

53092

THIS INDENTURE, Made this October 27, 1992, between Andrew C. Brandsness, hereinafter called trustee, and Alyson Casey, Trustee for Gienger Liquidating Trust, hereinafter called the second party;

WITNESSETH:

RECITALS: Donald E. Bailey and William E. Bailey, as grantor, executed and delivered to Mountain Title Company of Klamath County, as trustee, for the benefit of Alyson Casey, Trustee for Gienger Liquidating Trust, as beneficiary, a certain trust deed dated May 11, 1989, duly recorded on June 9, 1989, in the mortgage records of Klamath County, Oregon, in volume No. M89 at page 10278. 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 8, 1992, in volume No. M92 at page 10131 thereof 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.(e) 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 subsections (1) and (2)(a) of Section 86.740 Oregon Revised Statutes, at least 120 days before the date the property was sold, and the address of the guardian, conservator or administrator or executor of any person named in subsection (1) of ORS 86.740, 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 subsection(1) of Section 86.750 Oregon Revised Statutes. If the foreclosure proceedings were stayed and released from the stay, copies of an Amended Notice of Sale in the form required by subsection (6) of Section 86.755 Oregon Revised Statutes were mailed by registered or certified mail to the last-known address of those persons listed in ORS 86.740 and 86.750(1) 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 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 subsections (1)(b) or (1)(c) of ORS 86.740.

Pursuant to said notice of sale, the undersigned trustee on October 26, 1992, at the hour of 10:00 a.m. of said day, Standard Time as established by Section 187.110, Oregon Revised Statutes, which was the day and hour to which said sale was postponed as permitted by subsection (2) of Section 68.755 ORS, 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 \$8,819.48, 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 \$8,819.48.

AFTER RECORDING RETURN TO:

Brandsness & Brandsness, P.C.
411 Pine Street
Klamath Falls, Oregon 97601

Andrew C. Brandsness
Trustee

Alyson Casey,
Trustee for Gienger Liquidating Trust
Grantee

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:

That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, not included in the First and Second Additions to Chiloquin, Oregon, described as follows: Starting at the East quarter corner of Section 34, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon; thence South 1050 feet, more or less, to the Northeast corner of the First Addition to Chiloquin, Oregon; thence West 390 feet; thence North 63 degrees 08' West, 888 feet to the Southern Pacific Railway right of way; thence North 26 degrees 52' 750 feet, more or less, along the Southern Pacific Railway right of way; thence East to the point of beginning.

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.

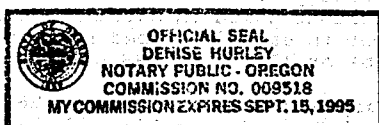
THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON,)

County of Klamath) ss.

The foregoing instrument was acknowledged before me this Oct. 28, 1992, by Andrew Brandsness

(SEAL)



Denise Hurley
Notary Public for Oregon

My commission expires: 9/15/95

STATE OF OREGON,)

County of Klamath) ss.

I certify that the within instrument was received for record on the 30th day of Oct, 1992, at 10:16 o'clock A.m., and recorded in book/volume No. M92 on page 25587 or as fee/file/instrument/microfilm/reception No. 53092, Record of Marriages of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

Name

Title

By Denise Hurley

Deputy

Fee \$35.00