81

Key No: 447779

Code No: 041

3. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath County Drainage District.

4. The premises herein described are within and subject to the statutory powers, including the power of assessment, of North Shasta Lighting District.

5. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Enterprise Irrigation District.

6. The premises herein described are within and subject to the statutory powers, including the power of assessment, of South Suburban Sanitary District.

7. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;

Dated....: October 3, 1995

Recorded: October 11, 1995

Volume.: M95, page 27438, Microfilm Records of Klamath County, Oregon

Amount.: \$25,600.00

Grantor.: Aubrey Dale Harris and Ginger Lee Harris, husband and wife

Trustee.: Mountain Title Company of Klamath County

Beneficiary: Floyd A. McCunty

10. Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges;

Warrant No: 97-24245

Recorded: July 30, 1997

Volume: M97, page 24245, Microfilm Records of Klamath County, Oregon

Amount: \$413.83

Debtor: Aubrey D. and Ginger Lee Harris

Creditor: Klamath County, Oregon

EXHIBIT "C"
ADDITIONAL TERMS

1. Second party shall keep all payments made to second party under the note and trust deed by first party.
2. First party represents and warrants that the property is rented by Deborah Thomas and Mark Johner who have paid a security deposit of \$400, who have paid no prepaid rent, whose rent is current through December 31, 1997, whose rent is \$450 per month and who have paid \$300 for rent for the month of January 1998 and who are month-to-month tenants.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Ameri Title the 13th day
of February A.D., 19 98 at 11:46 o'clock A.M., and duly recorded in Vol. M98
of Deeds on Page 4702
FEB \$45.00 By Bernetha G. Letsch, County Clerk
Kathleen Ross