

THIS INDENTURE, made this 28th day of October, 1985, between Harry M. Hanna, hereinafter called successor trustee, and The Benj. Franklin Federal Savings and Loan Association, hereinafter called The Benj. Franklin;

## WITNESSETH:

RECITALS: Jerry D. Nicodemus and Nadine I. Nicodemus, husband and wife, as grantors, executed and delivered to Transamerica Title Insurance Company, as trustee, for the benefit of Equitable Savings and Loan Association, an Oregon corporation, as beneficiary, a certain trust deed dated October 12, 1978, duly recorded on October 19, 1978, records of Klamath County, Oregon, as Volume M78, Page 23456. In said trust deed the real property therein and hereinafter described was conveyed by said grantors to said trustee to secure, among other things, the performance of certain obligations of the grantors to the said beneficiary. The Benj. Franklin is the successor in interest to the original beneficiary. Grantors or grantors' successor in interest thereafter defaulted in the 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 Benj. Franklin 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 grantors' obligations was recorded in the records of said county on May 9, 1985, as Volume M85, Page 6905, to which reference now is made.

After the recording of said Notice of Default, as afore-said, the undersigned successor 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. certified mail, return receipt requested, to all persons entitled by law to such notice at their respective last known addresses, and the occupants of the property 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.

Further, the successor trustee published a copy of said Notice of Sale in a newspaper of general circulation in Klamath County, 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 verbatim. On the date of said Notice of Sale, the undersigned successor 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 and beneficiary in the trust deed.

Pursuant to said Notice of Sale, the undersigned successor trustee on October 28, 1985, at 10:00 A.M., of said day, Standard Time, as established by Section 187.110, Oregon Revised Statutes, and at the place so fixed for sale, sold said real property in one parcel at public auction to The Benj. Franklin for the sum of \$45,225.61, it 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 \$45,225.61.

17856  
paid

Evelyn Biehn County Clerk  
By *[Signature]*