

3581

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UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS ARE TO BE  
SENT TO THE FOLLOWING ADDRESS:  
The Benj. Franklin Financial Center  
Attn: REPIT/REO 5747  
P.O. Box 6400  
Portland, OR 97228-6400

K-41632

TRUSTEE'S DEED

TRUSTEE: MICHAEL C. AROLA, Successor Trustee

GRANTEE: THE BENJ. FRANKLIN FEDERAL SAVINGS AND LOAN ASSOCIATION

RECITALS:

A. Phillip M. Jones and Pamela S. Jones, Grantor, executed and delivered to Harry M. Hanna, Trustee for the benefit of The Benj. Franklin Federal Savings and Loan Association, Beneficiary, a Trust Deed dated July 10, 1985 and recorded on July 11, 1985, in the Official Records of Klamath County, Oregon as Volume M85, Page 10728 (the Trust Deed). In the Trust Deed, the following described real property (the Real Property) was conveyed by the Grantor to the Trustee to secure the performance of certain obligations to the Beneficiary:

As described on the attached Exhibit A.

Thereafter the Grantor defaulted in performance of the obligations secured by the Trust Deed. The default still existed at the time of sale by the Trustee to the Grantee.

B. MICHAEL C. AROLA was appointed Successor Trustee of the Trust Deed. The appointment was recorded on November 25, 1988 in the Official Records of Klamath County, Oregon as Volume M88, Page 20022.

C. The Beneficiary declared the Grantor of the Trust Deed to be in default. The reasons for the declaration of default, the Beneficiary's election to declare all sums due to it immediately due and the Beneficiary's election to foreclose the Trust Deed by advertisement and sale to satisfy the Grantor's obligations was recorded on November 25, 1988 in the Official Records of Klamath County, Oregon as Volume M88, Page 20023.

D. After recording the Notice of Default and Election to Sell, the Trustee gave notice of the time and place set for sale of the Real Property. Notice of the sale was given:

1. To all persons entitled to receive such notice by mailing the notice to them at their last known addresses by both first class mail and certified mail, return receipt requested. The notice was mailed to them more than 120 days before the Trustee conducted the sale. An Affidavit of Mailing of such notice was recorded in the Official Records of Klamath County, Oregon as Volume M89, Page 13917, prior to the day the Trustee conducted the sale. An Affidavit of Mailing Amended Trustee's Notice of Sale After Relief From Stay was recorded in the Official Records of Klamath County, Oregon, as Volume M89, Page 13922, prior to the day the Trustee conducted the sale.

2. To the occupants of the Real Property either by personal or substitute service, more than 120 days prior to the day the Trustee conducted the sale. A Proof of Service and an Affidavit of Mailing of a Notice of Substitute Service were recorded in the Official records of Klamath County, Oregon as Volume M89, Page 13917, prior to the day the Trustee conducted the sale.

3. By publishing such notice in the Herald and News, a newspaper of general circulation in Klamath County, Oregon, once a week for four successive weeks. The last publication was more than 20 days prior to the day the Trustee conducted the sale. An Affidavit of Publication of such notice was recorded in the Official Records of Klamath County, Oregon as Volume M89, Page 13925, prior to the day the Trustee conducted the sale.

E. On the date of the Notice of Sale, the Trustee did not have actual notice of any person claiming an interest which was subsequent to the Trustee's interest in the Real Property, except for those persons named in the affidavits referred to in Recital D. of this deed.

F. On August 3, 1989, at 9:30 a.m. at the front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, the Trustee sold the Real Property in one parcel at public auction to the highest bidder for cash. The price bid was paid at the time of sale.

G. At no time during the period of time between the recording of the Notice of Default and Election to Sell and the date of the sale, was the real property described in and covered by the Trust Deed, or any interest therein owned by a person in the military service of the United States of America, a minor or an incapacitated person.

H. The true and actual consideration paid for this transfer is \$88,068.88.

I. In construing this instrument, whenever the context requires, the following shall apply:

1. References to a specific gender shall include the masculine, feminine and neuter genders.
2. Reference to the singular shall include the plural and vice versa.

Return to

Hershner, Hunter, Moulton, Andrews & Neill  
P.O. Box 1475  
Eugene, OR 97440 Attn: Michael C. Arola

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PH 3  
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3. References to the Trustee shall include any Successor Trustee.

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.

In consideration of the sum paid by the Grantee in cash, the receipt of which is hereby acknowledged, the Trustee hereby conveys to the Grantee all interest which the Grantor had or had the power to convey at the time of Grantor's execution of the Trust Deed in and to the Real Property described herein, together with any interest the Grantor or the Grantor's successors in interest acquired after the execution of the Trust Deed.

Dated this 4th day of August, 1989.

*Michael C. Arola*  
MICHAEL C. AROLA  
Successor Trustee

STATE OF OREGON       )  
                              ) ss.  
COUNTY OF LANE       )

The foregoing instrument was acknowledged before me this 4th day of August, 1989, by MICHAEL C. AROLA, Successor Trustee.

*Carol B. Mart*  
Notary Public for Oregon  
My Commission Expires: 11-23-91

AFTER RECORDING RETURN TO:

Hershner, Hunter, Moulton,  
Andrews & Neill  
Attn: Carol B. Mart  
P.O. Box 1475  
Eugene, OR 97440



Lot 5, Block 4, Tract No. 1002, LA WANDA HILLS, in the County of Klamath, State of Oregon, Excepting the Southern portion, more particularly described as follows:

Beginning at a 5/8 inch iron pin marking the most Southern corner of said Lot 5; thence North 00 degrees 01' 20" East along the West line of said Lot 5, 423.70 feet to a 1/2 inch iron pin; thence South 69 degrees 22' 33" East, 325.42 feet to a 1/2 inch iron pin on a point on curve of the Northerly right of way line of Gearhart Street from which the radius point of said curve bears North 68 degrees 19' 09" West, 248.85 feet; thence along the arc of a 248.85 feet radius curve to the right (delta = 26 degrees 19' 09": Long Chord = South 34 degrees 50' 25" West, 113.31 feet) 114.31 feet to a 5/8 inch iron pin at the end of curve; thence South 48 degrees 00' 00" West, 322.92 feet to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 7th day  
of Aug. A.D., 19 89 at 3:01 o'clock PM., and duly recorded in Vol. M89  
of Deeds on Page 14568.

FEE \$18.00

Evelyn Biehn, County Clerk

By Pauline Millender