

Joe D'Orazio  
2663 Altamont Drive  
Klamath Falls, OR 97601  
Grantor

Thys DeHoop, Trustee  
Catharina DeHoop, Trustee  
19870 Reiling Road  
Klamath Falls, OR 97603  
Grantee

After Recording return to:  
Thys DeHoop, Trustee  
Catharina DeHoop, Trustee  
Grantee

Send Tax Statements to:  
Thys DeHoop, Trustee  
Catharina DeHoop, Trustee

2014-008894  
Klamath County, Oregon



08/27/2014 10:14:56 AM

Fee: \$62.00

### ESTOPPEL DEED (NON-MERGER)

JOE D'ORAZIO, (Grantor) conveys to Thys DeHoop, Trustee of the Thys DeHoop Revocable Living Trust, dated December 12, 2000 and Catharina DeHoop, Trustee of the Catharina DeHoop Revocable Living Trust dated December 13, 2000, (Grantee), the following described real property (the "Property"), together with all Grantor's right, title, and interest in any land sale contract, trust deed or lease option agreement involving the Property. Grantor is the owner of the Property free and clear of all encumbrances, except those set forth on the attached Exhibit A.

Grantor's predecessor in interest, Twila A. D'Orazio, executed and delivered to Grantee a Trust Deed dated March 1, 2005 and recorded on March 4, 2005 in the mortgage records of Klamath County, State of Oregon, in Volume No. M05, at page 14662 of the Microfilm Records of Klamath County, Oregon thereof, to secure payment of a Promissory Note in the sum of \$160,000.00. The Note and Trust Deed are in default and said Trust Deed being now subject to immediate foreclosure. In consideration of Grantee's acceptance of this deed in lieu of foreclosure (this "Deed") and waiver of the right to collect against Grantor on the Note, Grantee may retain all payments previously made on the Note, with no duty to account therefor.

This Deed is intended as a conveyance absolute in legal effect. As well as in form, of the title to the 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 that Grantor may have in connection with the Property and the foreclosure of the Trust Deed. That in executing this deed Grantor is not acting under any misapprehension as to the effect thereof or under any duress, undue influence, or misrepresentation by Grantee, or Grantee's representatives, agents or attorneys. Grantee does not expressly or impliedly agree to assume or pay any contract balances, debts, liens, charges, or obligations that relate to or attach to the property.

This Deed does not effect a merger of the fee ownership and the lien of the Trust Deed described above. The fee and the lien shall hereafter remain separate and distinct. Grantee reserves its right to foreclose its Trust Deed at any time as to any party with any claim, interest, or lien on the Property.

Grantor does hereby grant, bargain, sell and convey unto the second party, their heirs, successors and assigns, all of the following described real property situate in Klamath County, State of Oregon, to-wit:

The East 100 feet of Lot 1, Block 1, FIRST ADDITION TO ALTAMONT ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes in Volume 362, page 462, Deed Records of Klamath County, Oregon.

EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes in Volume m-06, page 06635, Deed Records of Klamath County, Oregon

The West 50 feet of the East 150 feet of Lot 1, Block 1, FIRST ADDITION TO ALTAMONT ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes in Volume 362, page 462, Deed Records of Klamath County, Oregon

EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes in Volume m-06, page 06635, Deed Records of Klamath County, Oregon

MAP/TAX 3909-003CA-01800-000  
MAP/TAX 3909-003CA-01900-000

Key No. 526498  
Key No. 526489

together with all of the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

Consideration for this transfer is the sum of \$2,000.00 paid from Grantee to Grantor.

IN WITNESS WHEREOF, the Grantor above named has executed this instrument; if first party is corporation, it has caused its corporate name to be signed hereto and its corporate seal affixed by its officers duly authorized thereunto by order of its Board of Directors.

