

1-1-74  
OE

45625

## TRUSTEE'S DEED

Vol. M85 Page 1893

THIS INDENTURE, Made this 5<sup>th</sup> day of February, 1985, between  
 D. L. HOOTS, hereinafter called Successor Trustee  
 and RUBY I. NELSON  
 hereinafter called the second party;

## WITNESSETH:

RECITALS: RUBY I. NELSON, as grantor, executed and delivered to TRANSAMERICA TITLE INSURANCE COMPANY, as trustee, for the benefit of DAVID EUGENE CARMICHAEL, as beneficiary, a certain trust deed dated September 12, 1980, duly recorded on September 12, 1980, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M-80 at page 17362, 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 August 29, 1984, in book/reel/volume No. M-84 at page 14963 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 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 it 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 5, 1985, at the hour of 10:00 o'clock, A.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 \$ 45,204.01, 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 \$ 45,204.01.

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 portion of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows: Beginning at a point on the Westerly line of Simmers Lane which is South 89°26' West a distance of 30 feet and South 1°12' East a distance of 175.2 feet from the section corner common to Sections 2, 3, 10 and 11 of said Township and range

(CONTINUED ON REVERSE SIDE)

D. L. HOOTS, Successor Trustee  
 2201 S. 6th Street, #2  
 Klamath Falls, OR 97601

GRANTOR'S NAME AND ADDRESS

Ruby I. Nelson  
 704 Shadow Ranch Lane  
 Roseburg, OR 97470

GRANTEE'S NAME AND ADDRESS

After recording return to:

D. L. Hoots  
 2201 S. 6th Street, #2  
 Klamath Falls, OR 97601

NAME, ADDRESS, ZIP

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

Ruby I. Nelson  
 704 Shadow Ranch Lane  
 Roseburg, OR 97470

NAME, ADDRESS, ZIP

## STATE OF OREGON,

County of \_\_\_\_\_

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

985 FEB 5 PM 2 29

OK  
9.00

1894

for the true point of beginning; thence continuing along the Westerly line of Summers Lane, South 1<sup>12</sup>' East a distance of 72.5 feet; running thence South 89°26' West a distance of 240 feet; thence North 1°12' West a distance of 72.5 feet; thence North 89°26' East 240 feet; more or less, to the point of beginning.

"This instrument does not guarantee that any particular use may be made of the property described in this instrument. Buyer should check with the appropriate city or county planning department to verify approved uses."

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.

D. L. HOOTS, Successor Trustee

(If executed by a corporation, affix corporate seal.)

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

STATE OF OREGON.

County of Klamath

The foregoing instrument was acknowledged before me this February 5, 1985, by D. L. HOOTS.

(SEAL: Notary Public for Oregon, My commission expires 5-17-85)

STATE OF OREGON, County of

The foregoing instrument was acknowledged before me this 19, by

president, and by

secretary of

corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires:

STATE OF OREGON, )  
County of Klamath )

Filed for record at request of

on this 5th day of February A.D. 19 85

at 2:29 o'clock P M, and duly

recorded in Vol. M85 of Deeds

Page 1893

EVELYN BIEHN, County Clerk

By Deputy

Fee 9.00

1893