

38623

THIS INDENTURE, Made this 6th day of July, 1984, between Frank R. Alley, III called trustee, and U.S. Creditcorp., an Oregon corporation, hereinafter called the second party;

RECITALS: Dwight G. Spillane WITNESSETH: The Bank of Milwaukie, as grantor, executed and delivered to U.S. Creditcorp., an Oregon corporation, as trustee, for the benefit of Klamath County, Oregon, in book/reel/volume No. M81, 1981, in the mortgage records dated September 16, 1981, duly recorded on September 16, 1981, at page 16455, or as fee/file/instrument/microfilm/reception No. - (indicate which). 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 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 February 14, 1984 in book/reel/volume No. M84 at page 2296 thereof or as fee/file/instrument/microfilm/reception No. - (indicate which), 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 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; the persons named in subsection 2 of Section 86.740, Oregon Revised Statutes, were timely served with the notice of sale or given notice of the sale, all as provided by law and at least 90 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 of sale 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 June 26, 1984, at the hour of 1:00 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) (delete words in parenthesis if inapplicable), 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 \$ 61,819.48, 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 of \$ 61,819.48.

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:

Attached hereto marked Exhibit "A" and by this reference made a part hereof.

(CONTINUED ON REVERSE SIDE)

Frank R. Alley, III  
Successor Trustee

GRANTOR'S NAME AND ADDRESS

U.S. Creditcorp, an Oregon corporation

GRANTEE'S NAME AND ADDRESS

After recording return to:  
Frank R. Alley, III  
P.O. Box 1746  
Medford, OR 97501

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

U.S. Creditcorp  
259 Barnett, Suite 1  
Medford, OR 97501

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of - ss.

I certify that the within instrument was received for record on the - day of -, 19-, at - o'clock - M., and recorded in book/reel/volume No. - on page - or as fee/file/instrument/microfilm/reception No. -, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By - Deputy

ec  
120

11607

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

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Frank R. Alley, III

(If executed by a corporation, affix corporate seal)

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

(ORS 194.570)

STATE OF OREGON,

County of Jackson

) ss.

The foregoing instrument was acknowledged before me this July 6, 19 84, by Frank R. Alley, III

STATE OF OREGON, County of ) ss.

The foregoing instrument was acknowledged before me this

, 19 , by

president, and by

secretary of

a corporation, on behalf of the corporation.

(SEAL)

My commission expires: 2-9-88

Notary Public for Oregon

My commission expires:

(SEAL)

## DESCRIPTION

11608

That part of Farm Unit B, according to the Farm Unit Plat, also described as Lots 13 and 14, Section 16, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, lying South and West of the Great Northern Railroad right of way through said lots.

## EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land situate in Section 16, Township 41 South, Range 12 East of the Willamette Meridian, being more particularly described as follows: Beginning at a brass cap monument on the South line of Section 16, Township 41 South, Range 12 East of the Willamette Meridian, which marks the Section corner common to Sections 20 and 21; thence North  $89^{\circ} 24' 52''$  West 67.3 feet, more or less to the Southwest corner of said Section 16; thence Northerly along the West line of Section 16, 693.0 feet to a point; thence South  $89^{\circ} 24' 52''$  East 1631 feet, more or less to a point on the Southwesterly right of way line of the Burlington Northern Railroad, as the same is presently located and constructed, thence Southeasterly along said right of way line 938 feet, more or less to its intersection with the South line of Section 16; thence North  $89^{\circ} 24' 52''$  West, 2192.8 feet, more or less, to the point of beginning:

## EXHIBIT "A"

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record . . .

this 10th day of July A. D. 19 84 at 7:58 o'clock P. and  
 duly recorded in Vol. M34, of        Mortgages on Page 11606

EVELYN BIEHN, County Clerk  
 By Bernetha Spetch

Fee: \$12.00