

2009-010617

Klamath County, Oregon



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08/06/2009 03:20:15 PM

Fee: \$36.00

After recording return to:
Bismark Mortgage Company, LLC
10500 NE 8th St. #700
Bellevue, WA 98004

ATE 67009

BMC File No.: 274686
Prepared: July 21st, 2009

Deed in Lieu

Grantor(s): DK2 Enterprises, L.P., an Oregon Limited Partnership (referred to below as "Grantor"), of 1001 Bridgeway #474, Sausalito, CA 94965,

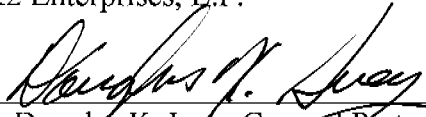
Grantee(s): Bismark Mortgage Company, LLC, a Washington Limited Liability Corporation (referred to below as "Grantee"), of 10500 N.E. 8th St. Bellevue, WA 98004,

The Grantor in lieu of foreclosure sells, conveys and warrants to Grantee the following described real estate including any after acquired title:

Lot 9, Block 14, WEST CHILOQUIN, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon. All situate in the County of Klamath, State of Oregon Tax Account No. R200311 (3407-034CD-TL-08500)

This deed is executed and delivered with the purpose and intention of being an absolute irrevocable and unconditional conveyance in consideration of the release of Grantor and Douglas K. Ivey from all personal liability under terms of a note secured by deed of trust dated December 18th, 2007 and recorded on December 27th, 2007 under instrument number 2007-021490, public records of Klamath County, Oregon. It is the intention of the parties that there shall not be a merger of the fee simple title of the Grantee with the lien of the deed of trust, but that the lien of the deed of trust be preserved and remain in full force and effect, except that Grantor and Douglas K. Ivey shall henceforth have no personal liability thereunder.

DK2 Enterprises, L.P.


By: Douglas K. Ivey, General Partner

Notary Public continued next page

36
67009 ATE

ALL PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

}
}ss

COUNTY OF Marin

On July 23 2009 before me

Aimee Moreno, Notary Public,

personally appeared Douglas Ivey

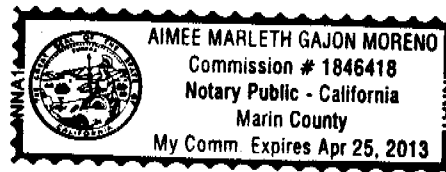
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity~~(ies)~~, and that by his/~~her~~/their signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Aimee M.



(NOTARY SEAL)

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE **MUST** BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW.

Title of Document Type _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

ESTOPPEL AFFIDAVIT

State of Oregon)
) ss.
County of Klamath)

BMC File No.: 274686

DK2 Enterprises, L.P., hereinafter Affiant, being first duly sworn, deposes and says: That it is the identical party who made, executed, and delivered that certain deed to Bismark Mortgage Company, LLC conveying the following described real property, to-wit:

Lot 9, Block 14, WEST CHILOQUIN, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon. All situate in the County of Klamath, State of Oregon
Tax Account No. R200311 (3407-034CD-TL-08500)

That the aforesaid Deed is intended to be and is an absolute conveyance of the title to said real property to the grantee named therein, and was not and is not now intended as a mortgage, trust conveyance, or security of any kind; that it was the intention of Affiant as grantor in said deed to convey, and by said Deed the Affiant did convey to the grantee therein all its right, title and interest absolutely in and to said premises; and that possession of said premises has been surrendered to the grantee;

That in the execution and delivery of said deed, Affiant was not acting under any misapprehension as to the effect thereof, and acted freely and voluntarily and was not acting under coercion or duress;

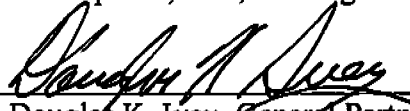
That the consideration for said deed was the full release of Affiant and Douglas K. Ivey from all personal liability under terms of a note secured by that certain deed of trust heretofore existing on said property executed by DK2 Enterprises, L.P., as Grantor, to Aspen Title & Escrow, Inc., as Trustee, for Bismark Mortgage Company, LLC, as Beneficiary, dated December 18th, 2007, and recorded December 27th, 2007 under instrument No. 2007-021490, book of Official Records, Klamath County, Oregon; that at the time of making said Deed Affiant believed and now believes that the aforesaid consideration therefore represents the fair value of the property so deeded;

This affidavit is made for the protection and benefit of the grantee in said Deed, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the real property herein described, and particularly for the benefit of any Title Company which may hereafter insure the title to said real property;

That Affiant will testify, declare, depose, or certify before any competent tribunal, officer, or person, in any case now pending or which may hereafter be instituted, to the truth of the particular facts hereinabove set forth.

Dated this 23rd day of July, 2009.

DK2 Enterprises, L.P., an Oregon Limited Partnership


By: Douglas K. Ivey, General Partner

Notary Public continued next page

ALL PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA }

}ss

COUNTY OF Marin }

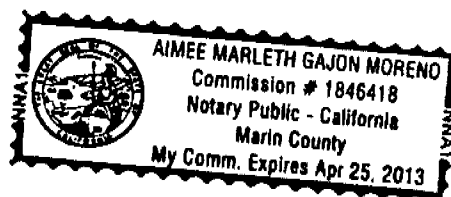
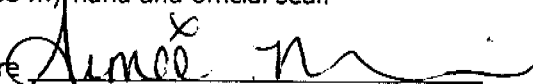
On July 23 2009 before me
Aimee Moreno, Notary Public,
personally appeared Douglas Ivey

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

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