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C 98-30  
ESTOPPEL DEED

Vol. 1198 Page 5379

THIS INDENTURE between DAVID CARL WINKLER AND KATHLEEN MAE WINKLER hereinafter called the first party, and MICHELE D'ELICIO AND SANDRA J. D'ELICIO, Husband and Wife, 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. 1195 at page 33845 thereof and/or as fee/tile/instrument/microfilm/reception No. (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 \$....., 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:

LOTS 16 AND 17 IN BLOCK 12 OF SUN FOREST ESTATES, TRACT 1060, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

THIS DEED IS GIVEN IN LIEU OF FORECLOSURE.

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

(CONTINUED ON REVERSE SIDE)

DAVID CARL WINKLER AND KATHLEEN MAE WINKLER

Grantor's Name and Address  
MICHELE D'ELICIO AND SANDRA J. D'ELICIO

Grantee's Name and Address  
MICHELE D'ELICIO AND SANDRA J. D'ELICIO  
241 Fern Ave  
Rainier, CA 94951

Until requested otherwise send all tax statements to (Name, Address, Zip):  
MICHELE D'ELICIO AND SANDRA J. D'ELICIO - SAME AS ABOVE

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/tile/instrument/microfilm/reception No. Record of Deeds of said County.

Witness my hand and seal of County affixed.

By NAME TITLE Deputy

SPACE RESERVED FOR RECORDER'S USE

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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.

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

Ⓢ However, the actual consideration consists of or includes other property or value given or promised which is <sup>the whole</sup> <sub>part of the</sub> 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 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 Nov. 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.

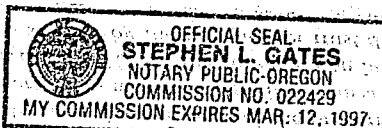
David Carl Winkler  
David Carl Winkler  
Kathleen Mae Winkler  
Kathleen Mae Winkler

STATE OF OREGON, County of DESCHUTES ) ss.

This instrument was acknowledged before me on November 21, 1995,  
by David Carl Winkler and Kathleen Mae Winkler

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

as \_\_\_\_\_  
of \_\_\_\_\_



[Signature]  
Notary Public for Oregon

My commission expires \_\_\_\_\_

NOTE—The sentence between the symbols Ⓢ, if not applicable, should be deleted. See ORS 93.050.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of First American Title the 19th day  
of February A.D., 1998 at 3:05 o'clock P. M., and duly recorded in Vol. M98  
of Deeds on Page 5379

FEE \$35.00

By Bernetha G. Letsch, County Clerk  
Kathleen Rose