

74-13758

94253

TRUSTEE'S DEED

Vol. 74 Page

13966

THIS INDENTURE, Made this 16th day of October, 1974, between JOHN L. DuBay, as Successor Trustee, hereinafter called the first party, and FEDERAL NATIONAL MORTGAGE ASSOCIATION, hereinafter called the second party;

WITNESSETH:

RECITALS: Mark A. Bendele and Debra Kae Bendele, as grantor, executed and delivered to Klamath County Title Co., as trustee, for the benefit of Commonwealth, Inc., an Oregon corporation, as beneficiary, a certain trust deed dated October 19, 1972, duly recorded on November 27, 1972, in the mortgage records of Klamath County, Oregon, in book M72 at page 13612 thereof. In 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. 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 therein named, or his successor in interest, declared all sums so secured 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 grantor's said obligations was recorded in the mortgage records of said county on June 5, 1974, in book M74 at page 6914 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 Oregon Revised Statutes 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 October 16, 1974, 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 in accordance with the provisions of said notice of sale and 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 \$14,844.33 he being the highest and best bidder at such sale and said sum being the highest and best bid for said property. The true and actual consideration paid for this transfer is the sum last stated in terms of dollars.~~ ~~and the sum of \$14,844.33 being the highest and best bid for said property. The true and actual consideration paid for this transfer is the sum last stated in terms of dollars.~~

NOW THEREFORE, in consideration of the said sum so paid by the second party in cash, the receipt whereof is acknowledged, and by 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 interest which the grantor had or had the power to convey at the time of grantor's execution 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:

A Tract of land situated in Lot 11, Block 1 of Subdivision of Blocks 2B and 3, HOMEDALE, Klamath County, Oregon, and more particularly described as follows:

Beginning at an iron pin located North 59° 53' West 225.0 feet from the southeast corner of said Lot 11; thence North 59° 53' West 75.0 feet along the north boundary of Leland Drive to an iron pin; thence North 16° 51' East 104.2 feet to an iron pin; thence South 62° 03' East 65.0 feet to an iron pin; thence South 12° 02' West 109.0 feet, more or less to the point of beginning. BUT EXCEPTING THEREFROM the Southerly 5 feet taken by Klamath County for widening Leland Drive as shown by deed book 362 at page 561, records of Klamath County, Oregon.

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

*Delete the words in this parenthesis if not applicable.

NOTE—The sentence between the symbols (), if not applicable, should be deleted. See Ch. 462, Oregon Laws 1967, as amended by the 1967 Special Session.

DP 200

-1-

13967

74-13758

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; 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.

John L. DuBay
Successor Trustee

(If executed by a corporation,
affix corporate seal)

Jackson County, Oregon
Recorded
OFFICIAL RECORDS
4:38 OCT 18 1974 P.M.
HARRY CHURMAN
CLERK and RECORDER
By *Karen D. Brabner* Deputy

TRUSTEE'S DEED

(FORM No. 900)

STEVENS-HESS LAW PUB. CO., PORTLAND, ORE.

JOHN L. DUBAY

Trustee

TO

FEDERAL NATIONAL MORTGAGE

ASSOCIATION

Second Party

STATE OF OREGON,

County of KLANATH

ss.

I certify that the within instrument was received for record on the 25th day of OCTOBER, 1974, at 2:31 o'clock P.M., and recorded in book M. 74 on page 13966 Record of Deeds of said County.

Witness my hand and seal of County affixed.

W. D. MILNE

COUNTY CLERK

Title

By *Handwritten Signature* Deputy

AFTER RECORDING RETURN TO

FEE \$ 4.00

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

STATE OF OREGON,

County of Jackson

October 16, 1974

Personally appeared the above named

John L. DuBay

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

NOTARY PUBLIC
STATE OF OREGON
My commission expires: 8/19/78

(ORS 93.490)

STATE OF OREGON, County of

19

ss.

Personally appeared

who, being duly sworn,
each for himself and not one for the other, did say that the former is the
president and that the latter is the
secretary 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 in behalf of said corporation by author-
ity of its board of directors; and each of them acknowledged said instrument
to be its voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

-2-