Recordation Requested by:

ASPELL, HENDERSON & ASSOCIATES 122 South 5th Street Klamath Falls, OR 97601

2014-001434 Klamath County, Oregon



02/19/2014 03:46:32 PM

Fee: \$57.00

After Recording Return to:

SKY OAKS WEALTH MANAGEMENT fbo Robert L. Seus, Sr. /Rollover IRA 1745 Washburn Way Klamath Falls, OR 97603

Send Tax Statements to:

EQUITY TRUST COMPANY, CUSTODIAN FBO ROBERT L. SEUS, SR. IRA #407759 PO Box 20608 Waco, TX 76702

## ESTOPPEL DEED IN LIEU OF FORECLOSURE

EMILIO VALLE, "Grantor," conveys to EQUITY TRUST COMPANY CUSTODIAN FBO ROBERT L. SEUS, IRA, "Grantee," the following real property:

See Attached Exhibit 'A'

Emilio Valle, executed and delivered to Grantee, Equity Trust Company Custodian FBO Robert L. Seus, IRA, a deed of trust recorded February 3, 2006 at M06-02224, Klamath County mortgage records, to secure payment of a note in the sum of \$546,670.00. Said note and trust deed are in default and the trust deed is subject to foreclosure. In consideration of Grantee's acceptance of this deed in lieu of foreclosure, Grantee may retain all payments previously made on the Note, with no duty to account therefor.

The true consideration for this conveyance is Grantee's forbearance of foreclosure against Grantor. Grantee shall not seek to collect any deficiency resulting from the promissory note on which the trust deed described above is secured.

This Deed is intended as a conveyance absolute in legal effect, as well as in form, of the title to said Property to Grantee and this Deed is not intended as security of any kind. Grantor waives, surrenders, and relinquishes any equity of redemption and statutory rights of redemption which Grantor may have in connection with the Property and the Trust Deed. The Grantor and Grantor's heirs, successors, and assigns shall be forever estopped from asserting that Grantor had, on the date of the Trust Deed, an estate or interest in the Property less than a fee simple interest in the whole of the Property and this Deed shall pass any and all after-acquired title.

Grantor warrants that during the time period that the Property was owned by Grantor, the Property was never used for the generation, manufacture, storage, treatment, disposal, release, or threatened release of any hazardous substance, as those terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seg ("CERCLA"), the Superfund Amendments and Reauthorization Act ("SARA"), other applicable state or federal laws, or regulations adopted pursuant to any of the foregoing. Grantor agrees to indemnify and hold Grantee harmless against any and all claims and losses resulting from a breach of this warranty. This indemnity shall survive recording of this Deed and further transfers of the Property.

Grantor has read and fully understands the above terms and is not acting under misapprehensions as to the effect of this Deed, nor under any duress, undue influence or misrepresentations of Grantee, its agents, attorneys or any other person.

Grantee does not expressly or impliedly agree to assume or pay any contract balances, debts, liens, charges or obligations which relate or attach to the property.

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, 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.

DATED this 21 day of JANURY Emilio Valle

STATE OF OREGON )

) ss.

County of Klamath

This instrument was acknowledged before me on this

day of Jungay, 2014,

Valle.

NOTARY PUBLIC FOR OREGO

My Commission Expires: 4.26.

OFFICIAL SEAL

J. BELINDA KERZEL

NOTARY PUBLIC-OREGON

COMMISSION NO. 477366

MY COMMISSION EXPIRES APRIL 26, 2017

## EXHIBIT A LEGAL DESCRIPTION

THE NOTE SECURED BY THIS TRUST DEED CONTAINS PARTIAL RELEASE PROVISIONS.

