



2015-004797  
Klamath County, Oregon  
05/12/2015 01:57:24 PM  
Fee: \$52.00

Recorded Requested By  
And When Recorded Mail To:  
And Send Tax Statements To:

WELLS FARGO HOME MORTGAGE  
1 HOME CAMPUS  
DES MOINES, IA 50328

DIL No: 000515-107331

**WARRANTY DEED IN LIEU OF FORECLOSURE**

FOR VALUE RECEIVED, **GARY J. SMITH**, as grantor, having an address of **915 BIRMINGHAM ST., MEDFORD, OR 97501** do hereby Grant, Warrant, Sell and Convey unto **WELLS FARGO BANK, N.A.** The Grantee, having an address of **1 HOME CAMPUS DES MOINES, IA 50328** the following described real estate free of encumbrances (except as set forth herein), to-wit:

**LOT 55, BLOCK 1 OF TRACT 1098, SPLIT RAIL RANCHOS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.**

**[TRUE AND ACTUAL CONSIDERATION ORS 93.030 \$107,863.34]**

This Deed is an absolute conveyance of title, in effect as well as in form and is not intended as a mortgage, trust conveyance, or security of any kind. The consideration hereto existing on account of the Deed of Trust on said land recorded on **JUNE 1, 2006** as Instrument No. N/A, volume **M06**, page **11085** records of **KLAMATH** County, OREGON. This Deed completely satisfies said Deed of Trust and Note secured thereby, and any effect thereof in all respects.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee their successors, heir and assigns forever. And the Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: Nov 19, 2014

SIGNATURE OF GRANTOR(S):

  
GARY J. SMITH

State of OREGON

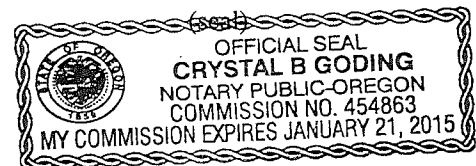
County of Jackson

This record was acknowledged before me on November 19, 2014

by Gary J. Smith  
Signer(s)

  
Notary Public - State of Oregon

My commission expires: 1-2-15



**Recorded Requested By  
And When Recorded Mail To:**

**WELLS FARGO HOME MORTGAGE  
1 HOME CAMPUS  
DES MOINES, IA 50328**

**DIL No: 000515-107331**

**ESTOPPEL AFFIDAVIT**

**GARY J. SMITH**, being first duly sworn, depose and say: That he/she/they is/are the identical party(ies) who made, executed and delivered that certain Warranty Deed in Lieu of Foreclosure to **WELLS FARGO BANK, N.A.** dated 11.19.2014 conveying the following described property to wit:

LOT 55, BLOCK 1 OF TRACT 1098, SPLIT RAIL RANCHOS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

That the aforementioned Deed was an absolute conveyance of the title to said land to the Grantee(s) named therein. In effect as well as in form, and was not and is not intended as a Deed of Trust, Mortgage, Contract of security of any kind, and that possession of said land has been surrendered to the said Grantee.

That this consideration in the aforesaid Deed was and is payment to us of the sum of ONE DOLLAR by the Grantees named therein receipt of which is hereby acknowledged, together with full cancellation of all debts, obligation, costs and charges, heretofore existing under and by virtue of the terms of that certain Note secured by the undersigned Deed of Trust heretofore existing on the property herein and hereinbefore described.

That said Note and Deed of Trust were executed by **GARY J. SMITH AND JAIMIE L. SMITH, HUSBAND AND WIFE** as Grantor to **FIDELITY NATIONAL TITLE INSURANCE COMPANY**, as original trustee for the benefit and security of **WELLS FARGO BANK, N.A.**, as beneficiary, recorded on **JUNE 1, 2006** as Instrument No. **N/A**, volume **M06**, page **11085** records of **KLAMATH** County, OREGON.

We have defaulted under the terms of said Note and Deed of Trust. All notice provisions have been complied with and all grace periods have either expired or have been waived by us and the Lender has declared the Note and all indebtedness under the Note and Deed of Trust due and payable according to the terms thereof and the laws of the State of Oregon.

That in offering to execute the aforesaid Deed to the Grantees therein, and in executing the same, we were not acting under any misapprehension as to the effects thereof, nor under duress, undue influence or misrepresentation by the Grantees or the agent or attorney of the Grantees in said Deed. That the aforesaid Deed was made as a result of our request that the Grantees accept such Deed and was our free and voluntary act. Also by executing said Warranty Deed to Grantee's herein, we agree to vacate said premises within ten (10) days of the undersigned date.

**ESTOPPEL AFFIDAVIT**  
**PAGE 2**

That at the time of making said Deed we felt, and still feel, that the Note and Deed of Trust above mentioned represented a fair value of the property so deeded.

That we are solvent and have no other creditors whose rights would be prejudiced by said conveyance. The Deed was not given as preference against any other of our creditors.

That at the time it was given there were no other persons, firms or corporations other than the Grantees therein named interested either directly or indirectly in said land and personal property, and that we are not obligated upon any bond or other Mortgage or Deed of Trust or Contract where any lien has been created or exists against the premises described in said Deed.

That it was our intentions Grantors to convey, and by said Deed did convey to the Grantees therein, all our right, title and interest absolutely in and to the land in said Deed. This Affidavit was made for the protection and benefit of the aforesaid Grantees in said Deed, their successors and assigns, and all other parties hereinafter dealing with or who may acquire an interest in the property described therein and shall bind the respective heirs, executors, administrators and assigns of the undersigned.

DATED: 11.19.14

  
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GARY J. SMITH

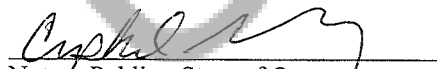
State of OREGON

County of Jackson

This record was acknowledged before me on November 19<sup>th</sup>, 2014

by Gary J. Smith  
\_\_\_\_\_  
Signer(s)

(seal)

  
\_\_\_\_\_  
Notary Public - State of Oregon

My commission expires: 1-21-15

