

Recorded @ County

2014-001434

Klamath County, Oregon



00148715201400014340040048

02/19/2014 03:46:32 PM

Fee: \$57.00

**Recordation Requested by:**

ASPELL, HENDERSON & ASSOCIATES  
122 South 5<sup>th</sup> Street  
Klamath Falls, OR 97601

**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 seq* ("CERCLA"), the Superfund



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 situated in the NW1/4SW1/4 of Section 7, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the W1/4 corner of said Section 7; thence South 89°49' East 799.00 feet to the Westerly right of way line of highway 97 (Dalles-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 272.59 feet; thence South 85°03'50" West 92.90 feet; thence South 00°06'00" East 37.00 feet; thence South 69°30'10" East 475.00 feet (South 69°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 78°24' East 73.15 feet; thence North 11°36' West 13.00 feet; thence North 78°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°54'47" 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 Dalles-California Highway which lies South 89°49' East along the East-West center line of Section 7, Township 38 South, Range 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 corner common to said Section 7, and Section 12, Township 38 South, Range 8 East of the Willamette Meridian; and running thence South 78°24' West at right angles to the Westerly right of way line of said Highway a distance of 450.0 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 32°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 Willamette 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 records of Klamath County, Oregon.

ALSO EXCEPT that parcel of land conveyed to Albert W. Schneck and Vada H. Schneck, husband and wife and Arthur Andrew Rickbeil and Annie H. Rickbeil, also known as Helen Annie Rickbeil by Deed 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 dated May 15, 1978 a Memorandum of which was recorded May 16, 1978 at Book M78 on page 10145, 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 shown in Memorandum of Contract of Sale, including the terms and provisions thereof, from Mehmet Ahmet and Donna Ahmet to Harry L. Bonome and Dolores M. Bonome, dated May 15, 1978 recorded May 16, 1978 in Volume M78 page 10145, Deed records of Klamath County, Oregon.

Parcel 2:

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 Clerk of Klamath County, Oregon.

Tax Parcel Number: 430091 and 430135

(H)