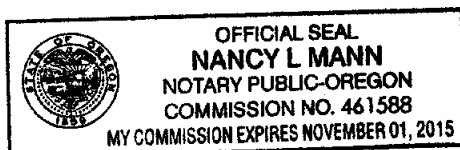
**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 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.**

  
Joe D'Orazio

STATE OF OREGON                     )  
  ) ss.  
County of Klamath                     )

The foregoing instrument was acknowledged before me this 06 day of August, 2014 by Joe D'Orazio.

(S E A L)




Before me:   
Notary Public for Oregon  
My Commissioner Expires: 11-1-15

EXHIBIT A TO ESTOPPEL DEED

1. Ad valorem real property taxes.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements, of South Suburban Sanitary District.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements, of Klamath County Drainage Service District.
4. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements, of Klamath Irrigation District.

Agreement for Exclusion from Klamath Irrigation District and Release of Water and Drainage Rights subject to the terms and provisions thereof:

Dated: February 20, 1992  
Recorded: March 18, 1992  
Volume: M92, page 5625, Microfilm Records of Klamath County, Oregon

Agreement for Exclusion from Klamath Irrigation District and Release of Water and Drainage Rights subject to the terms and provisions thereof:

Dated: February 20, 1992  
Recorded: March 18, 1992  
Volume: M92, page 5631, Microfilm Records of Klamath County, Oregon

5. Right reserved to construct irrigation ditches along line of said premises, as shown in deed from A.L. Wishard, et al., to W.E. Hughes, dated August 2, 1926, recorded August 3, 1926, in Book 73, page 178, Deed Records of Klamath County, Oregon.
6. State of Oregon Well Information Form, subject to the terms and provisions thereof:  
Recorded: October 17, 2002  
Volume: M02, page 59176, Microfilm Records of Klamath County, Oregon  
Well ID No: L31664  
Property Owner: Thys DeHoop and Catharina DeHoop
7. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein:  
Dated: March 1, 2005  
Recorded: March 4, 2005  
Volume: M05, page 14662, Microfilm Records of Klamath County, Oregon  
Amount: \$160,000.00  
Grantor: Twila A. D'Crazio  
Trustee: AmeriTitle, an Oregon Corporation  
Beneficiary: Thys DeHoop, Trustee of the Thys DeHoop Revocable Trust dated December 12, 2000 and Catharina DeHoop, Trustee of the Catharina DeHoop Revocable Trust dated December 13, 2000, Catharina DeHoop, Trustee
8. Subject to possession of the mobile home located on the property by a person or persons unknown to the Grantor.

AFFIDAVIT AND ESTOPPEL CERTIFICATE

STATE OF OREGON                    )  
  ) ss.  
County of Klamath                 )

I, Joe D'Orazio, being first duly sworn, depose and say: That I am the identical party who made, executed, and delivered that certain Deed in Lieu of Foreclosure to Thys DeHoop, Trustee of the Thys DeHoop Revocable Living Trust, dated December 12, 2000 and Catharina DeHoop, Trustee of the Catharina DeHoop Revocable Living Trust dated December 13, 2000, dated the 26<sup>th</sup> day of AUGUST, 2014, recorded on 27<sup>th</sup> day of August, 2014, as recording reference 2014-008894, records of Klamath County, Oregon, conveying the following described property, to wit:

The East 100 feet of Lot 1, Block 1, FIRST ADDITION TO ALTAMONT ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes in Volume 362, page 462, Deed Records of Klamath County, Oregon.

EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes in Volume m-06, page 06635, Deed Records of Klamath County, Oregon

The West 50 feet of the East 150 feet of Lot 1, Block 1, FIRST ADDITION TO ALTAMONT ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes in Volume 362, page 462, Deed Records of Klamath County, Oregon

EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes in Volume m-06, page 06635, Deed Records of Klamath County, Oregon

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That the aforesaid deed was intended to be and was an absolute conveyance of the title to said premises to Thys DeHoop, Trustee of the Thys DeHoop Revocable Living Trust, dated December 12, 2000 and Catharina DeHoop, Trustee of the Catharina DeHoop Revocable Living Trust dated December 13, 2000, and was not and is not now intended as a mortgage, trust conveyance, or security of any kind; that it was the intention of affiant as grantor in said deed to convey, and by said deed this affiant do convey to Thys DeHoop, Trustee of the Thys DeHoop Revocable Living Trust, dated December 12, 2000 and Catharina DeHoop, Trustee of the Catharina DeHoop Revocable Living Trust dated December 13, 2000, therein all their right, title and interest absolutely in and to said premises; that possession of said premises has been surrendered to Thys DeHoop, Trustee of the Thys DeHoop Revocable Living Trust, dated December 12, 2000 and Catharina DeHoop, Trustee of the Catharina DeHoop Revocable Living Trust dated December 13, 2000;

That in the execution and delivery of said deed, affiant 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 aforesaid deed was not given as a preference against any other creditor; that at the time it was given there was no other person or persons, firms or corporations, other than Thys DeHoop, Trustee of the Thys DeHoop Revocable Living Trust, dated December 12, 2000 and Catharina DeHoop, Trustee of the Catharina DeHoop Revocable Living Trust dated December 13, 2000, who have an interest, either directly or indirectly, in said premises; that this deponent is solvent and has no other creditors whose rights would be prejudiced by such conveyance, and that deponent is not obligated

upon any bond or mortgage or other security whereby any lien has been created or exists against the premises described in said deed;

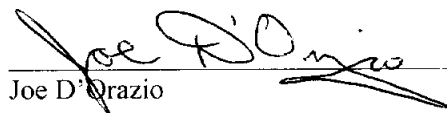
That the consideration for said deed was and is \$2,000.00 and the forbearance of foreclosure against Grantor and forbearance of an action on the debt against Grantor or of a deficiency judgment against Grantor with respect to the debt secured by that certain Trust Deed March 1, 2005 and recorded on March 4, 2005 in the mortgage records of Klamath County, State of Oregon, in Volume No. M05, at page 14662 of the Microfilm Records of Klamath County, Oregon thereof, to secure payment of a Promissory Note in the sum of \$160,000.00. At the time of making the Deed, Grantor was in default of the terms and provisions of the Trust Deed. At the time of making the Deed, Grantor believed, that the aforesaid consideration represents fair value for the property;

This Affidavit and Estoppel Certificate is made for the protection and benefit of the Grantee, its successors and assigns, and all other parties hereafter dealing with, or who may acquire an interest in, the property, and particularly for the benefit of any title insurer that insures the title to the property directly or indirectly in reliance on the facts and representations contained in this Affidavit and Estoppel Certificate;

That I understand and agree that I have waived or released any and all claims, known or unknown, that I have or might have had against Thys DeHoop, Trustee of the Thys DeHoop Revocable Living Trust, dated December 12, 2000 and Catharina DeHoop, Trustee of the Catharina DeHoop Revocable Living Trust dated December 13, 2000; and/or their accountants, agents, attorneys, directors, employees, managers, members, officers, servants, and or shareholders;

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 facts and representations contained in this Affidavit and Estoppel Certificate;

That the undersigned affiant has executed this Affidavit and Estoppel Certificate as an individual, and also for and on behalf of the Grantor.

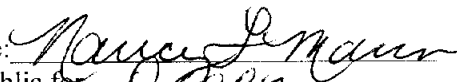
  
Joe D'Orazio

STATE OF OREGON                   )  
  ) ss.  
County of Klamath                )

The foregoing instrument was acknowledged before me this 26 day of August, 2014 by Joe D'Orazio, who is personally known to me or has produced an Oregon Drivers License as identification, and furthermore has acknowledged that his signature was his free and voluntarily act for the purposes set forth in this instrument.

(S E A L)



Before me:   
Notary Public for Oregon  
My Commissioner Expires: 11-1-15