

**FULL ASSIGNMENT AND RELEASE****Recitals**

- m & M*  
**GAINARD**
- 1) Robert and Marjorie Miller, of 1414 ~~Gaines~~ Street, Crescent City, California ("the Millers"), are the second mortgagee's for the real property located at 4423 Shasta Way, Klamath Falls, Oregon.
  - 2) Unigard Indemnity Company ("Unigard") is the insurance company providing certain mortgagee property insurance coverage for the property at 4423 Shasta Way, Klamath Falls, Oregon ("the Property"), subject to the terms and conditions of Unigard insurance policy UH 146994 ("the Policy").
  - 3) On October 26 and 28, 1998, fire losses occurred to the Property. At the time of the fires, the Policy had lapsed as to all insureds excepting the Millers as mortgagees. Unigard has no obligation to any other person(s) under the Policy.
  - 4) Pursuant to the terms, conditions, limitations and exclusions of the Policy, the Millers are to be treated as a named mortgagee under the Policy and are entitled to payments for loss to the dwelling and other structures on the Property as their interests may appear, and as set forth in the mortgagee clause in the contract of insurance. Therefore, it is agreed as follows:

**Full Assignment**

- 1) The Millers, their successors and assigns, hereby assign to Unigard all of their rights, title and interest in a promissory note between the Millers and Donald and Christine Carter (the "Carters") dated April 29, 1998, and all associated documents, including Trust Deed #57362 between the Millers and the Carters dated April 29, 1998.
- 2) The Millers represent and warrant that they have taken no action to previously assign or prejudice any claims or rights that they may have against the Carters under the described documents and that the Millers, their agents and representatives, will cooperate fully in assigning all documents, providing testimony, and in any other fashion assisting, as called upon by Unigard, to effect this Full Assignment and assisting Unigard in the enforcement of any rights herein assigned against the Carters.
- 3) This Full Assignment is made for the consideration of \$ 20,525.32 payable pursuant to Unigard Indemnity Company check No. \_\_\_\_\_ to Robert and Marjorie Miller dated \_\_\_\_\_.

**Release**

- 1) For the sole consideration of the sum of \$20,000 paid to the Millers the receipt and sufficiency of which is hereby acknowledged, the Millers hereby release and forever discharge Unigard, including all affiliated and subsidiary companies, employees, representatives and agents of any kind or nature whatsoever, of any known or unknown claims, demands, damages or causes of action associated with the fire loss

to the Property on October 26 and 28, 1998, specifically, but not limited to any claim under Unigard policy number UH 146994.

- 2) The Millers represent that there are no lienholders or other persons other than themselves having any interest in the insurance proceeds, and further agree to hold Unigard harmless from any claims of others to the amounts paid in consideration of this agreement.

### General Terms

- 1) The Millers declare and represent that they have sought whatever independent advice and consultation they consider necessary in this matter and that they have not been influenced to any extent whatsoever in making this Full Assignment and Release by any representation or statements made by the persons, firms, or corporations who are hereby released, or by any persons represented or employed by them.
- 2) The Millers further declare that they have carefully read the foregoing Full Assignment and Release, that they fully understands its contents, and that they fully understand that no other consideration or payment of any kind will be made under the above-described policy of insurance in connection with the above-described loss, and that there is no other agreement, promise, or inducement of any kind whatsoever for this Full Assignment and Release other than is herein expressed.
- 3) This Full Assignment and Release contains the entire agreement between the parties hereto and the terms of this Full Assignment and Release are contractual and not a mere recital.

THIS DOCUMENT AFFECTS YOUR LEGAL RIGHTS. READ IT BEFORE SIGNING.

Dated this 17th day of Dec, 1998.

Robert Miller

Robert Miller

By \_\_\_\_\_

Its \_\_\_\_\_

Marjorie Miller

Marjorie Miller

By \_\_\_\_\_

Its \_\_\_\_\_

SUBSCRIBED AND SWORN before me this 17th day of December, 1998.



[Signature]  
Notary Public of Cal. State  
My Commission Expires: 7/18/2000

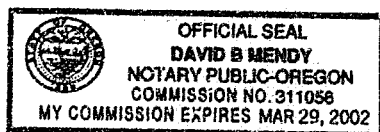
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Dated this 18 day of DECEMBER, 1998.Jim Boesch

Unigard Indemnity Company

By Jim BoeschIts Representative

This instrument was acknowledged before me on 12/18/98  
 by Jim Boesch, as representative of Unigard Indemnity Company.



David B. Mendy  
 Notary Public of OREGON  
 My Commission Expires MAR 29, 2002

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After Recording Mail To: Gayle Willis  
 Unigard  
 P.O. Box 90701  
 Bellevue, WA 98008-0701

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 2nd day  
 of March A.D., 1999 at 10:35 o'clock A. M., and duly recorded in Vol. M99  
 of Mortgages on Page 7162

FEE \$20.00

Liida Smith, County Clerk

by Kathleen Rosa