Real property in the County of Klamath, State of Oregon, described as follows:

Parcel 1: A tract of land situation the NW1/45W1/4 of Section 7, Township 38 South Range 9 East of the Williamette Meridian, Klamath County, Oragon, being more particularly described as follows:

Beginning at the W1/4 corner of said Section 7; thence South 89°49' East 799,00 Teatro, the Westerly right of way line of highway 97 (Dalies-California Hwy); thence South 11°36' East along said right of way line 506,29 feet; thence South 78°24' West 99.36 feet to the True Point of Beginning of this description; thence continuing South 78°24' West 286,05 feet; thence South 07°55'20" East 27255 feet; thence South 65°03'50" West 92.90 feet; thence South 50°06'00" East 37.00 feet; thence South 65°03'50" West 92.90 feet; thence South 50°06'00" East 37.00 feet; thence South 69°30'10" East 475.00 feet (South 59°29' East 474.8 feet by recorded Survey No. 2148, as recorded in the office of the Klamath County Surveyor); thence North 11°36' West 87.00 feet; thence North 76°24' East 73.15 feet; thence North 11°36' West 13.00 feet; thence North 76°24' East 27.00 feet to the Westerly right of way line of said Highway; thence North 11°36' West along said right of way line, 132.35 feet; thence South 85°27'15" West 92.51 feet; thence North 11°36'47" West 74.84 feet; thence North 74°21'03" East 45.98 feet; thence North 11°30'13" West 57.41 feet to the Southerly edge of a concrete sidewalk; thence along the Southerly and Westerly edge of said sidewalk; South 78°16'22" West 43.47 feet and North 16°40'10" West 125.02 feet; thence North 73°19'50" East 5.50 feet; thence North 16°40'10" West 46.06 feet to the True Point of Beginning; with bearings based on said recorded Survey No. 2148.

## Parcel 2:

Beginning at a point on the Westerly right of way line of the New Oalles-California Highway which lies South 89°49' East along the East-West center line of Section 7, Township 38 South Badge 9 East of the Willamette Meridian, a distance of 799 feet and South 11°35' East along the Westerly right of way line of the above mentioned highway, a distance of 506.29 feet from the quarter section Earlier common to said Section 7, and Section 12, Township 38 South, Range 8 East of the Willamette Heridians, and running thence South 78°24' West at right angles to the Westerly right of way line of said righway a distance of 460,0 feet to a point; thence South 0°06' East a distance of 300 feet to a point; thence South 89°43' East a distance of 320.6 feet to a point; thence South 48°36! East a distance of 112.7 feet to a point; thence South 72°36' East a distance of 107.1 feet to a point; thence North 78°24' East a distance of 100 feet to a point on the Westerly right of way line of above mentioned highway; thence North 11°36' West along the Westerly right of way line of said Highway a distance of 550 feet, more or less to the point of beginning, being in the NW1/4 of the SW1/4 of Section 7, Township 38 South; Range 9 East of the Williamette Meridian.

EXCEPT that parcel of land conveyed to Donald Vanderhoff and Betty June Vanderhoff by Deed dated March 12, 1954 and recorded April 12, 1954 in Volume 266 page 331, Deed recorded April 12, 195

ALSO EXCEPT that parces of land conveyed to Albert W. Schmeck and Vada Hassemeck, husband and wife and Arthur Andrew Riddelinarid Annie H. Rickbell, also known as Helen Andrew Riddelinarid Annie H. Rickbell, also known as Helen Andrew Riddelinarid Day Dayd dated March 12, 1954 and recorded April 14, 1954 in Volume 266 page 376, Deed records of Klamath County, Oregon.

ALSO EXCEPT that parcel of land described in that certain Contract of Sale date (Mary 15, 1978 a) Memorandum of which was recorded May 16, 1978 at Book M78 on page 101457 in the official records of Klamath County, Oregon, to Harry L. Bonome and Dolores M. Bonome.

TOGETHER WITH the easements, common walkway and common driveways as staying Memorandum of Contract of Sale, including the terms and provisions thereof, from Mehmet Ahmet Bonna Ahmet to Harry L. Bonnae and Dolores M. Bonnae, dated May 15, 1978 recorded May 16, 1978 in Volume M78 page 10145, Deed records of Mamath County, Oregon.

Parcel 3: Lot 1 in Block 304 Darrow Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clark of Klamath County, Gregon.

Tax Parcel Number: 430091 and 430135