

NS

1999 DEC 21 PM 3:38

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Western Homes, Inc.

Vol M99 Page

50114

First Party's Name and Address

Second Party's Name and Address

After recording, return to (Name, Address, Zip):

FMB

Suite 213-213

5150 Mae Anne Ave., Reno, NV 89523

Until requested otherwise, send all tax statements to (Name, Address, Zip):

SPACE RESERVED  
FOR  
RECORDER'S USE

State of Oregon, County of Klamath  
Recorded 12/21/99, at 3:38 p.m.  
In Vol. M99 Page 50114  
Linda Smith,  
County Clerk Fee \$ 40<sup>00</sup>

ESTOPPEL DEED  
MORTGAGE OR TRUST DEED and ASSIGNMENT OF RENTS

THIS INDENTURE between WESTERN HOMES, INC. an Estate in Fee Simple Title  
hereinafter called the first party, and CITICAPITOL CORP. DEFINED BENEFIT PENSION PLAN AND TRUST  
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 Records of the county hereinafter named, in book/reel/volume MBK M-99 on page 19475, and/or as fee/file/instrument/microfilm/reception No. 5717/99 (indicate 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 \$26,083.33, 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 or trust deed, 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 the 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 and to second party's heirs, successors and assigns, all of the following described real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Klamath County, State of Oregon, to-wit: (Ref. Chilca)

SEE LEGAL DESCRIPTION MARKED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.?

The true and actual consideration for this conveyance is \$ 26,083.33 (Here comply with ORS 93.030.)

(OVER)

A/40-

123

ORIGINAL

50115



TO HAVE AND TO HOLD the same unto the second party and 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 and second party's heirs, successors and assigns, that the first party is lawfully seized in fee simple of the property, free and clear of encumbrances except the mortgage or trust deed and not otherwise except (if none, so state) \_\_\_\_\_

None so that would adversely effect said property \_\_\_\_\_;

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, partnership or corporation, other than the second party, interested in the premises directly or indirectly, in any manner whatsoever, except as set forth above.

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 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 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 \_\_\_\_\_, 19\_\_\_\_.

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.

*Western Homes, Inc.*  
*Cathy King Pres.*

STATE OF OREGON, County of Klamath ) ss.

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

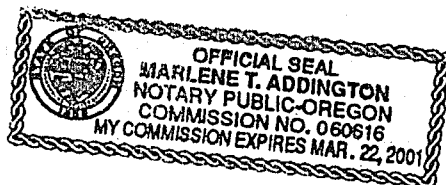
by \_\_\_\_\_

This instrument was acknowledged before me on December 17, 1999,

by Cathy King

as President

of Western Homes, Inc.



*Marlene T. Addington*  
Notary Public for Oregon

My commission expires 3-22-01

ORIGINAL



EXHIBIT "A"

50116

All that portion of Government Lots 13 and 14, Section 34, Township 34 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the South one-quarter corner of said Section 34; thence North 89 degrees 54' 15" West along the South line of said Section 34, 511.45 feet to the Southeast corner of that property recorded in Volume M-75 at Page 1124, of the official Deed Records of Klamath County, Oregon; thence North along the East boundary of said parcel 107.00 feet to a 5/8" iron pin, witness corner; thence continuing North 55.0 feet, more or less, to the high water line of the Williamson River; thence Northeasterly along said high water line to a point North of the point of beginning; thence South 3.0 feet, more or less, to a 5/8" iron pin witness corner; thence continuing South 561.04 feet to the point of beginning.

CODE 12 MAP 3407-34CD TL 9200