

2014-005317

Klamath County, Oregon



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05/16/2014 03:17:57 PM

Fee: \$57.00

RETURN TO:
Michael P. Rudd
411 Pine Street
Klamath Falls, OR 97601

TAX STATEMENT TO
Angelo A. Doveri
505 Lincoln Street
Klamath Falls, OR 97601

DEED IN LIEU OF FORECLOSURE - NO MERGER

THIS INDENTURE between GALPIN HOLDINGS, LLC, an Oregon limited liability company, whose address is 744 Cardley, Suite 100, Medford, Oregon 97504, hereinafter called Grantor, and ANGELO A. DOVERI, as to an undivided 25% interest; ELODIE E. GOLDEN, as to an undivided 25% interest; CORDELIA J. DOVERI, as Trustee of the Cordelia J. Doveri Family Trust dated July 13, 1994 aka The CJD Family Trust, as to an undivided 25% interest; PATRICIA J. DOVERI, as to an undivided 12.5% interest; ANGELA T. DOVERI, as to an undivided 2.5% interest; DENISE M. DOVERI, as to an undivided 2.5% interest; ALISA D. DOVERI, as to an undivided 2.5% interest; JOHN A. DOVERI, as to an undivided 2.5% interest; and DEBRA ANTIONETTE GREENE, Trustee for Danial Isahia Greene and Leslie Joann Greene Trust, as to an undivided 2.5% interest, all as tenants in common, whose address is 505 Lincoln Street, Klamath Falls, Oregon 97601, hereinafter called Grantee:

Grantor conveys and warrants to Grantee the real property described in the attached Exhibit "A" situated in Klamath County, Oregon.

Grantor covenants 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.

Grantor is the owner of the premises. The property is encumbered by a trust deed wherein Grantee is Beneficiary dated September 8, 2006 and recorded on September 15, 2006 at 2006-018612 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.

other than
property
taxes and
city liens,
if any,

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 Grantor and forbearance of an action on the debt against Grantor or a deficiency judgment against Grantor 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 Grantor.

By acceptance of this deed, Grantee covenants and agrees that Grantee shall forever forbear taking any action whatsoever to collect against Grantor 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 Grantee shall not seek, obtain, or permit a deficiency judgment against Grantor, or Grantor's heirs or assigns, such rights and remedies being waived.

Grantor waives, surrenders, conveys, and relinquishes any equity of redemption and statutory rights of redemption concerning the real property and trust deed described above. Grantor surrenders possession of the real property to Grantee.


Grantor is 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 Grantor above-named has executed this instrument.

DATED this 29 day of April, 2014.




Galpin Holdings, LLC, an Oregon
limited liability company
By: C.A. Galpin
Its: Manager

STATE OF OREGON, County of Jackson) ss.

Personally appeared before me this 29 day of April, 2014,
the above named C.A. Galpin, Manager of Galpin Holdings, LLC, an Oregon limited
liability company and acknowledged the foregoing instrument to be its voluntary act
and deed.





Notary Public for Oregon
My Commission expires: 8-16-17

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1

All that portion of Lots 70, 75, 76 and 77 of ENTERPRISE TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, as follows:

Beginning at a point on the Northerly line of the right of way of the Oregon, California and Eastern Railroad a distance of 534.2 feet from, at right angles to, and West of the East line of Lot 70, said point being the Southwest corner of the tract heretofore conveyed to Marshall E. Cornett et ux, by deed recorded in Volume 111, page 399, Deed Records of Klamath County, Oregon; thence North along the West boundary thereof 1023 feet, more or less, to the Northeasterly line of said Tract 70; thence Northwesterly along the Northeasterly line of Lots 70 and 75 as the case may be, 175.15 feet, more or less, to the intersection thereof with the Southerly line of Shasta Way; thence West along the Southerly line of Shasta Way and the Northerly line of Lots 75, 76 and 77, 1975 feet, more or less, to the Northeasterly line of the right of way of the Oregon, California and Eastern Railroad, sometimes called Klamath Falls Municipal Railroad, as said right of way is described in that certain deed from Enterprise Land & Investment Company to Robert E. Strahorn recorded in Volume 47 of Deeds at page 373 et seq., Records of Klamath County, Oregon; thence Southeasterly along the Northeasterly line of the right of way described in said deed to the point of beginning; but reserving and excepting from the operation hereof a strip of land 40 feet in width for a private roadway across the premises herein conveyed, the same to lie 20 feet on either side of the following described center line, to wit:

Beginning at the point of intersection of the Southerly line of Shasta Way, with the center line of East Main Street (formerly Stukel Street) in Klamath Falls, Oregon, if extended; thence South 22° 50' East 424.7 feet; thence South 2° West 371 feet, more or less to a point on the Northerly line of the right of way of the Oregon, California and Eastern Railroad, which is North 66° 38' West 30 feet, and North 23° 22' West 100 feet from the most Northerly corner of that certain parcel conveyed by the Enterprise Land and Investment Company to S.O. Johnson by deed dated December 9, 1922, recorded at page 387, in Volume 59 of Deed Records of Klamath County, Oregon; (subject to certain conditions as to use of said private road for purposes of ingress and egress, and the construction and maintenance of telephone and telegraph lines.)

