

2008-013901

Klamath County, Oregon



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10/08/2008 03:36:22 PM

Fee: \$21.00

GRANTOR:

Brandon Roberts
1916 Eldorado Avenue
Klamath Falls, OR 979601

GRANTEE:

Thomas L. Molatore, Trustee,
Thomas L. Molatore Living Trust *utd*
August 29, 2005
851 Pacific Terrace
Klamath Falls, OR 97601

Recording Requested by:

Bradford J. Aspell, *Esq.*
Aspell, Della-Rose & Richard
122 S.5th Street
Klamath Falls, OR 97601

After Recording Return to:

Thomas L. Molatore, Trustee,
Thomas L. Molatore Living Trust
851 Pacific Terrace
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements to:

Thomas L. Molatore, Trustee,
Thomas L. Molatore Living Trust
851 Pacific Terrace
Klamath Falls, OR 97601

65+ 1291702

DEED IN LIEU OF FORECLOSURE (Non-merger)

BRANDON ROBERTS, Grantor, conveys to THOMAS L. MOLATORE, Trustee of the Thomas L. Molatore Revocable Living Trust *utd* August 29, 2005, Grantee, the following real property situate in Klamath Falls, Klamath County, Oregon, to wit:

Lot 10, Block 2 First Addition to Loma Linda Heights, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Grantor warrants to be the owner of the property and free and clear of all encumbrances except for the Trust Deed described below:

Grantor executed and delivered to Grantee a Trust Deed recorded at 2006-018629 on September 15, 2006, in the Records of Klamath County, Oregon, to secure the payment of a promissory note in the sum of Ninety Thousand and no/100 Dollars (\$90,000.00). The Note and Trust Deed are in default and the real property is subject to foreclosure. In consideration of the Grantee's acceptance of this Deed in Lieu of Foreclosure ("this Deed") and waiver of all right to collect against Grantor on the Note, Grantee may retain all payments previously made on the Note, with no duty to account therefor.

This Deed is intended as a conveyance absolute in legal effect, as well as in form, of the title to the Property to Grantee, and this Deed is not intended as security of any kind. Grantor waives, surrender and relinquish any equity of redemption and statutory rights of redemption that Grantor may have in connection with the property and any rights therein.

This Deed does not effect a merger of the fee ownership and the lien of the Trust Deed described above. The fee and the lien shall hereafter remain separate and distinct. Grantee reserves the right to foreclose the security interest any time as to any party with any claim, interest or lien on the property.

Grantor has read and fully understands the above terms and is not acting under any misapprehension regarding the effect of this Deed, nor is Grantor under any duress, undue influence, or misrepresentation of Grantee, Grantee's agent, lawyers or any other person.

Grantee does not expressly or impliedly agree to assume or pay any contract balances, debts, liens, charges, or obligations that relate or attach to the property.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 105.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

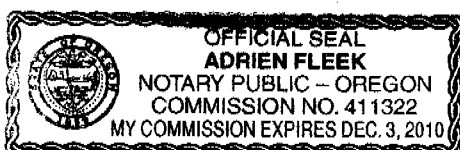
BRANDON ROBERTS

STATE OF OREGON)

County of Klamath)ss.

This instrument was acknowledged before me on the 23 day of September, 2008, by BRANDON ROBERTS.

Notary Public for Oregon
My Commission Expires: 12-3-10



FZ