

2008-015699

Klamath County, Oregon

RECORDING REQUESTED BY  
TRUSTEE CORPS  
2112 Business Center Dr., 2<sup>nd</sup> Flr  
Irvine, CA 92612



00056603200800156990030031

11/21/2008 03:02:35 PM

Fee: \$31.00

AND WHEN RECORDED MAIL TO  
HSBC Mortgage Corporation  
ATTN: RECORDS PROCESSING  
2929 Walden Avenue  
Depew, NY 14043

1st 1281258

File No. DIL052106 Title Order No. 00000132 Space above this line for recorder's use only  
Loan No.: 14412894

Grantor: SHAWN M. SHELEBY & KELLY A. SHELEBY, AS TENANTS BY THE  
ENTIRETY  
Grantee: BENEFICIAL OREGON, INC.  
Commonly Known As: 34407 PARKSIDE PL CHILOQUIN OR  
Tax Parcel No.: 3507-017CB

3859634

## ESTOPPEL AND SOLVENCY AFFIDAVIT

State of

County of

**SHAWN M. SHELEBY & KELLY A. SHELEBY, AS TENANTS BY THE ENTIRETY**, ("Deponent") being first duly sworn, for themselves, deposes and says:

That "Deponent" is the identical party who made, executed and delivered that certain Deed in Lieu of Foreclosure to **BENEFICIAL OREGON, INC.** ("Grantee") dated September 24, 2008, encompassing the following described property, to wit:

### EXHIBIT "A"

**LOT 32, BLOCK 31, TRACT NO. 1184, OREGON SHORES UNIT #2 FIRST ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.**

**CODE: 118 MAP: 3507-017CB TL: 01300 KEY: 237817**

Commonly know as: **34407 PARKSIDE PL CHILOQUIN, OR 97624**

That the aforesaid deed was an absolute conveyance of the title to said premises to the Grantee named therein, in effect as well as in form, and was and is not intended as a mortgage, trust conveyance, or security of any kind, and that possession of said premises has been surrendered to the proffered Deed in Lieu of Foreclosure by the Grantee named therein, together with full cancellation of all debts, obligations, costs and charges heretofore existing under and by virtue of the terms of that certain Deed of Trust heretofore existing on the property therein and hereinbefore, dated 06/06/2006 and recorded Recorded on 06/12/2006 BOOK NO. M06, PAGE NO. 11872, of the records of **KLAMATH, OREGON**, executed by **SHAWN M. SHELEBY & KELLY A. SHELEBY, AS TENANTS BY THE ENTIRETY**, to **BENEFICIAL OREGON, INC.**, and the cancellation of record of said Deed of Trust.

That the aforesaid deed and conveyance was by this Deponent as the result of their request that the Grantee accept such deed and was their free and voluntary act; that at the time of making said deed this

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Deponent considered and still consider that the indebtedness above-mentioned represented a fair value of the property so deeded; that said deed was not given as a preference against any other creditors of the Deponent or either of them; that as of the time it was given there was no other person or persons, firms or corporations, other than the Grantee therein named interested, either directly or indirectly, in said premises, that this Deponent is not obligated upon any bond or other mortgage whereby any lien has been created or exists against the premises described in said deed; that Deponent in offering to execute the aforesaid deed to the Grantee therein, and in execution same, was not acting under any duress, undue influence, misapprehension or misrepresentation by the Grantee in said deed, or the agent or attorney or any other representative of the Grantee in said deed; that it was the intention of this Deponent as Grantor in said deed to convey and by said deed the Deponent did convey to the Grantee therein all their right, title, and interest absolutely in and to the premises described in said deed.

There are no unpaid bills or claims for labor or services performed or material furnished or delivered during the last twelve months nor any contract for the making of repairs or improvements on said premises.

There are no chattel mortgages, conditional sale contracts, security agreements, financing statements, retention of title agreements or personal property leases affecting any materials, fixtures, appliances, furnishings, or equipment placed upon or installed in or upon the premises and all plumbing, heating, lighting, refrigerating and other equipment is fully paid for including all bills for the repair thereof.

There are no outstanding bill for utilities, unused fuel, gas, electric or sewer.

This affidavit is made for the protection and the benefit of the aforesaid Grantee in said deed, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property described therein, and shall bind the respective heirs, executors, administrators and assigns of the undersigned.

DATED SEPTEMBER 24, 2008

Shawn M. Sheleby  
By: SHAWN M. SHELEBY

Kelly A. Sheleby  
BY: KELLY A. SHELEBY

STATE OF NEVADA

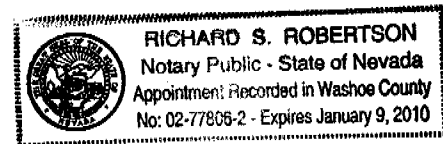
COUNTY OF WASHOE

On 9/25/08 before me RICHARD S. ROBERTSON, a

Notary Public in and for said county, personally appeared, SHAWN M. SHELEBY AND KELLY A. SHELEBY 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 the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Richard S. Robertson  
Notary Public in and for said County and State



STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me \_\_\_\_\_, a

Notary Public in and for said county, personally appeared, \_\_\_\_\_ 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 the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public in and for said County and State