

89-10241

K-41410

## TRUSTEE'S DEED

THIS INDENTURE, Made this 29th day of September, 1989, between Kelly D. Sutherland, hereinafter called trustee, and The New York Guardian Mortgagee Corp., hereinafter called the second party;

## WITNESSETH:

RECITALS: Randall James Whiting and Millicent F. Whiting, as grantor, executed and delivered to Mountain Title Company, as trustee, for the benefit of The New York Guardian Mortgagee Corp., as beneficiary, a certain trust deed dated May 23, 1979, duly recorded on May 24, 1979, in the mortgage records of Klamath County, Oregon, in Book No. Volume M79 at Page 11832, unknown. 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 May 3, 1989, in Volume M89 at Page 11832 thereof.

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 representative, 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 persons; 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

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ORCP 7D(2) and 7d(3) at least 120 days before the date the property was sold, pursuant to 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, 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 September 29, 1989 at the hour of 10:00am o'clock, 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 86.775(2) 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 real property in one parcel at public auction to the said second party for the sum of \$37,385.08, 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 \$37,385.08.

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 has 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 40 and 41, PONDEROSA PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

Commonly known as: 528 Park St., Chiloquin, Oregon 97624

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.

KELLY D. SUTHERLAND, Successor  
Trustee

By: *Kelly D. Sutherland*

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.

STATE OF OREGON )  
 ) ss.  
County of Multnomah )

The forgoing instrument was  
acknowledged before me this 29<sup>th</sup>  
day of September, 19 89, by

*[Signature]*  
Notary Public for Oregon 6-18-93

My Commission Expires:  
After Recording Return to:  
SHAPIRO & KREISMAN  
4380 S.W. Macadam Ave., Suite 310  
Portland, Oregon 97201  
(503) 227-4566

Send all Tax Statements to:

Lender Loan #: 2334445

STATE OF OREGON, ss.  
County of Klamath

Filed for record at request of:

Klamath County Title Co.  
on this 5th day of Oct. A.D. 19 89  
at 3:11 o'clock P.M. and duly recorded  
in Vol. M89 of Deeds Page 18852  
By Evelyn Biehn County Clerk  
By *Pauline M. Mendenhall* Deputy.

Fee, \$18.00