

1st 1679654

2011-007620

Klamath County, Oregon

Recorded Requested By
And When Recorded Mail To:
CITIMORTGAGE, INC.
P.O. BOX 790017
ST. LOUIS MO 63179-0017



00103826201100076200020026

06/24/2011 03:03:31 PM

Fee: \$42.00

T.S. No: 1303289-53
Loan No: 2003437501

5048806-LS

ESTOPPEL AFFIDAVIT

PATTY I. O'BRIEN AND WAYNE O'BRIEN, AS TENANTS BY THE ENTIRETY being first duly sworn, dispose and say: That they are the identical parties who made, executed and delivered that certain Warranty Deed to **CITIMORTGAGE, INC.** dated 04-07-11 conveying the following described property to wit:

ADDITION

LOT 17 IN BLOCK 6 OF TRACT 1035, GATEWOOD, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

That the aforementioned Deed was an absolute conveyance of the title to said land to the Grantees named therein. In effect as well as in form, and was not and is not intended as a Deed of Trust, Mortgage, Contract of security of any kind, an that possession of said land has been surrendered to the said Grantee.

That this consideration in the aforesaid Deed was and is payment to us of the sum of ONE DOLLAR by the Grantees named therein receipt of which is hereby acknowledged, together with full cancellation of all debts, obligation, costs and charges, heretofore existing under and by virtue of the terms of that certain Note secured by the undersigned Deed of Trust heretofore existing on the property herein and hereinbefore described.

That said Note and Deed of Trust were executed by **PATTY I. O'BRIEN AND WAYNE O'BRIEN, AS TENANTS BY THE ENTIRETY** as Grantors to **AMERITITLE**, as successor trustee for the benefit and security of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR GATEWAY FINANCIAL SERVICES, INC.** as beneficiary, recorded **February 16, 2006** as Instrument No. **M06-03049, book XX, page XX** records of **KLAMATH** County, Oregon.

We have defaulted under the terms of said Note and Deed of Trust. All notice provisions have been complied with and all grace periods have either expired or have been waived by us and the Lender has declared the Note and all indebtedness under the Note and Deed of Trust due and payable according to the terms thereof and the laws of the State of Oregon.

That in offering to execute the aforesaid Deed to the Grantees therein, and in executing the same, we were not acting under any misapprehension as to the effects thereof, nor under duress, undue influence or misrepresentation by the Grantees or the agent or attorney of the Grantees in said Deed. That the aforesaid Deed was made as a result of our request that the Grantees accept such Deed and was our free and voluntary act. Also by executing said Warranty Deed to Grantee's herein, we agree to vacate said premises within ten (10) days of the undersigned date.

That at the time of making said Deed we felt, and still feel, that the Note and Deed of Trust above mentioned represented a fair value of the property so deeded.

That we are solvent and have no other creditors whose rights would be prejudiced by said conveyance. The Deed was not given as preference against any other of our creditors.

F

ESTOPPEL AFFIDAVIT
PAGE 2

The property is encumbered by a secondary lien Deed of Trust on said land recorded on February 16, 2006 as Instrument No. M06-03050.

That is our intention as Grantors to convey, and by said Deed did convey to the Grantees therein, all our right, title and interest absolutely in and to the land in said Deed. This Affidavit was made for the protection and benefit of the aforesaid Grantees in said Deed, their successors and assigns, and all other parties hereinafter 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: 04-07-11

Patty I. O'Brien
PATTY I. O'BRIEN

Wayne O'Brien
WAYNE O'BRIEN

State of OREGON
County of KLAHATH

On 04-07-2011 before me, Crissy Eileen Weber,
a Notary Public, personally appeared Patty O'Brien and Wayne O'Brien, 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 Oregon that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature

Crissy Eileen Weber

(Seal)

