

ATC # 04045546
TRUSTEE'S DEED

THIS INDENTURE, made this 15th day of November, 1996, between BRUCE KELLINGTON, hereinafter called trustee, and DONNA CLUGSTON SMITH, hereinafter called the second party;

WITNESSETH:

RECITALS: Donald Simmons and Carrie Simmons, husband and wife, as grantors, executed and delivered to Aspen Title and Escrow, Inc., as trustee, for the benefit of Donna Clugston Smith, as beneficiary, a certain trust deed dated September 15, 1994, and recorded on September 16, 1994, at Volume M94, Page 29358, Fee No. 88328, Official Records of Klamath County, Oregon. In said trust deed the real property therein and hereinafter described was conveyed by said grantors to said trustee to secure the performance of certain obligations of the grantors to the said beneficiary. The said grantors thereafter defaulted in 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 said 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 her 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 Official Records of said county on June 12, 1996, at Volume M96, Page 17446, Fee No. 19733.

After the recording of said notice of default 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 said notice of sale were mailed by United States certified mail and first class mail to all persons named in subsection 1 of Section 86.740 Oregon Revised Statutes to their respective last known addresses, all as provided by law and at least 120 days before the day the trustee conducted the sale; the persons named in subsection 1 of Section 86.750, Oregon Revised Statutes, were timely served with the notice of sale, all as provided by law and at least 120 days before the day the trustee conducted the sale. 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 at least twenty days prior to the date the trustee conducted the 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. On the date of said notice of sale, the undersigned trustee had no actual notice of any person, other than the persons named in said affidavits and proofs having or claiming a lien on or interest in said described real property subsequent to the interest of the trustee in the trust deed.

Pursuant to said notice of sale, the undersigned trustee on November 14, 1996, at the hour of 10:30 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 \$38,390.94, she 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 \$38,390.94

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:

OK Lot 11, Block 301, DARROW ADDITION TO THE CITY OF KLAMATH FALLS in the County of Klamath, State of Oregon.

TO HAVE AND TO HOLD the same unto the second party, her 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, and the word "beneficiary" includes any successor in interest of the beneficiary first named above.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

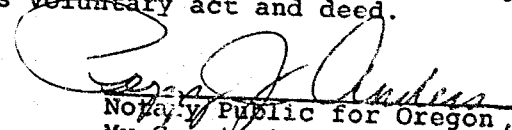
IN WITNESS WHEREOF, the undersigned trustee has hereunto set his hand.


Bruce Kellington Trustee

STATE OF OREGON)
County of Jackson) ss.

On this 15th day of November, 1996, personally appeared the above named BRUCE KELLINGTON and acknowledged the foregoing Trustee's Deed to be his voluntary act and deed.
Before me:




Notary Public for Oregon
My Commission Expires: 4-13-97

36620-A

Filed for record at request of Aspen Title & Escrow the 21st day
of November A.D., 19 96 at 11:39 o'clock A.M., and duly recorded in Vol. 496
of Deeds on Page 36619

Bernetha G. Letsch County Clerk
By Kathleen

By

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Kathleen Ross

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SECRET

NO FOREIGN DISSEM

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

DATE 08-19-2001 BY SP-6 BTJ/KJS