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02-11-94A10:57 RCVD

Vol 94 Page 4684

## TRUSTEE'S DEED

**THIS INDENTURE**, Made this 10th day of February, 1994, between BONHAM J. MATZEN, Attorney at Law, Successor Trustee hereinafter called trustee, and FRANKLIN K. WALLING and CHRISTINE M. WALLING, or the survivor (husband, and wife) hereinafter called the second party;

## WITNESSETH.

**RECITALS:** Jon M. Ongman & Diane M. Ongman, or the survivor as grantor, executed and delivered to Mountain Title Company of Klamath County \* as trustee, for the benefit of Franklin K. Walling & Christine M. Walling, or the survivor, as beneficiary, a certain trust deed dated August 7, 1990, duly recorded on August 28, 1990; in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M90 at page 17203, and/or as fee/file/instrument/microfilm/reception No. 19417 (indicate which). In that trust deed the real property therein and hereinafter conveyed by the grantor to the trustee to secure, among other things, the performance of certain obligations of the grantor to the beneficiary. The grantor thereafter defaulted in performance of the obligations secured by the 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 the default, the owner and holder of the obligations secured by the trust deed, being the beneficiary therein named, or beneficiary's successor in interest, declared all sums so secured immediately due and owing. A notice of default containing an election to sell the real property and to foreclose the trust deed by advertisement and sale to satisfy grantor's obligations was recorded on October 1, 1993, in book/reel/volume No. M93 at page 25528 and/or as fee/file/instrument/microfilm/reception No. 69059 (indicate which), Klamath County mortgage records, to which reference now is made. \*\*

After recording the notice of default, the undersigned trustee gave notice of the time for and place of sale of the real property as fixed by the trustee and as required by law. Copies of the 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 addresses 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. A copy of the 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. Copies of the notice of sale were 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. The trustee published a copy of the notice of sale in a newspaper of general circulation in each county in which the real property is situated once a week for four successive weeks. The last publication of the notice occurred more than twenty days prior to the date of sale. The mailing, service and publication of the notice of sale are shown by affidavits and/or proofs of service duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with the Notice of Default and Election to Sell and the notice of sale, being now referred to and incorporated in and made a part of this deed as if fully set forth herein. The undersigned trustee has no actual notice of any person, other than the persons named in those affidavits and proofs as having or claiming a lien on or interest in the real property, entitled to notice pursuant to ORS 86.740(1)(b) or (1)(c).

The true and actual consideration for this conveyance is \$ 71,288.21 (Here comply with ORS 93.030.)

(Continued on reverse side)

Donham J. Matzen, Successor Trustee

Grantor's Name and Address

Franklin K. Walling and

Christine M. Walling

Grantor's Name and Address

After recording return to (Name, Address, Zip):

B. J. Matzen

601 Main Street, Suite 216

Klamath Falls, Oregon 97601

Until requested otherwise send all tax statements to (Name, Address, Zip):

Frank &amp; Christine Walling

79979 Bodine Rd.

Clatskanie, OR 97016

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 P.M., and recorded in

book/reel/volume No. on page

and/or as fee/file/instru-

ment/microfilm/reception No.

Record of Deeds of said County.

Witness my hand and seal of

County affixed.

NAME

TITLE

By Deputy

CLERK OF DISTRICT COURT

The undersigned trustee on February 9, 1994, at the hour of 1:00 o'clock, P. M., in accord with the standard of time established by ORS 187.110, (which was the day and hour to which the 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, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$71,288.21, the second party being the highest and best bidder at the sale and that sum being the highest and best bid for the property.

NOW THEREFORE, in consideration of that sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the 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 the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the trust deed in and to the following described real property, to-wit:

See legal description attached hereto as Exhibit A, and by this reference incorporated herein as if fully set forth:

\*By Appointment of Successor Trustee dated September 21, 1993 and recorded at Vol. M93, Page 25343 or as instrument number 68951, records of Klamath County, Oregon, Bonham J. Matzen, attorney at law, was appointed successor trustee.

\*\*An Amended Notice of Default containing an election to sell the real property and to foreclose the Trust Deed by advertisement and sale to satisfy grantors' obligations was recorded on October 7, 1993 at Vol. M93 at Page 26058 or as instrument number 69298, records of Klamath County, Oregon, to which reference now is made.

TO HAVE AND TO HOLD the same unto the second party, second party's heirs, successors in interest and assigns forever.

In construing this instrument and whenever the context so requires 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 the 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 a corporation and any other legal or commercial entity.

IN WITNESS WHEREOF, the undersigned trustee has hereunto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

*Bonham J. Matzen*  
BONHAM J. MATZEN, Successor Trustee

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.

\* Delete words in parentheses if inapplicable.

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on February 10, 1994,

by Bonham J. Matzen

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,

by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_

*Marsha Colvine*  
Notary Public for Oregon

My commission expires 11-7-95

32833

OS-11-04V.0-PO BCAD



EXHIBIT "A"  
LEGAL DESCRIPTION

4686

A portion of the NE1/4 SE1/4 of Section 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point in the center of the East line of the NE1/4 SE1/4 of Section 11, Township 41 South, Range 10 East of the Willamette Meridian, extending thence North 8 rods; thence West 50 rods; thence South 78 rods; thence East 50 rods back to the point of beginning; SAVE AND EXCEPTING ANY portion lying within the roadway; EXCEPTING ANY portions lying within deed recorded February 7, 1941 in Volume 135, page 287, Deed Records of Klamath County, Oregon, between Fred Stukel and Leonard Bowman being the Tract adjacent on the North, and also EXCEPT ANY portion lying with deed recorded January 3, 1973 in Volume M73, page 103, Deed Records of Klamath County, Oregon, between Warren Conner and Dale Coombe, being the Tract adjacent on the South.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of B.J. Matzen the 11th day  
of Feb A.D. 19 94 at 10:57 o'clock AM., and duly recorded in Vol. M94  
of Deeds on Page 4684

FEE \$40.00

Evelyn Biehn County Clerk

By

Dorlene Willensdole