

OKBB

15204

TRUSTEE'S DEED

Vol. m90 Page 9834



THIS INDENTURE, Made this 23rd day of May, 1990, between
Bradford J. Aspell, hereinafter
called trustee, and Rhoda Harnden & Julie Evans not as tenants in common but with th right of,
survivorship.
hereinafter called the second party;

WITNESSETH:

RECITALS: Dean A. Flohr & Constance J. Flohr, husband & wife, (see reverse), as grantor, executed and delivered to Mountain Title Company² (see reverse), as trustee, for the benefit of Rhoda Harnden & Julie Evans, as beneficiary, a certain trust deed dated November 29, 1983, duly recorded on November 29, 1983, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M83 at page 20458, rerecorded/file/instrument/microfilm/reception No. March 13, 1985, volume No. M85 at page 38873. (see reverse) 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 December 29th, 1989, in book/reel/volume No. M89 at page 25303 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 property, entitled to notice pursuant to ORS 86.740(1)(b) or (1)(c).

Pursuant to said notice of sale, the undersigned trustee on May 23, 1990, 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 \$59,452.45, he being the highest and best bidder at such sale and said sum being the highest and best sum bid for said property. ~~There was 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 property, entitled to notice pursuant to ORS 86.740(1)(b) or (1)(c).~~

(CONTINUED ON REVERSE SIDE)

* Delete words in parentheses if inapplicable.

Dean A. & Constance J. Flohr

Position of the Trustee of the Trust created by the Trust Agreement dated and to be recorded in the County of Klamath, Oregon.

GRANTOR'S NAME AND ADDRESS

Rhoda Harnden & Julie Evans

GRANTEE'S NAME AND ADDRESS

Bradford J. Aspell

122 South Fifth Street

Klamath Falls, Oregon 97601

NAME, ADDRESS, ZIP

After recording return to:

Bradford J. Aspell

122 South Fifth Street

Klamath Falls, Oregon 97601

NAME, ADDRESS, ZIP

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

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of Klamath,

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.

By _____ Deputy

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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:

Lot 3, of Block 37, HOT SPRINGS ADDITION to the City of Klamath Falls, according to the official plat thereof of file in the office of the County Clerk of Klamath County, Oregon, EXCEPTING THEREFROM the following:

Beginning at the most Northerly corner of Lot 3, Block 37, HOT SPRINGS ADDITION to Klamath Falls, Oregon; thence South 61 degrees 42' West along the line between Lots 2 and 3 of said Block 37, a distance of 87.5 feet; thence South 28 degrees 18' East, one foot; thence North 61 degrees 42' East 87.5 feet to the Northeasterly line of said Lot 3; thence North 28 degrees 18' West, one foot to the point of beginning, being a portion of Lot 3, Block 37, Hot Springs Addition to Klamath Falls, Oregon.

DEED V-7 CONSEQUENCE OF MORTGAGE

Continued on page 9836

1. As assumed by Charles R. Moore by Warranty Deed recorded September 29, 1988, volume No. M88, page 16289 of the Klamath County Mortgage Records.

2. Which duties were assumed by Bradford J. Aspell, Attorney at Law and active member of the Oregon State Bar by appointment of successor trustee dated October 16, 1988, recorded in volume No. M89, page 24650 of the Klamath County Mortgage Records.

3. As rerecorded on March 15, 1985, at volume No. M85, page 3884 of the Klamath County Mortgage Records to correct an error in the legal description thereof.

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.

Bradford J. Aspell

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
County of Klamath
The foregoing instrument was acknowledged before me this 23rd day of May, 1990, by

Laurie J. Giestad
Notary Public for Oregon
My Commission expires: 10-12-90

STATE OF OREGON, ss.
County of Klamath ss.
Filed for record at request of:
Bradford J. Aspell
on this 23rd day of May A.D., 19 90
at 2:28 o'clock P. M. and duly recorded
in Vol. M90 of Deeds Page 9834
Evelyn Biehn County Clerk
By Pauline Muelendore Deputy.

Fee, \$33.00