

After recording return to:  
Edwin Febus  
RCO Legal, P.S.  
13555 SE 36<sup>th</sup> St., Suite 300  
Bellevue, WA 98006



2014-001366  
Klamath County, Oregon  
02/18/2014 02:48:00 PM  
Fee: \$57.00

Mail Tax Statements to:  
Bank of America, N.A.  
5401 North Beach Street  
Fort Worth, TX 76137

7021.88909/Baumgartner, Joe R. and Linda M.

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**WARRANTY DEED**  
**(Deed in Lieu)**

Grantor, Joseph R. Baumgartner, conveys and specially warrants to Bank of America, N.A., Grantee, the following described real property free of encumbrances created or suffered by the Grantor except as specifically set forth herein:

Lot 1050, Running Y Resort, Phase 12, First Addition, Tract 1426, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Tax Parcel No. 3808-008D0-01700-000

This property is free of liens and encumbrances, EXCEPT: subject to easements, conditions, reservations, covenants, agreements, restrictions, rights of way and declarations of record, if any.

The Grantee by accepting and recording this Deed does not intend a merger of its interest under that certain Deed of Trust dated August 30, 2004, recorded on September 13, 2004, under File No. Volume M04, Page 60911, records of Klamath County with the fee title herein conveyed to take place, and it is the intention of the parties that the property above-described shall remain subject to the lien of said Deed of Trust, which lien shall remain a first lien upon the property.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true consideration for this conveyance is \$0.00 and other property or value was either part or the whole consideration.

CONTINUED ON FOLLOWING PAGE

570mb

Read, accepted and acknowledged

Joe R. Baumgartner  
Joe R. Baumgartner

Linda M. Baumgartner  
Linda M. Baumgartner

STATE OF Oregon  
COUNTY OF Washington ss.:

I certify that I know or have satisfactory evidence that Joe R. Baumgartner is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 6th day of December, 2013.

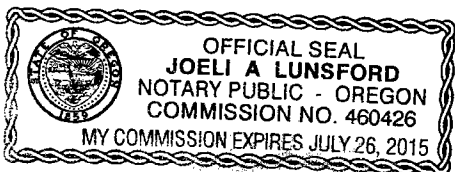


Joeli Lunsford  
Printed Name: Joeli Lunsford  
Notary Public in and for the State of Oregon  
residing at Seaside, OR  
My commission expires: 7/26/2015

STATE OF Oregon  
COUNTY OF Washington ss.:

I certify that I know or have satisfactory evidence that Linda M. Baumgartner is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it as the free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 6th day of December, 2013.



Joeli Lunsford  
Printed Name: Joeli Lunsford  
Notary Public in and for the State of Oregon  
residing at Seaside, OR  
My commission expires: 7/26/2015

### WARRANTY DEED

Joseph R. Baumgartner, Grantor  
to  
Bank of America, N.A., Grantee

After recording return to:  
Edwin Febus  
RCO Legal, PS  
13555 SE 36<sup>th</sup> St., Suite 300  
Bellevue, WA 98006

7021.88909/Baumgartner, Joe R. and Linda M.

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**ESTOPPEL AFFIDAVIT**

Joseph R. Baumgartner, (the "Affiant") being first duly sworn, deposes and states:

That the Affiant is the individual who made, executed, and delivered that certain Warranty Deed (Deed in Lieu) to Bank of America, N.A., conveying the following described property ("Property") in Klamath County, Oregon.

Lot 1050, Running Y Resort, Phase 12, First Addition, Tract 1426, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Tax Parcel No. 3808-008D0-01700-000

Commonly known as Lot 1050 Running Y Resort Phase 12, Klamath Falls, Oregon 97601

That the aforesaid Warranty Deed is intended to be and is an absolute conveyance of the title to the Property to the Grantee named therein, and was not and is now not intended as a mortgage, trust conveyance, or security of any kind; that it was the intention of Affiant as Grantor of the Warranty Deed to convey, and by the Warranty Deed the Affiant did convey, to the Grantee therein all right, title, and interest absolutely in and to the Property; and that possession of the Property has been surrendered to the Grantee;

That in the execution and delivery of the Warranty Deed, Affiant as Grantor 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 Warranty Deed shall not cause a merger of the Affiant's interest under the Warranty Deed with the Beneficiary's interest under the Deed of Trust encumbering the Property and granted by Affiant herein, to First American Title Insurance Company as Trustee, and to Bank of America, N.A. as Beneficiary, dated August 30, 2004, and recorded on September 13, 2004, under File No. Volume M04, Page 60911, in the Official Records of Klamath County, State of Oregon (the "Deed of Trust") and described herein, or the related documents. The interest transferred by the Warranty Deed is intended to be a separate interest from the beneficial interest or lender's interest under the Deed of Trust.

The Warranty Deed was not, and is not given as a preference against any other creditors of the Affiant herein; there is no other person or persons, firms or corporations, other than the Affiants therein named interested, either directly or indirectly in said Property; that Grantor is solvent and has no other creditors whose rights would be prejudiced by such conveyance and that Grantor is not obligated upon any bond or other deed of trust whereby any lien has been created or exists against the Property described in said Warranty Deed.

Consideration for the Warranty Deed is payment to Affiant of the sum of \$0.00 by Grantee, and a covenant not to sue to enforce the promissory note dated August 30, 2004, in the amount of \$107,100.00, or to foreclose the Deed of Trust encumbering the Property; that at the time of making the Warranty Deed, Affiant believed and now believes that this consideration represents the fair value of the Property so deeded.

This affidavit is made for the protection and benefit of the Grantee of said Warranty Deed and Amerititle, 300 Klamath Avenue, P.O. Box 5017 Klamath Falls, OR 97601, which is about to insure the title to the Property in reliance thereon, and any other title company that may hereafter insure the title to the Property; That Affiant will testify, declare, depose, or certify before any competent tribunal, officer, or

person, in any case now pending or that may hereafter be instituted, to the truth of the particular facts hereinabove set forth.

Read, accepted and acknowledged

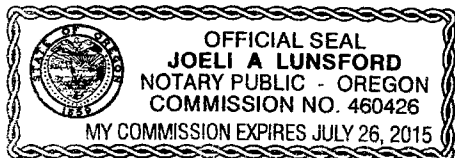
Joe R. Baumgartner  
Joe R. Baumgartner

Linda M. Baumgartner  
Linda M. Baumgartner

STATE OF Oregon  
COUNTY OF Washington ss.:

I certify that I know or have satisfactory evidence that Joe R. Baumgartner is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 14th day of December, 2013.

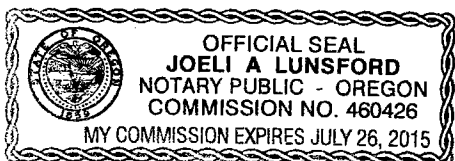


Joeli Lunsford  
Printed Name: Joeli Lunsford  
Notary Public in and for the State of Oregon  
residing at Beaverton, Oregon  
My commission expires: 7/26/2015

STATE OF Oregon  
COUNTY OF Washington ss.:

I certify that I know or have satisfactory evidence that Linda M. Baumgartner is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it as the free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 14th day of December, 2013.



Joeli Lunsford  
Printed Name: Joeli Lunsford  
Notary Public in and for the State of Oregon  
residing at Beaverton, Oregon  
My commission expires: 7/26/2015

THIS INSTRUMENT WILL 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 APPROVED USES.

ESTOPPEL AFFIDAVIT

Joseph R. Baumgartner, Grantor  
to  
Bank of America, N.A., Grantee