

After Recording return to:  
Donald W. Horton  
15359 HWY 101S  
Brookings, Oregon 97415

ASPEN 53349

Vol MQ1 Page 40049

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**AFFIDAVIT OF LOST NOTE AND TRUST DEED  
AND APPOINTMENT OF SUCCESSOR TRUSTEE**

This agreement is given as an inducement to Aspen Title & Escrow, Inc. an Oregon Corporation to execute a Deed of Reconveyance to the property described in the following Trust Deed, which secures a Note of the same date and amount, both executed by

GRANTOR: **FAYE WOOD**

To TRUSTEE: **MOUNTAIN TITLE COMPANY, INC.**

For BENEFICIARY: **WAYNE HORTON, DONALD W. HORTON AND JAMES PATTON**

Dated: **OCTOBER 25, 1983**

Recorded: **NOVEMBER 07, 1983**

In Volume: **M-83**

Page: **19099**

of **KLAMATH** County, Oregon.

The undersigned Beneficiary hereby attests and swears, under penalty of perjury, to the following:

1. That the undersigned is the legal owner and holder of all indebtedness secured by the above Note and Trust Deed;
2. That the undersigned has made no assignment of its interest in said Note or Trust Deed, neither wholly, in part nor as collateral security;
3. ☒ That the original Note secured by the above Grantor has been lost, misplaced or destroyed and has not been found after due and diligent search;
4. ☒ That the original Trust Deed executed by the above Grantor has been lost, misplaced or destroyed and has not been found after due and diligent search;
5. That all sums payable by reason of the terms of the above Note have been fully paid and satisfied, receipt for which is hereby acknowledged;
6. That all the terms, provisions and agreements contained in the above Note and Trust Deed have been fully performed and satisfied and should be discharged of record by the Trustee.

NOW THEREFORE, IN CONSIDERATION OF Aspen Title & Escrow, Inc. an Oregon Corporation reconveying the property described in the above Trust Deed to Grantor without surrender to Aspen Title & Escrow, Inc. an Oregon Corporation, of the original executed Note and recorded Trust Deed, the undersigned Beneficiary hereby promises, covenants and agrees to hold harmless, protect and indemnify Aspen Title & Escrow, Inc. an Oregon Corporation from and against any and all liabilities, losses, damages, expenses and charges, including but not limited to attorney's fees and expenses of litigation that may be sustained by reason of the undersigned Beneficiary's inability to surrender such Note and Trust Deed. In the event that Aspen Title & Escrow, Inc. an Oregon Corporation, is not the current trustee under the above referenced Trust Deed, the undersigned beneficiary hereby appoints Aspen Title & Escrow, Inc. an Oregon Corporation, as successor trustee under said Trust Deed.

The undersigned Beneficiary fully understands that in making these statements and promises that Aspen Title & Escrow, Inc. an Oregon Corporation is relying thereon and that Aspen Title & Escrow, Inc. an Oregon Corporation is hereby requested to issue its Deed of Reconveyance, without warranty pursuant to statute, to the above grantor.

DATED: 8-5-01

Shirley W. Horton  
SHIRLEY HORTON, HEIR TO THE ESTATE OF  
WAYNE HORTON

Donald W. Horton  
DONALD W. HORTON

BENEFICIARY

STATE OF OREGON, County of Curry ss.

This instrument was acknowledged before me on August 5, 2001  
by Donald W. Horton

This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_  
as \_\_\_\_\_ of \_\_\_\_\_

Michelle I. Horton-Tidwell  
Notary Public for Oregon.

My Commission expires 12-20-02



NOTARY ACKNOWLEDGEMENT

40050

STATE OF OREGON, County of KLAMATH) ss.

On 8-7-, 2001 personally appeared Shirley Horton, who  
acknowledged the foregoing instrument to be \_\_\_\_\_ voluntary act and deed.

Before me: M. A. Silveria

Notary Public for Oregon

My commission expires: 11-01-04

Official Seal



Affidavit lost note/appointment of successor trustee

State of Oregon, County of Klamath

Recorded 08/09/01 at 11:08 a.m.

In Vol. M01 Page 40049

Linda Smith,

County Clerk Fee \$ 26.00