ALSO EXCEPTING and excluding that certain parcel described as follows:

Beginning at a point which is forty feet Southerly along the Easterly line of Martin Street, if extended from the Northeast corner of Martin Street and Shasta Way, being the point of beginning; thence Easterly parallel with Shasta Way 250 feet; thence Southerly parallel with Martin Street, if extended, 100 feet; thence Westerly parallel with Shasta Way, 250 feet, thence Northerly parallel with Martin Street, if extended, 100 feet to the point of beginning.

ALSO excepting that certain portion of Lots 70 and 75 of ENTERPRISE TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, described as follows:

Beginning at a point in the Northerly line of Lot 75 a distance of 17.48 feet Southeasterly of the intersection of the South line of Shasta Way with the Southerly line of Sixth Street; thence West parallel to and 10 feet distant from the South line of Shasta Way, 38.0 feet; thence South 35° West 170 feet; thence South 81.5 feet; thence East 268.00 feet, more or less, to the property heretofore conveyed to Marshall E. Cornett et ux by deed recorded in Volume 111, page 399 of records of Klamath County, Oregon; thence North along the Westerly line of Cornett Tract 130 feet, more or less, to the Northerly line of Lot 70, otherwise the Southerly line of Sixth Street; thence Northwesterly along the Southerly line of Sixth Street 160.67 feet, more or less, to the point of beginning.

ALSO excepting all that portion of Lot 75 of ENTERPRISE TRACT, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, bounded and described as follows:

Beginning at a point which is 260 feet South of and 150 feet East of the intersection of the East line of Martin Street in the Supplemental Plat of the Westerly portion of Block 242 of Mills Second Addition with the North line of Shasta Way; thence East 104 feet, more or less, to a point 40 feet West of the Southwest corner of the tract heretofore deeded to Safeway Stores, Inc.; thence North 100 feet; thence West 104 feet, more or less; thence South 100 feet to the point of beginning.

(Parcel 1 continued)

ALSO excepting all that portion described as follows:

Beginning at a point 40 feet South of and 250 East of the intersection of the East line of Martin Street and the North line of Shasta Way in the City of Klamath Falls, Oregon; thence East along a line parallel to Shasta Way and 40 feet South of the North line thereof, a distance of 90 feet; thence Southwesterly to a point 20 feet East of the Southeast corner of that tract of land deeded to Clarence A. Poole et ux in deed recorded in Book 126, page 294 of Deed Records of Klamath County, Oregon; thence West 20 feet; thence North 100 feet to the point of beginning, being a part of Tract 75 of ENTERPRISE TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

ALSO EXCEPTING all the following:

Beginning at an iron pipe on the West line of the Cornett property which lies South $0^{\circ} 03' 45''$ West a distance of 117.83 feet from the iron pin which marks the intersection of the West line of that certain parcel of land conveyed to Marshall E. Cornett et ux by deed recorded on page 399 of Volume 111 of the Deed Records of Klamath County, Oregon, and the Southerly right of way line of the present South Sixth Street in the City of Klamath Falls, Oregon, and running thence: continuing South $0^{\circ} 03' 45''$ West along the West line of the Cornett Tract a distance of 60.0 feet to a $3/4''$ iron pipe; thence North $89^{\circ} 56' 15''$ West a distance of 270.5 feet to a $1''$ iron pipe which lies on the East line of an unnamed street; thence North $0^{\circ} 22' 30''$ West along the East line of the unnamed street a distance of 60.0 feet to a $5/8''$ iron pipe which marks the Southwest corner of that certain tract deeded to Safeway Stores and recorded on page 156 of Volume 140 of the Deed Records of Klamath County, Oregon; thence South $89^{\circ} 56' 15''$ East along the Southerly line of the above mentioned Safeway Stores tract a distance of 270.9 feet, more or less, to the point of beginning, said tract being a portion of Tracts 70 and 75 of ENTERPRISE TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

ALSO EXCEPTING, any portion of the above described property contained in deeds to the State of Oregon, for highway purposes, recorded on pages 49 and 260 of Volume 146, Deed Records of Klamath County, Oregon.

SAVE AND EXCEPT rights of way over and across said premises, either of record or apparent upon the property.

AND EXCEPTING THEREFROM any portion thereof lying within the right of way of the Oregon California and Eastern Railroad.

PARCEL 2

All that portion of Lot 75 of ENTERPRISE TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, bounded and described as follows:

Beginning at a point which is 260 feet South of and 150 feet East of the intersection of the East line of Martin Street in Supplemental Plat of Westerly portion of Block 242, Mills Second Addition with the North line of Shasta Way; thence East 104 feet, more or less, to a point 40 feet West of the Southwest corner of the tract heretofore deeded to Safeway Stores, Inc.; thence North 100 feet; thence West 104 feet, more or less, thence South 100 feet to the point of beginning.