

2007-000074
Klamath County, Oregon

Recording Requested By:
Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601



01/03/2007 11:18:50 AM

Fee: \$26.00

When Recorded Return To:

Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

Aspen: 62990

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

COVER SHEET

DOCUMENT: APPOINTMENT OF SUCCESSOR TRUSTEE
GRANTOR: HERBERT W. WAITE, JR.
TRUSTEE:
GRANTEE: ASPEN TITLE & ESCROW
CONSIDERATION: \$
DATE:

Doc Ref : BOOK: M05
PAGE: 49923

Recorded: June 30, 2005

#26-A

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: **Terry L. Cheyne and Sandra K. Cheyne**

To TRUSTEE: **First American Title**

For BENEFICIARY: **Herbert W. Waite Jr.**

Dated: **June 23, 2005**

Recorded: **June 30, 2005**

In Volume: **M-05**

of **KLAMATH** County, Oregon.

Page: **49923**

Document No.:

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: MAY 16, 2006

Herbert W. Waite Jr.
Herbert W. Waite Jr.

BENEFICIARY

STATE OF OREGON, County of DESNUTES) ss.

This instrument was acknowledged before me on MAY 16, 2006

by HERBERT W WAITS JR.

This instrument was acknowledged before me on N/A

by N/A

as N/A of N/A

James D Elliott

Notary Public for Oregon.

My Commission expires NOV 19, 2006

