

TRUSTEE'S DEED

21051

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67-11598
THIS INDENTURE, Made this 18th day of March, 1968, between TRANSAMERICA TITLE INSURANCE COMPANY, a California Corporation, hereinafter called trustee, and THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, a corporation, hereinafter called the second party;

WITNESSETH:

RECITALS:

CLIFFORD E. SMELCER and AUDREY M. SMELCER, husband & wife, as grantor, executed and delivered to Oregon Title Insurance Company, an Oregon Corp., as trustee, for the benefit of The Prudential Insurance Company of America, as beneficiary, a certain trust deed dated February 14, 1964, duly recorded on February 17, 1964, in the mortgage records of Klamath County, Oregon, in book 221 at page 619 thereof. In and by said trust deed the real property therein and hereinafter described was conveyed by said grantor to said trustee to secure, among other things, the performance of certain obligations of the grantor to the said beneficiary as set forth in said trust deed. The said grantor thereafter defaulted in his performance of the obligations secured by said trust deed as stated in the notice of default hereinafter mentioned and such default still existed at the time of the sale hereinafter described.

By reason of said default, the owner and holder of the obligations secured by said trust deed, being the beneficiary named in said trust deed, or his successor in interest, declared all sums secured by said trust deed immediately due and owing; a notice of said default, containing an election to sell the said real property and to foreclose said trust deed by advertisement and sale to satisfy the obligations of the grantor aforesaid was recorded in the mortgage records of said county on October 6, 1967, in book M-67 at page 7831 thereof, to which reference now is made.

After the recording of said notice of default, as aforesaid, the undersigned trustee gave notice of the time for and place of sale of said real property as fixed by him and as required by law; copies of the trustee's said notice of sale were mailed by U. S. registered or certified mail to all persons entitled by law to such notice at their respective last known addresses; the persons named in subsection 1 of Section 86.750 were timely personally served with said notice of sale, all as provided by law and at least 120 days before the day so fixed for said trustee's sale; Further, the trustee published a copy of said notice of sale in a newspaper of general circulation in each county in which the said real property is situated, once a week for four successive weeks; the last publication of said notice occurred at least twenty days prior to the date of such sale. The mailing, service and publication of said notice of sale are shown by one or more affidavits or proofs of service duly recorded prior to the date of sale in the mortgage records of said county, said affidavits and proofs, together with the said notice of default and election to sell and the trustee's notice of sale, being now referred to and incorporated in and made a part of this trustee's deed as fully as if set out herein verbatim. On the date of said notice of sale, the undersigned trustee had no actual notice of any person, other than the persons named in said affidavits and proofs having or claiming a lien on or interest in said described real property subsequent to the interest of the trustee in the trust deed.

Pursuant to said notice of sale, the undersigned trustee on March 18, 1968, at the hour of 10:00 o'clock, A. M., of said day, Standard Time as established by Section 187.110, Oregon Revised Statutes, ~~and at the place so fixed for sale, as aforesaid, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon him by said trust deed, sold said real property in one parcel at public auction to the said second party for the sum of \$ 19,225.23, he being the highest and best bidder at such sale and said sum being the highest and best sum bid for said property.~~

NOW, THEREFORE, in consideration of the said sum so paid by the second party in cash, the receipt whereof hereby is acknowledged, and by virtue of the authority vested in said trustee by the laws of the State of Oregon and by said trust deed, the trustee does hereby convey unto the second party all the interest which the grantor had or had the power to convey at the time of the execution by him of said trust deed, together with any interest the said grantor or his successors in interest acquired after the execution of said trust deed in and to the following described real property, to-wit:

The Southwesterly 70 feet of Lot 53 and the Northeasterly 30 feet of Lot 54, MOYINA, Klamath County, Oregon.

TO HAVE AND TO HOLD the same unto the second party, his heirs and assigns forever.

*Delete the words in this parenthesis if not applicable.

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In construing this instrument and whenever the context so requires, the masculine gender includes the feminine and the neuter and the singular includes the plural; the word "grantor" includes any successor in interest to the grantor as well as each and all other persons owing an obligation, the performance of which is secured by said trust deed; the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest of the beneficiary first named above.

IN WITNESS WHEREOF, the undersigned trustee has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed ~~and its corporate seal to be affixed~~ hereunto by its officers duly authorized thereunto by order of its Board of Directors.

TRANSAMERICA TITLE INSURANCE CO. (SEAL)

By *James A. Little* (SEAL)
Assistant Secretary (SEAL)

(If executed by a corporation,
affix corporate seal)

TRUSTEE'S DEED
(FORM No. 900)
STEVENS-NESS LAW FIRM, P.C., PORTLAND, ORE.

Trustee

TO

Second Party

STATE OF OREGON, } ss.
County of Klamath

I certify that the within instrument was received for record on the 18 day of March, 19 68, at 3:51 o'clock P.M., and recorded in book N-68 on page 2123 Record of Mortgages of said County.

Witness my hand and seal of County affixed.

Dorothy Rogers

By *James A. Little*
County Clerk-Recorder.
Fee: 3.00 Deputy.

AFTER RECORDING RETURN TO

Transamerica Title Insurance Co.

(If the signer of the above is a corporation,
use the form of acknowledgment opposite.)

STATE OF OREGON, } ss.
County of _____

Personally appeared the above named _____, 19 _____

and acknowledged the foregoing instrument to be _____
voluntary act and deed.

(OFFICIAL
SEAL)

Before me:

Notary Public for Oregon

My commission expires:

(ORS 93.490)

STATE OF OREGON, County of Klamath } ss.
March 18, 19 68

Personally appeared James A. Little _____ and
each for himself and not one for the other, did say that ~~he is the assistant~~
~~secretary of Transamerica~~

he is the assistant secretary of Transamerica Title Insurance, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:
Patty Ann Shorris
Notary Public for Oregon
My commission expires: 6-22-69

(OFFICIAL
SEAL)

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