

50305

TRUSTEE'S DEED

2782

THIS INDENTURE, Made this 1st day of April 1971, between Ernest F. Gordon (Successor Trustee), hereinafter called trustee, and Arthur W. Jolly hereinafter called the second party;

WITNESSETH:

RECITALS:

Robert A. Bazilius and Joy M. Bazilius, husband and wife, as grantor, executed and delivered to Oregon Title Company, as trustee, for the benefit of Arthur W. Jolly and Beatrice Jolly, as beneficiary, a certain trust deed dated November 1, 1962, duly recorded on November 5, 1962, in the mortgage records of Klamath County, Oregon, in book 213 at page 576 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 an obligation 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 beneficiary's 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 and gave notice of said default, containing his 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; said notice of default was recorded in the mortgage records of said county on November 6, 1970, in book M-70 at page 1970 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 the 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 occupants of said real property were timely personally served with said notice of sale and a copy of said notice was posted in a conspicuous place on said real property, 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, publication and posting 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 beneficiary's 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 April 1, 1971, at the hour of 10:00 o'clock, A. M., Pacific Standard Time, of said day, 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 \$5,800.00, 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, 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:

Commencing at the most Southerly corner of Block 8, EWAUNA HEIGHTS ADDITION to the City of Klamath Falls, being in the Northwesterly corner of the intersection of 3rd and Washington Streets; thence running Northwesterly along the Easterly line of 3rd Street a distance of 55 feet; thence at right angles running in a Northerly direction a distance of 52.8 feet; thence at right angles and running in a Southeasterly direction and parallel with 3rd Street, a distance of 55 feet to the most Northerly line of Washington Street; thence at right angles and running in a Southwesterly direction and parallel with and along the most Northerly line of Washington Street, a distance of 52.8 feet to the point of beginning, said tract being a plot of land located at the Northerly corner of 3rd and Washington Streets, 55 feet in length and 52.8 feet in width and being a portion of Blk. 8 in Ewana Heights Addition and a portion of Lot 6 in Blk. 48 First Addition.

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

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.

Ernest F. Gordon (SEAL)

(SEAL)

(SEAL)

(If executed by a corporation,
affix corporate seal)

TRUSTEE'S DEED

(FORM No. 900)

STEVENS-NEEL-LAW PUBL. CO., PORTLAND, ORE.

Trustee

TO

Second Party

STATE OF OREGON,

County of Klamath

I certify that the within instrument was received for record on the 5th day of April, 1971, at 10:33 o'clock AM., and recorded in book M 71 on page 2782 Record of Deeds of said County.

Witness my hand and seal of County affixed.

Am. D. Milne

County Clerk-Recorder.

By *Giles C. Hagan*

Fee \$3.00 Deputy.

AFTER RECORDING RETURN TO

G F G

(If the trustee who signs above is a corporation,
use the form of acknowledgment opposite.)

(ORS 93.470)

STATE OF OREGON,

County of Klamath

April 1, 1971

Personally appeared the above named Ernest F. Gordon

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

Before me:

(SEAL)

Bernice D. Knapp

Notary Public for Oregon

My commission expires: 3-13-72

CORPORATE ACKNOWLEDGMENT

STATE OF OREGON, County of

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Personally appeared

who being duly sworn, did say that he is the

of

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 on behalf of said corporation by authority of its Board of Directors; and he acknowledged said instrument to be its voluntary act and deed.

Before me:

(SEAL)

Notary Public for Oregon

My commission expires: 5