

EOB

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



2009-001689

Klamath County, Oregon



00060187200900016890030033

SPACE RESERVE
FOR
RECORDER'S

02/10/2009 03:22:34 PM

Fee: \$31.00

First Party's Name and Address

Second Party's Name and Address

After recording, return to (Name, Address, Zip):

Etta Starry
20170 Le Pever St.
Klamath Falls OR 97603

Until requested otherwise, send all tax statements to (Name, Address, Zip):

Etta Starry
20170 Le Pever St
Klamath Falls OR 97603

ESTOPPEL DEED
MORTGAGE OR TRUST DEED

THIS INDENTURE between Donna & Rasdal and Darryl J Chaffee,
hereinafter called the first party, and Etta Starry
hereinafter called the second party; WITNESSETH:

Whereas, the title to the real property hereinafter described is vested in fee simple in the first party, subject to the lien of a mortgage or trust deed recorded in the Records of the county hereinafter named, in ☐ book ☐ reel ☐ volume No. 2008 on page 010980, and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. (indicate which), reference to those Records hereby being made, and the notes and indebtedness secured by the mortgage or trust deed are now owned by the second party, on which notes and indebtedness there is now owing and unpaid the sum of \$58,500, the same being now in default and the mortgage or trust deed being now subject to immediate foreclosure; and whereas the first party, being unable to pay the same, has requested the second party to accept an absolute deed of conveyance of the property in satisfaction of the indebtedness secured by the mortgage or trust deed, and the second party does now accede to that request;

NOW, THEREFORE, for the consideration hereinafter stated (which includes the cancellation of the notes and the indebtedness secured by the mortgage or trust deed and the surrender thereof marked "Paid in Full" to the first party), the first party does hereby grant, bargain, sell and convey unto the second party and to second party's heirs, successors and assigns, all of the following described real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Klamath County, State of Oregon, to-wit:

see Attached

AMERITITLE has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true and actual consideration for this conveyance is \$2. (Here comply with ORS 93.030.)

Balance of Loan

(OVER)

31ant



TO HAVE AND TO HOLD the same unto the second party and second party's heirs, successors and assigns forever.

And the first party, for first party and first party's heirs and legal representatives, does covenant to and with the second party and second party's heirs, successors and assigns, that the first party is lawfully seized in fee simple of the property, free and clear of encumbrances except the mortgage or trust deed and not otherwise except (if none, so state) NA

that the first party will warrant and forever defend the above granted premises, and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, other than the liens above expressly excepted; that this deed is intended as a conveyance, absolute in legal effect as well as in form, of the title to the premises to the second party and all redemption rights which the first party may have therein, and not as a mortgage, trust deed or security of any kind; that possession of the premises hereby is surrendered and delivered to the second party; that in executing this deed the first party is not acting under any misapprehension as to the effect thereof or under any duress, undue influence, or misrepresentation by the second party, or second party's representatives, agents or attorneys; that this deed is not given as a preference over other creditors of the first party, and that at this time there is no person, partnership or corporation, other than the second party, interested in the premises directly or indirectly, in any manner whatsoever, except as set forth above.

In construing this instrument, it is understood and agreed that the first party as well as the second party may be more than one person; that if the context so requires the singular includes the plural, and that all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

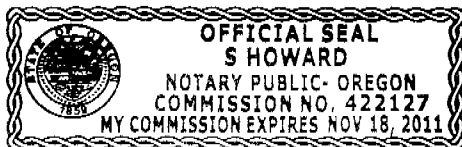
IN WITNESS WHEREOF, the first party has executed this instrument. If first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

DATED 2-10-2009

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 195.336 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.

Donna L. Rasdal
Darryl J. Chaffee

STATE OF OREGON, County of Klamath ss.
This instrument was acknowledged before me on February 10, 2009
by Donna L. Rasdal & Darryl J. Chaffee
This instrument was acknowledged before me on _____
by _____
as _____
of _____



S Howard
Notary Public for Oregon
My commission expires Nov 18, 2011

EXHIBIT "A"
LEGAL DESCRIPTION

All the following described real property situate in Klamath County, Oregon:

That portion of Tracts I and D in North Bly, the plat thereof on file in the records of Klamath County, Oregon, and more particularly described as follows:

Beginning at a point on the Westerly boundary of said Tract I, midway between the Northwesternly and Southwesternly corners of said Tract I; thence North $61^{\circ} 07'$ East along a line parallel with and midway between the Northwesternly and Southeasterly boundaries of said Tract I, 141.1 feet, more or less to a point in a line connecting the center points on the Northeasterly and Southerly side of said Tract I; thence North $28^{\circ} 53'$ West 200.6 feet, more or less to an intersection with the South line of property conveyed to M.L. Johnson by deed recorded on page 261 of Volume 106, Deed Records of Klamath County, Oregon, extended; thence South $61^{\circ} 07'$ West 125.4 feet, more or less to the Easterly line of the Klamath Falls-Lakeview Highway; thence South $20^{\circ} 06'$ East 203.4 feet, more or less, to the point of beginning.

SAVING AND EXCEPTING therefrom that portion thereof conveyed to William J. Miller and Leona G. Miller, husband and wife, by Deed recorded on page 115 of Volume 249 of Deed Records of Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Easterly right of way line of the State Highway, which lies North $20^{\circ} 06'$ West along the Easterly right of way line of the State Highway, a distance of 152.05 feet from the most Southerly corner of Tract I of North Bly as recorded on the plat of North Bly filed in the office of the County Clerk, Klamath County, Oregon, and running thence North $61^{\circ} 07'$ East a distance of 133.34 feet to a point; thence North $28^{\circ} 53'$ West a distance of 50.25 feet to a point; thence South $61^{\circ} 07'$ West a distance of 125.58 feet to a point on the Easterly right of way of the State Highway; thence South $20^{\circ} 06'$ East along the Easterly right of way line of the State Highway a distance of 50.85 feet, more or less to the point of beginning, said tract being a portion of Tracts I and D of North Bly in the Southeast quarter of Section 34, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

ALSO SAVING AND EXCEPTING THEREFROM that portion thereof conveyed to Timothy P. Tyree and Helen M. Tyree, husband and wife, by deed recorded on page 426 of Volume 337 in the Deed Records of Klamath County, Oregon, more particularly described as follows:

That portion of Tract I of North Bly, the plat whereof is on file and of record in the office of the County Clerk of Klamath County, Oregon, and more particularly described as follows:

Beginning at a point on the Westerly boundary of said Tract I, midway between the Northwesternly and Southwesternly corners of said Tract I; thence North $61^{\circ} 07'$ East along a line parallel with and midway between the Northwesternly and Southeasterly boundaries of said Tract I, 141.1 feet more or less to a point in a line connecting the center points on the Northeasterly and Southeasterly sides of said Tract I; thence North $28^{\circ} 53'$ West to the Southeast corner of Deed recorded August 11, 1951, Deed Volume 249, page 115, Deed Records of Klamath County, Oregon; thence South $61^{\circ} 07'$ West 140.0 feet, more or less, to the Easterly right of way line of Klamath Falls-Lakeview Highway; thence South along said Easterly right of way line to the point of beginning.