

80685

TRUSTEE'S DEED

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THIS INDENTURE, Made this 13th day of February, 1980, between Klamath County Title Company, hereinafter called trustee, and Martin Development Corporation, a California Corporation, hereinafter called the second party;

WITNESSETH:

RECITALS: Kenneth Ward Holcomb and Susan Kay Holcomb, husband and wife, as grantor, executed and delivered to Klamath County Title Company, as trustee, for the benefit of Martin Development Corporation, a California Corporation, as beneficiary, a certain trust deed dated September 8, 1977, duly recorded on September 12, 1977, in the mortgage records of Klamath County, Oregon, in book M77 at page 16972 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 September 19, 1979, in book M79 at page 22356 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 February 13, 1980, at the hour of 2 o'clock, P.M., of said day, Standard Time as established by Section 187.110, Oregon Revised Statutes, (which was the day and hour to which said sale was postponed for reasons and as expressly permitted by subsection 2 of Section 86.755, 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 \$11,145.45, he being the highest and best bidder at such sale and said sum being the highest and best sum bid for said property. The true and actual consideration paid for this transfer is the sum last stated in terms of dollars. [Ⓞ]However, the actual consideration consists of or includes other property or value given or promised which was ^{part of the} ~~the whole~~ consideration (state which).[Ⓞ]

which).⁵⁰ *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:

Lot 12 in Block 4 of Tract No. 1093, Pinecrest, according to the official plat thereof on file in the office of the County Clerk 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 ①, if not applicable, should be deleted. See Ch. 462, Oregon Laws 1967, as amended by the 1967 Special Session.

44-38861-1044

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.

KLAMATH COUNTY TITLE COMPANY

By:

Secretary

(If executed by a corporation,
affix corporate seal)

TRUSTEE'S DEED

(FORM No. 900)

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

Trustee

TO

Second Party

STATE OF OREGON

County of Klamath ss.

I certify that the within instrument was received for record on the 14th day of February, 19 80, at 10:44 o'clock A. M., and recorded in book M80 on page 2950 or as file number 80685. Record of Deeds of said County.

Witness my hand and seal of
County affixed.

Wm. D. Milne

County Clerk

Title.

By Sherman D. Hetch Deputy.

AFTER RECORDING RETURN TO

W. L. Latham County
Little Company

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

(ORS 93.490)

STATE OF OREGON.

County of _____

... 19

Personally appeared the above named

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

(OFFICIAL
SEAL)

Before me:

Notary Public for Oregon

My commission expires:

STATE OF OREGON, County of Klamath

February 13, 1980

Personally appeared Darle Runnels

..... who, being duly sworn,
 did say that the former is the

 secretary of Klamath County

Title. Company _____, 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.

A. Before me

[Signature]
Notary Public for Oregon

My commission expires: 7-19-82

(OFFICIAL
SEAL)

100-103110