

mtc 1396-3589

# **RECORDING COVER SHEET**

## **ALL TRANSACTIONS, PER ORS 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

### **AFTER RECORDING RETURN TO**

name and address of the person authorized to receive the instrument after recording, as required by ORS 205.180(4) and ORS 205.238.

Eagle Crest Resort  
Hazel Jensen  
P.O. Box 1215  
Redmond, OR 97566

State of Oregon, County of Klamath  
Recorded 02/06/2002 3:25 p. m.  
Vol M02, Pg 7284-86  
Linda Smith, County Clerk  
Fee \$ 21.00 # of Pgs 3

1. NAME(S) OF THE TRANSACTION(S), described in the attached instrument and required by ORS 205.234(a).  
Note: Transaction as defined by ORS 205.010 "means any action required or permitted by law to be recorded including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property."

Deed in Lieu of Foreclosure

2. DIRECT PARTY, name(s) of the person(s) described in ORS 205.125(1)(b) or GRANTOR, as described in ORS 205.160.

Ashley-Nicole A. Browning

3. INDIRECT PARTY, name(s) of the person(s) described in ORS 205.125(1)(a) or GRANTEE, as described in ORS 205.160.

Running Y Resort Inc.

4. TRUE AND ACTUAL CONSIDERATION PAID for instruments conveying or contracting to convey fee title to any real estate and all memoranda of such instruments, reference ORS 93.030.

5. UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS for instruments conveying or contracting to convey fee title to any real estate, reference ORS 93.260.

Same as above

6. FULL OR PARTIAL SATISFACTION, IF ANY, OF THE LIEN CLAIM CREATED BY THE ORDER or WARRANT, for instruments to be recorded in County Clerk Lien Records, reference ORS 205.125(1)(e).

n/a

7. THE AMOUNT OF THE CIVIL PENALTY OR THE AMOUNT, INCLUDING PENALTIES, INTEREST AND OTHER CHARGES, FOR WHICH THE WARRANT, ORDER OR JUDGMENT WAS ISSUED, for instruments to be recorded in County Clerk Lien Records, reference ORS 205.125(1)(c) and ORS 18.325.

n/a

## DEED IN LIEU OF FORECLOSURE

This deed is made between Ashley-Nicole A. Browning, Sole and Separate Property, as Grantor, AmeriTitle, as Trustee and RUNNING Y RESORT, INC. as Grantee.

WHEREAS, the title to the real property hereinafter described is vested in fee simple in the Grantor, subject only to the lien of trust deed recorded in the mortgage records of Klamath County, in Volume M00 Page 5280 thereof, and Grantor is the owner of certain personal property interests as a result of the purchase of the above-described real property, and the note and indebtedness secured by said trust deed is now owned by the Grantee, on which notes and indebtedness there is now owing and unpaid the principal sum of \$52,810.34 the same being now in foreclosure, and whereas the Grantor, being unable to pay the same, has requested the Grantee to accept an absolute deed of conveyance of said real and personal property in satisfaction of the indebtedness secured by said trust deed and the Grantee does now accede to said request.

NOW, THEREFORE, for the consideration hereinafter stated, which includes the cancellation of the note and indebtedness secured by said trust deed, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, his heirs, successors and assigns, all of the following described real property situated in Klamath County, Oregon:

The property in Klamath County, Oregon described as: Lot 249 of Running Y Resort, Phase 3 Plat, Recorded February 18, 2000, Klamath County, Oregon, together with all and singular, the tenements, hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining and the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with said real estate.

Grantor covenants that this deed is absolute in effect and conveys fee simple title to the premises and personal property above-described to the Grantee and does not operate as a mortgage, trust conveyance, or security of any kind.

The acceptance by Grantee of this deed effects a reconveyance of the trust deed to Grantee, and payment in full of the promissory note secured thereby, which note is this day surrendered to the Grantor. In consideration of Grantee's acceptance of this deed; Grantee's waiver of the right to claim reasonable attorney fees and costs in that action, Grantee may retain all payments previously made on the secured debt with no duty to account.

By acceptance of this deed, Grantee covenants and agrees that it shall forbear taking any action to collect against Grantor on the promissory note given to secure the trust deed, and that in any proceeding to foreclose the trust deed it shall not seek, obtain, or permit a deficiency judgement against Grantor, or the Grantor's heirs or assigns, such rights and remedies being hereby waived.

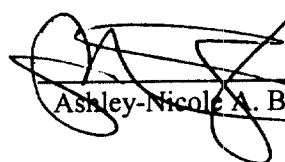
Grantor does hereby waive, surrender, convey, and relinquish any equity of redemption and statutory rights of redemption concerning the real property and trust deed.

Grantor is not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence, or misrepresentation of Grantee, Grantee's agent or attorney, or any other person.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-

Dated this 25 day of January, 2002

Grantor:

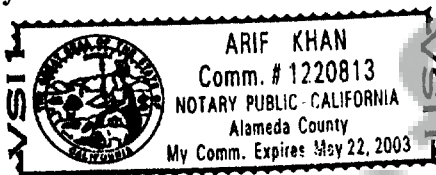
  
Ashley-Nicole A. Browning

STATE OF CALIFORNIA, COUNTY OF ALAMEDA ) ss.

On this 25<sup>th</sup> day of JAN., 2002, before me, the undersigned a Notary Public in and for said County and State, personally appeared ASHLEY-NICOLE A. BROWNING personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is (are) subscribed to this instrument, and acknowledged that (he/she/they) executed it.

Subscribed and sworn to before me this  
25<sup>th</sup> day of JAN., 2002

Notary



Grantee:

**RUNNING Y RESORT, INC.**

By:



STATE OF OREGON, COUNTY OF KLAMATH ss.

On this 5<sup>th</sup> day of February, 2002, before me, the undersigned a Notary Public in and for said County and State, personally appeared Laurie Miller personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as CFO, on behalf of Running Y. Resort, Inc. and acknowledged that she/he executed the foregoing instrument to the voluntary act and deed of said limited partnership.

Subscribed and sworn to before me this 5<sup>th</sup> day of February, 2002

