

MTC 1396-50028

AFTER RECORDING, RETURN TO:  
John L. Shama  
P.O. Box 180  
Walterville, OR 97489

SEND TAX STATEMENTS TO:  
John L. Shama  
P.O. Box 180  
Walterville, OR 97489

TRUE AND ACTUAL CONSIDERATION: The true and actual consideration paid for this conveyance is other than cash and consists of the release of Grantor from any liability for further payment under the trust deed

DEED IN LIEU OF FORECLOSURE  
(NONMERGER-Trust Deed)

Cathy King, Grantor, conveys and warrants to Shama Family Trust UTD 7/25/96 John L. Shama, Trustee and Patricia L. Shama, Trustee, Grantee, it successors and assigns the following described real property situation in Lane County, Oregon, to-wit:

See Attached Exhibit "A"

together with all improvements, fixtures hereditaments and appurtenances belonging or in any way appertaining thereto(Property).

This deed is absolute in effect and conveys fee simple title of the Property to the Grantee and does not operate as a mortgage, trust conveyance or security of any kind.

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

Grantor is the owner of the property free of all encumbrances except the trust deed executed to Grantee dated July 10, 1998, and recorded on July 15, 1998, Volume M98, page 25386, Microfilm Records of Klamath County, Oregon. Re-Recorded July 17, 1998, M98, page 26026, Microfilm Records of Klamath County, Oregon; beneficial easements, reservations and restrictions of record.

The trust deed is in default and subject to immediate foreclosure. By acceptance of this deed, Grantee agrees that Grantee shall not take any action to collect against Grantor on the remaining obligations due on the trust deed executed to Grantee dated July 10, 1998, other than by foreclosure of that trust deed and in any such proceeding, Grantee shall not seek, obtain or permit a deficiency judgment against Grantor or Grantor's successors or assigns. In consideration of said agreement by Grantee and the benefit received by Grantor of being able to remain in possession of the property until relinquished

at the time of this conveyance, Grantee may retain all payments previously made on the trust deed with no duty to account therefor.

Grantor waives, surrenders, conveys and relinquishes and equity of redemption and statutory rights of redemption concerning the property and the trust deed. Grantor is not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence or misrepresentation by Grantee or Grantee's agent or attorney or any other person.

Grantee shall be deemed to have accepted this deed only when Grantee records this deed.

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 5<sup>th</sup> of January, <sup>2000</sup>~~199~~

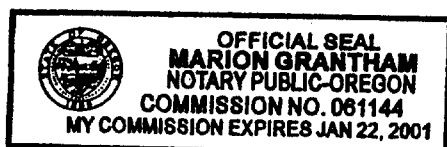
Cathy King  
Cathy King

STATE OF OREGON )

County of ~~Lane~~ <sup>Klamath</sup> ss.

This instrument was acknowledged before me this 5<sup>th</sup> day of January, <sup>2000</sup>~~199~~ by Cathy King.

Marion Grantham  
Notary Public of Oregon  
My Commission Expires: 1/22/01



AMERITITLE, has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A portion of Tract 17, ENTERPRISE TRACTS, located in the E1/2 SW1/4 SE1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows: Beginning at an iron pin located in the Northeast corner of said Tract 17, ENTERPRISE TRACTS; thence South 1 degree 48' West a distance of 955.9 feet to an iron pin on the corner of "Fehlen Shopping Center Lots" and the West line of "Bryant Tracts No. 2"; thence North 39 degrees 36' West along the Northeasterly boundary of "Fehlen Shopping Center Lots" a distance of 538.8 feet to an iron pin; thence North 85 degrees 30' West along the North boundary of "Fehlen Shopping Center Lots" a distance of 305.7 feet to an iron pin in the West line of said Tract 17; thence North 0 degrees 24' East along said West line of Tract 17 a distance of 184.55 feet to an iron in in the West bank of a creek; thence in a Northeasterly direction along the West bank of said creek to the intersection of said West bank of the creek and the North line of said Tract 17; thence South 89 degrees 36' East along the North line of said Tract 17 a distance of 469.2 feet, more or less, to the point of beginning.

Also, a portion of Tract 17, ENTERPRISE TRACTS, located in the E1/2 SW1/4 SE1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, and more particularly described as follows: Beginning at an iron pin axle located in the Northwest corner of said Tract 17, ENTERPRISE TRACTS; thence South 89 degrees 36' East a distance of 193.8 feet to an iron pin; thence along the Westerly bank of a creek in a Southwesterly direction to an iron pin located on the intersection of the West bank of the creek with the West line of said Tract 17; thence North 0 degrees 24' East along the West line of said Tract 17 a distance of 336.0 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM a parcel of land situated in the E1/2 SW1/4 SE1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows: Beginning at the intersection of the West line of Bryant Tracts No. 2, a subdivision of record in Klamath County, Oregon, and the Northeasterly line of "Fehlen Shopping Lots", a subdivision of record in Klamath County, Oregon, said point being evidenced by a 1/2 inch iron pipe; thence North 01 degrees 48' 00" East along the West line of said Bryant Tracts No. 2 to a point which is the intersection of said West line with the Northeasterly extension of the Northwesterly boundary of that certain tract of land recorded in Book 72 at page 12231 of the official records of Klamath County, Oregon, as shown on the record of survey number 1578 filed with the Klamath County Surveyor. said point being evidenced by a 1/2 inch iron pin; thence South 57 degrees 04' 25" West along said Northeasterly extension 182.97 feet to the intersection of said extension with the Northeasterly line of said "Fehlen Shopping Center Lots", said point being evidenced by a 1/2 inch iron pin; thence South 39 degrees 36' 00" East along said Northeasterly line of said Fehlen Shopping Center Lots 227.39 feet to the point of beginning.

State of Oregon, County of Klamath  
Recorded 11/10/00, at 3:35 p.m.  
In Vol. M00 Page 615  
Linda Smith,  
County Clerk Fee \$ 31.00