

OKBB

K-38959
TRUSTEE'S DEEDVol. 108 Page 4644

72565

THIS INDENTURE, Made this 18th day of March, 19 87, between Charles P. Starkey, hereinafter called trustee, and Housing Division, Department of Commerce, State of Oregon, hereinafter called the second party;

WITNESSETH:

RECITALS: Thomas C. Whelan and Mary Jane Whelan*, as grantor, executed and delivered to Bank of Milwaukie****, as trustee, for the benefit of United States Bank of Oregon**, as beneficiary, a certain trust deed dated December 19, 19 80, duly recorded on December 22, 19 80, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M80 at page 24823, and re-recorded February 10, 1981, in Volume M81, at page 2097. 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 November 3, 19 86, in book/reel/volume No. M86 at page 19874 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 administrator 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 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 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 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 ORS 86.740(1)(b) or (1)(c).

Pursuant to said notice of sale, the undersigned trustee on March 18, 19 87, 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 \$33,673.80, 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 \$33,673.80.

(CONTINUED ON REVERSE SIDE)

***by and through his agent and counsel, Robert D. Boivin, Esq.

Thomas C. Whelan and Mary Jane Whelan (THOMAS)

GRANTOR'S NAME AND ADDRESS

United States Bank of Oregon
P.O. Box 3347
Portland, OR 97208

GRANTEE'S NAME AND ADDRESS

After recording return to:

Charles P. Starkey, Esq.,
Weiss, DesCamp & Botteri, P.C.
Suite 2300, 111 S.W. Fifth Avenue
Portland, OR 97204

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

Housing Division, Department of Commerce,
State of Oregon c/o U.S. Bancorp Mortgage
P.O. Box 3347, Portland, OR 97208

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

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 17, 18, 19 and 20 in Block 51 of Grandview Addition to Bonanza, together with the South half of the alley that adjoins the property on the North, Klamath County, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

*Succeeded in interest by Ernest R. Thomas and Connie A. Thomas by virtue of Warranty Deed recorded September 23, 1982, in Volume M-82, page 12655, Records of Klamath County, Oregon.

**The beneficial interest was assigned to the Housing Division, Department of Commerce, State of Oregon, by Assignment recorded December 22, 1980 in Volume M-80, page 24827, and re-recorded February 10, 1981 in Volume M-81, page 2102, and additionally re-recorded March 26, 1981, in Volume M-81, page 5445, Records of Klamath County, Oregon.

***The beneficiary appointed Charles P. Starkey, Esq. of Weiss, DesCamp & Botteri, P.C. as successor trustee by instrument recorded November 3, 1986 in Volume M-86, page 19873, 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.

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.

Charles P. Starkey
Charles P. Starkey, Trustee

(If executed by a corporation,
affix corporate seal)

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

STATE OF OREGON,

County of Multnomah

The foregoing instrument was acknowledged before me this March 18, 1987, by
G. Charles P. Starkey

Notary Public for Oregon
(SEAL)

My commission expires: June 5, 1988 My

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Klamath County Title Co.
on this 20th day of March A.D. 1987
at 2:55 o'clock P.M. and duly recorded
in Vol. M87 of Deeds Page 4644
Evelyn Biehn, County Clerk
By Pam Smith Deputy.

Fee, \$14.00