

57629

TRUSTEE'S DEED

THIS INDENTURE, Made this 29th day of January, 1993, between Karol Wyatt Kersh, hereinafter called trustee, and Robert L. Karg, or Dorris I. Karg, an Oregon Corporation, as beneficiary, hereinafter called the second party;

WITNESSETH:

THIS IS TO CERTIFY that I am beneficiary in that certain trust deed in which Jody Allen Danforth and Diana Lee Danforth (husband and wife) as grantor, conveyed to Alan J. Bell, as trustee, certain real property in Klamath County, Oregon, which said trust deed was dated January 4, 1983, and recorded the 13th day of January, 1983, in the mortgage records of said county. By assignment dated February 9, 1983, the beneficiary's interest was assigned to Robert L. Karg and Dorris I. Karg (husband and wife), in Volume M83, page 2900, in the mortgage records of Klamath County, Oregon. The successor in interest of the grantor is Paul Zierke and Jennifer Zierke (husband and wife) as disclosed by Warranty Deed recorded on December 27, 1984, in Volume M84, page 21443, in the deed records of Klamath County, Oregon. Thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed was sold at the trustee's sale on January 13, 1993. I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said trust deed, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailors' Civil Relief Act of 1940, as amended. 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 September 10, 1992, in volume No. 92 at page 20647 thereof or as fee No. 50462, to which reference is now 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 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 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 subsection (1) of ORS 86.784, 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 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 subsections (1)(b) or (1)(c) of ORS 86.740.

Pursuant to said notice of sale, the undersigned trustee on January 13, 1993, at the hour of 10:00 o'clock, a.m. of said day, Standard Time as established by Section 187.110 Oregon Revised Statutes 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 \$17,985.80, 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 \$17,985.80.

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 vest 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 in 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 6 in Block 8 of Fair View Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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.

/s/

Karol Wyatt Kersh, Trustee

STATE OF OREGON)
County of Clatsop)ss

The foregoing instrument was acknowledged before me this 29th day of Jan, 1993 by Karol Wyatt Kersh.

Paula L. Liles
Notary Public for Oregon

My commission expires: 1-2-94

Karol W. Kersh, Trustee

Grantor

to
Robert L. Karg and
Dorris I. Karg, Grantee

After recording return
to: Karol W. Kersh, Esq.
P.O. Box 13281
Salem, OR 97309

STATE OF OREGON)
County of Klamath)ss

I certify that the within instrument was received for record on the 17th day of Feb., 1993, at 9:09 o'clock A.M., and recorded in book/reel/volume M93 on page 3364, or as fee/file/instrument/microfilm/reception No. 57629 of the Deed Records of said County.

Name Evelyn Biehn Title County Clerk
By Doreen Mulholland Deputy

Fee \$35.00