

OKB

7154

## TRUSTEE'S DEED

Vol. m89 Page 20808

THIS INDENTURE, Made this 30th day of October, 19 89, between  
William L. Sisemore, hereinafter  
 called trustee, and Henry J. Caldwell, Jr. and Deborah J. Caldwell, husband and wife,  
 hereinafter called the second party;

## WITNESSETH:

RECITALS: Jack D. Oden and Helen A. Oden, husband and wife, as grantor, executed and delivered to Mountain Title Company of Klamath County, as trustee, for the benefit of Henry J. Caldwell and Deborah L. Caldwell, as beneficiary, a certain trust deed dated February 16, 19 89, duly recorded on February 17, 1989, in the mortgage records of Klamath County, Oregon, in book/~~reel~~/volume No. M89 at page 3046, ~~or as fee/file/instrument/microfilm/reception No. X X X X X (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 advertisement and sale to satisfy grantor's said obligations was recorded in the mortgage records of said county on June 22, 19 89, in book/~~reel~~/volume No. M89 at page 11171 thereof ~~or as fee/file/instrument/microfilm/reception No. X X X X X (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 October 30, 19 89, 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 \$ 28,054.41, 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 \$ 28,054.41.

(CONTINUED ON REVERSE SIDE)

\* Delete words in parentheses if inapplicable.

GRANTOR'S NAME AND ADDRESS	
GRANTEE'S NAME AND ADDRESS	
After recording return to:	
Henry J. Caldwell, Jr.	
7990 Hill Road	
Klamath Falls, OR 97603	
NAME, ADDRESS, ZIP	
Until a change is requested all tax statements shall be sent to the following address:	
same as above	
NAME, ADDRESS, ZIP	

SPACE RESERVED  
FOR  
RECORDER'S USE

## 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:

1000 1477 1000

1000 1477 1000

1000 1477 1000

**SEE ATTACHED EXHIBIT "A"**

1000 1477 1000

1000 1477 1000

1000 1477 1000

1000 1477 1000

1000 1477 1000

1000 1477 1000

1000 1477 1000

**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 \_\_\_\_\_, ss.

The foregoing instrument was acknowledged before me this October 30, 1989, by William L. Sisemore

William L. Sisemore  
Notary Public for Oregon

My commission expires: 8/2/91

STATE OF OREGON, County of \_\_\_\_\_, ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_, president, and by \_\_\_\_\_, secretary of \_\_\_\_\_

a \_\_\_\_\_ corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires: \_\_\_\_\_

(SEAL)

## EXHIBIT "A"

## PARCEL 1

A parcel of land situate in the Southwest corner of Tract 23, ANKENY GARDEN TRACTS, Klamath County, Oregon according to the Plat thereof on record in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows, to wit:

Beginning at the Southwest corner of Tract 23, and proceeding in a Northerly direction along Patterson Street for a distance of 97 feet, thence at right angles and in an Easterly direction a distance of 125 feet; thence South at right angles a distance of 97 feet; thence West at right angles along the Southerly line of Tract 23 a distance of 125 feet to the point of beginning.

## PARCEL 2

A parcel of land being a portion of Tract 23, ANKENY GARDEN TRACTS, Klamath County, Oregon, according to the official plat thereof on record in the County Clerk's office of said Klamath County; said part being more particularly described as follows:

Beginning at a point on the South line of said Tract 23, distant 125 feet East from the Southwest corner of said Tract 23, thence from said point of beginning,

(1) East, along said South line, a distance of 384 feet to the Southwest corner of that certain parcel of land described in deed to Don E. Wescom, et ux, recorded November 4, 1968, in Volume M68, page 9876, Microfilm Records of Klamath County, thence along the West line of last mentioned parcel,

(2) North 97 feet; thence parallel to said South line of Tract 23.

(3) West, 384 feet to the Northeast corner of that certain parcel of land conveyed to John H. Able, et us, by deed recorded November 2, 1965, in Volume M65, page 3307, Microfilm Records of Klamath County, Oregon, thence along the East line of last mentioned parcel.

(4) South 97 feet to the point of beginning.

Tax Account No: 3909 024B0 01200

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of William L. Sisemore the 30th day of Oct. A.D. 19 89 at 4:16 o'clock PM., and duly recorded in Vol. M89, of Deeds on Page 20808.

FEE \$18.00

Evelyn Biehn, County Clerk

By Quylene Mullens