

OKBB

63629

TRUSTEE'S DEED

Vol. Md. Page 12293

THIS INDENTURE, Made this July 7, 1986, between
Richard L. Garbutt,
 called trustee, and Wallace W. Diner and Lottie F. Diner
 hereinafter called the second party;

WITNESSETH:

RECITALS: Valley Acres Land Co., as grantor, executed and
 delivered to Mountain Title Co., as trustee, for the benefit
 of Wallace W. Diner and Lottie F. Diner, as beneficiary, a certain trust deed
 dated August 6, 1980, duly recorded on August 7, 1980, in the mortgage records
 of Klamath County, Oregon, in book/reel/volume No. M80 at page 14650, 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 advertise-
 ment and sale to satisfy grantor's said obligations was recorded in the mortgage records of said county on
January 2, 1986, in book/reel/volume No. M86 at page 264 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 ORS 86.740(1) and
 (2)(a), 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 ad-
 ministrator or executor of any person named in ORS 86.740(1), 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 de-
 scribed 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 ORS 86.750(1). If the foreclosure proceedings were stayed
 and released from the stay, copies of an Amended Notice of Sale in the form required by ORS 86.755(6) were mailed
 by registered or certified mail to the last-known address of those persons listed in ORS 86.740 and 86.750(1) and to the
 address provided by each person who was present at the time and place set for the sale which was stayed within 30
 days after the release from the stay. Further, the trustee published a copy of said notice of sale in a newspaper of gen-
 eral 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 ORS 86.740(1)(b) or (1)(c).

Pursuant to said notice of sale, the undersigned trustee on July 7, 1986, at the hour of
10:00 o'clock, A.M., of said day, in accord with the standard of time established by ORS 187.110, (which
 was the day and hour to which said sale was postponed as permitted by ORS 86.755(2)) (which was the day and
 hour set in the amended Notice of Sale)* 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 \$ 4,543.28, 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 con-
 sideration paid for this transfer is the sum of \$ 4,543.28.

(CONTINUED ON REVERSE SIDE)

* Delete words in parentheses if inapplicable.

GRANTOR'S NAME AND ADDRESS	
GRANTEE'S NAME AND ADDRESS	
After recording return to:	
Richard L. Garbutt 803 Main St., Suite 201 Klamath Falls, OR 97601 NAME, ADDRESS, ZIP	
Until a change is requested all tax statements shall be sent to the following address.	
Wallace W. Diner 834 Fourth Street #202 Santa Monica, CA 90403 NAME, ADDRESS, ZIP	

STATE OF OREGON,

County of

ss.

I certify that the within instru-
 ment 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/instru-
 ment/microfilm/reception No. ,
 Record of Deeds of said county.

Witness my hand and seal of
 County affixed.

NAME

TITLE

By Deputy

12294

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:

Lots 5 and 6, Block 17, SECOND ADDITION TO NIMROD RIVER PARK, 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.

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.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY 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

The foregoing instrument was acknowledged before me this 14th day of July, 1986, by

RICHARD GARBUTT

Linda Gaby
Notary Public for Oregon

(SEAL)

My commission expires: 11/13/89

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

on this 14th day of July A.D. 19 86
at 2:12 o'clock P. M. and duly recorded
in Vol. M86 of Deeds Page 12293

Evelyn Biehn, County Clerk

By Ann Smith

Fee, \$14.00

Deputy.

ss.
this

ion.

(L)