

OC

52203

TRUSTEE'S DEED

Vol. 1485

Page

13012

THIS INDENTURE, Made this 16th day of August, 1985, between J. GARY MCCLAIN called trustee, and ELLA M. ROLFE hereinafter called the second party;

WITNESSETH:

RECITALS: HAROLD V. ROLFE and JESSIE M. ROLFE delivered to William L. Sizemore of Town and Country Mortgage & Investment Co., an Oregon corporation, as grantor, executed and dated December 4th, 1980, duly recorded on December 5th, 1980, in the mortgage records of Klamath County, Oregon, in book/record No. M-80 at page 23616, as trustee, for the benefit of Klamath County, Oregon, in book/record No. M-80 at page 23616, as beneficiary, a certain trust deed 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 March 25, 1985, in book/record No. M-85 at page 4357 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 Notice of Sale were served pursuant to ORCP 7D.(2) and 7D.(3) or mailed by both first class and certified mail with return receipt requested, to the last-known address of the persons or their legal representatives, if any, named in subsections (1) and (2)(a) of Section 86.740 Oregon Revised Statutes, at least 120 days before the date the property was sold, and the Trustee's Notice of Sale was mailed by first class and certified mail with return receipt requested, to the last-known address of the guardian, conservator or administrator or executor of any person named in subsection (1) of ORS 86.740, promptly after the trustee received knowledge of the disability, insanity or death of any such person; the Notice of Sale was served upon occupants of the property described in the trust deed in the manner in which a summons is served pursuant to ORCP 7D.(2) and 7D.(3) at least 120 days before the date the property was sold, pursuant to subsection (1) of Section 86.750 Oregon Revised Statutes. If the foreclosure proceedings were stayed and released from the stay, copies of an Amended Notice of Sale in the form required by subsection (6) of Section 86.755 Oregon Revised Statutes were mailed by registered or certified mail to the last-known address of those persons listed in ORS 86.740 and 86.750(1) within 30 days after the release from the stay. 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 more than 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 official 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. The undersigned trustee has no actual notice of any person, other than the persons named in said affidavits and proofs as having or claiming a lien on or interest in said described real property, entitled to notice pursuant to subsections (1)(b) or (1)(c) of ORS 86.740.

Pursuant to said notice of sale, the undersigned trustee on August 16, 1985, at the hour of 3:00 o'clock, P.M., of said day, Standard Time as established by Section 187.110, Oregon Revised Statutes, (which was the day and hour at which said sale was held) sold said real property in one parcel at public auction to the said second party for the sum of \$27,483.33, 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 \$27,483.33.

(CONTINUED ON REVERSE SIDE)

J. GARY MCCLAIN
2336 SE Washington St.
Milwaukie, Oregon 97222

GRANTOR'S NAME AND ADDRESS

ELLA M. Rolfe
4810 SW Lakeview Blvd
Lake Oswego, Ore. 97034

GRANTEE'S NAME AND ADDRESS

J. GARY MCCLAIN
2336 SE Washington St.
Milwaukie, Oregon 97222

NAME, ADDRESS, ZIP

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

ELLA M. Rolfe
4810 SW Lakeview Blvd
Lake Oswego, Ore. 97034

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

13013

13013
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 parcel of land lying in Tract 38 and Tract 39 of HOMEDALE and in the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being a portion of that property described in those deeds to Klamath County, recorded in book 309 at page 479 and book 319 at page 679, deed records, the said parcel being all that portion of said Tract 38 and Tract 39 of HOMEDALE, which lies on the Westerly side of the center line of the continuation of Hope Street Southerly to Wiard Street as this county road has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 21 plus 30.24, said Station being 838.4 feet South and 2068.2 feet East of the Northwest corner of Section 11, Township 39 South, Range 9 East of the Willamette Meridian; thence North 1°10'30" East a distance of 669.76 feet to Engineer's center line Station 28 plus 00, SAVE AND EXCEPT that portion of the described parcel included in a strip of land 40.0 feet in width, and which is parallel with and adjacent to the above described center line.

*The beneficial interest in said trust deed was assigned by the beneficiary to Albert Bonderow, trustee, U/W Fosee Bonderow, by instrument dated December 5, 1980, recorded December 5, 1980, in book M-80, page 23620 of the Mortgage Records of Klamath County, Oregon, and re-recorded on January 5, 1981, in book M-81, page 95 of the Mortgage Records of Klamath County, Oregon; the interest in said trust deed was subsequently assigned by Albert Bonderow, trustee U/W Fosee Bonderow to Carol L. Latham and Dennis C. Latham, husband and wife, by instrument dated February 4, 1983, recorded February 8, 1985, in book M-83, page 1989 of the Mortgage Records of Klamath County, Oregon; the beneficial interest in said trust deed was further assigned by Carol L. Latham and Dennis C. Latham, husband and wife, to Ella M. Rolfe, by instrument dated February 15, 1985, recorded March 7, 1985, in book m-85, page 3389 of the Mortgage Records of Klamath County, Oregon.

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, the word "beneficiary" includes any successor in interest of the beneficiary first named above, and the word "person" includes corporation and any other legal or commercial entity.

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

Gary McClain
GARY MCCLAIN, SUCCESSOR TRUSTEE

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.

(If executed by a corporation, affix corporate seal)

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

STATE OF OREGON,
County of Klamath } ss.
The foregoing instrument was acknowledged before me this 16th day of August, 1985, by
GARY MCCLAIN
Notary Public for Oregon
(SEAL)
My commission expires: NOV 29 1985

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

on this 16th day of August A.D. 19 85
at 4:14 o'clock P M. and duly recorded
in Vol. M85 of Deeds Page 13012

Evelyn Biehn County Clerk
By *Tom Smith* Deputy.

Fee, \$9.00

ss.
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