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MTC 44726

ASSIGNMENT AND DEED IN LIEU OF FORECLOSURE

Evelyn Herman, Barbara Poertner, Beverly Denos, and Elizabeth Lee, Grantors/Assignors, convey to Gary E. Adkins and Joan H. Adkins, husband and wife, Grantees as tenants by the entirety, all of their right, title, and interest in and to the real property more particularly described as follows:

Lot 26 in Block 305, DARROW ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

In addition, Grantors/Assignors hereby sell, convey, and assign unto Grantees all of their rights, title, and interest as beneficiaries under that certain trust deed dated August 8, 1996 and recorded August 16, 1996 in Volume M96, Page 25437 in the Microfilm Records of Klamath County, Oregon, together with all of their right, title, and interest in and to any promissory note or other indebtedness secured by said trust deed.

The true consideration for this conveyance is \$500.00.

This deed and assignment is absolute in effect and conveys all of Grantors'/Assignors' right, title, and interest in and to the premises described above and an assignment of all of Grantors'/Assignors' right, title, and interest as beneficiary by and under the promissory note and trust deed described above. This deed and assignment does not operate as a mortgage, trust conveyance, or security of any kind. Grantors/Assignors are the holders of the note and beneficiaries under the trust deed described above, which trust deed is a second trust deed on the property.

This deed and assignment does not effect a merger of the fee ownership and the lien of the trust deed described above. The fee and lien shall hereafter remain separate and distinct.

By acceptance of this deed Grantees covenant and agree that in any proceeding to foreclose the trust deed described above they shall not seek, obtain, or permit a monetary judgment or cost bill against Grantors/Assignors, their heirs or assigns, such rights and remedies being waived.

Grantors/Assignors hereby waive, surrender, convey, and relinquish any equity right they may have or claim in or to the premises or by or through the trust deed described above, including any equity rights of redemption, and any statutory rights of redemption concerning the real property and trust deed described above.

Grantors/Assignors are not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence or misrepresentation of Grantees, Grantees' agent or attorney, or any other person.

**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.

DATED this 14<sup>th</sup> day of January, 1999.

Evelyn Herman  
Evelyn Herman

Barbara Poertner  
Barbara Poertner

Beverly Denos  
Beverly Denos

Elizabeth Lee  
Elizabeth Lee

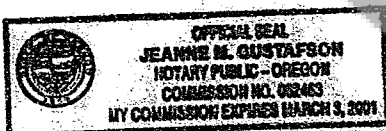
STATE OF OREGON )

County of Klamath )

On this 14 day of January, 1999, personally appeared the above-named Evelyn Herman and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

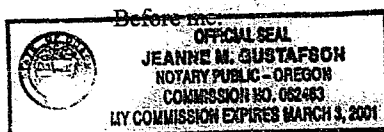
Jeanne M. Gustafson  
Notary Public for Oregon



STATE OF OREGON )

County of Klamath )

On this 14 day of January, 1999 personally appeared the above-named  
Barbara Poertner and acknowledged the foregoing instrument to be her voluntary act and deed.



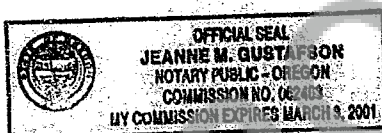
*Jeanne M. Gustafson*  
Notary Public for Oregon

STATE OF OREGON )

County of Klamath )

On this 14 day of January, 1999 personally appeared the above-named  
Beverly Denos and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:



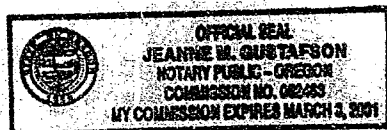
*Jeanne M. Gustafson*  
Notary Public for Oregon

STATE OF OREGON )

County of Klamath )

On this 14 day of January, 1999 personally appeared the above-named  
Elizabeth Lee and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:



*Jeanne M. Gustafson*  
Notary Public for Oregon



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UNLESS A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO THE FOLLOWING ADDRESS:

AFTER RECORDING, RETURN TO:

Gary C. Peterson  
Foster, Purdy, Allan,  
Peterson & Dahlin  
Post Office Box 1667  
Medford, OR 97501

STATE OF OREGON : COUNTY OF KLAMATH:

ss.

Filed for record at request of Amerititle the 10th day  
of March A.D., 1999 at 11:12 o'clock A. M., and duly recorded in Vol. M99  
of Deeds on Page 8508

Linda Smith, County Clerk

by Kathleen Ross

FEE

\$45.00