

2012-000200
Klamath County, Oregon



00112304201200002000030032

01/10/2012 11:20:39 AM

Fee: \$47.00

RECORDING COVER SHEET
ORS 205.234

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any error in this cover sheet DOES NOT affect the transaction(s) contained in the instrument itself.

1. AFTER RECORDING RETURN TO -

Required by ORS 205.180(4) &
205.238:

Andrew C. Brandsness
411 Pine Street
Klamath Falls, OR 97601

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE
LEGAL DESCRIPTION AS RECORDED IN 2012-000200

2. TITLE(S) OF THE TRANSACTION(S) - Required by ORS 205.234(1)(a)

Note: "Transaction" means any action required or permitted by law to be recorded, including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. Enter descriptive title for the instrument:

Deed in Lieu of Foreclosure - No Merger

3. DIRECT PARTY / GRANTOR and Address - Required by ORS 234(1)(b)

Michael H. Collins and Kelly J. Egelite, formerly known as Kelly J. Collins

Grantor's Address:

P. O. Box 424
Macdoel, CA 96058

4. INDIRECT PARTY / GRANTEE and Address - Required by ORS 234(1)(b)

**James H. Cavener and Gary D. Cavener as Successor Trustees pursuant to
that certain Declaration of Trust dated October 21, 1992**

Grantee's Address:

803 Scenic Court
Yreka, CA 96097

**5. For an instrument conveying or
contracting to convey fee title, the
information required by ORS 93.260:**

**UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING
ADDRESS:**

James H. Cavener, Trustee
803 Scenic Court
Yreka, CA 96097

6. TRUE AND ACTUAL

CONSIDERATION - Required by
ORS 93.030 for an instrument
conveying or contracting to convey
fee title or any memorandum of
such instrument:

foreclosure forbearance

**7. TAX ACCOUNT NUMBER OF THE PROPERTY, IF THE INSTRUMENT CREATES A
LIEN OR OTHER INTEREST THAT COULD BE SUBJECT TO TAX FORECLOSURE -**

Required by ORS 312.125(4)(b)(B):

n/a

104-00807

RETURN TO: Andrew C. Brandsness 411 Pine Street Klamath Falls, OR 97601	TAX STATEMENT TO James H. Cavener, Trustee 803 Scenic Court Yreka, CA 96097
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DEED IN LIEU OF FORECLOSURE - NO MERGER

THIS INDENTURE between Michael H. Collins and Kelly J. Egelite, formerly known as Kelly J. Collins, hereinafter called Grantors, and James H. Cavener and Gary D. Cavener as Successor Trustees pursuant to that certain Declaration of Trust dated October 21, 1992, hereinafter called Grantee:

Grantors convey and warrant to Grantee the real property situated in Klamath County, Oregon described as follows:

~~NO. - 2~~

The W 1/2 of Lot 6, Block 2, BRYANT TRACTS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

Grantors covenant that:

This deed is absolute in effect and conveys fee simple title of the premises described above to Grantee and does not operate as a mortgage, trust conveyance, or security of any kind.

Grantors are the owners of the premises. The property is encumbered by a trust deed wherein Grantee is Beneficiary and Michael H. Collins and Kelly J. Collins, husband and wife, are Grantor, dated January 26, 2004 and recorded on February 4, 2004 at Volume M04, Page 06867 of the official records of Klamath County, Oregon. The property is free and clear of all other liens and encumbrances, excepting those preceding the trust deed above-referenced. The trust deed is in default.

This deed does not effect a merger of the fee ownership and the lien of the trust deed described above. The fee and lien shall hereafter remain separate and distinct.

The consideration of this transfer is the forbearance of foreclosure against Grantors and forbearance of an action on the debt against Grantors or a deficiency judgment against Grantors and the waiver of the Grantee's right to collect costs, disbursements and attorney's fees, as well as any deficiency balance due from the Grantors only.

By acceptance of this deed, Grantee covenants and agrees that they shall forever forbear taking any action whatsoever to collect against Grantors on the promissory note given to secure the trust deed described above, other than by foreclosure of that trust deed, and that in any proceeding to foreclose the trust deed they shall not seek, obtain, or permit a deficiency judgment against Grantors, or their heirs or assigns, such rights and remedies being waived.

Grantors waive, surrender, convey, and relinquish any equity of redemption and statutory rights of redemption concerning the real property and trust deed described above. Grantors surrender possession of the real property to Grantee.

Grantors are not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence, or misrepresentation of Grantee, Grantee's agent or attorney, or any other person.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

IN WITNESS WHEREOF the Grantors above-named have executed this instrument.

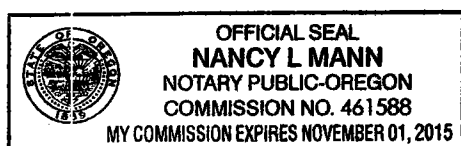
DATED this 9 day of December, 2011.

Michael H. Collins
Michael H. Collins

Kelly J. Egeline
Kelly J. Egeline, formerly known as Kelly J. Collins

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 9 day of December, 2011 the above named Michael H. Collins and acknowledged the foregoing instrument to be his voluntary act and deed.



Nancy L. Mann
Notary Public for Oregon
My Commission expires: 11-7-15

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 8 day of December, 2011 the above named Kelly J. Egeline, formerly known as Kelly J. Collins, and acknowledged the foregoing instrument to be her voluntary act and deed.

Karen A. Baker
Notary Public for Oregon
My Commission expires: 9-20-2013

