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K-52731
TRUSTEE'S DEED

Vol M99 Page 23960



THIS INDENTURE, Made this 11th day of May, 1999, between Patrick J. Kelly, Successor of Billie L. Creswell & Caterina Creswell, husband & wife with full hereinafter called the second party; rights of survivorship.

WITNESSETH:

RECITALS: Rodney D. Miller & Kelly A. Miller, husband & wife delivered to Aspen Title & Escrow, Inc., as grantor, executed and of Billie L. Creswell & Caterina Creswell, husband & wife with* as trustee, for the benefit dated December 11, 1997, duly recorded on December 19, 1997, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M97 at page 41193, or as fee/file/instrument/microfilm/reception No. 50341 (indicate which). 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 grantor's 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 beneficiary's 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 November 23, 1998, in book/reel/volume No. M98 at page 42899 thereof or as fee/file/instrument/microfilm/reception No. 70323 (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 the trustee 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 real property, entitled to notice pursuant to ORS 86.740(1)(b) or (1)(c).

(Continued on reverse side)

Patrick J. Kelly, Attorney
717 NW 5th Street
Grants Pass, OR 97526

Grantor's Name and Address
Billie & Caterina Creswell
890 Biddle Road #253
Medford, OR 97504

After recording return to (Name, Address, Zip):
Patrick J. Kelly, Attorney
717 NW 5th Street
Grants Pass, OR 97526

Each signatory hereto send all tax statements to (Name, Address, Zip):
Billie & Caterina Creswell
890 Biddle Road #253
Medford, OR 97504

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 _____ 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.

NAME

TITLE

By _____, Deputy

23961



Pursuant to said notice of sale, the undersigned trustee on May 11 1999, at the hour of 11:00 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 said trustee by said trust deed, sold said real property in one parcel at public auction to the said second party for the sum of \$21,784.91, said second party 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 \$ 21,784.91

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 grantor's successors in interest acquired after the execution of said trust deed in and to the following described real property, to-wit:

SEE EXHIBIT "A"

*full rights of survivorship.

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 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 executed this document; if the undersigned is a corporation, it has caused its corporate name to be signed and its seal affixed hereto by an officer or other person duly authorized thereunto by order of its Board of Directors.

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.

Patrick J. Kelly
PATRICK J. KELLY

STATE OF OREGON, County of Josephine) ss.

This instrument was acknowledged before me on May 11, 1999,
by Patrick J. Kelly

This instrument was acknowledged before me on _____, 19____,



OFFICIAL SEAL
SHARON DEARDORFF
NOTARY PUBLIC, OREGON
COMMISSION NO. 067831
MY COMMISSION EXPIRES SEPT. 11, 2000

Sharon Deardorff
Notary Public for Oregon
My commission expires 9-11-2000

23962

EXHIBIT "A"

The Northwesterly 40 feet of Lot 4, Block 62, NICHOLS 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.

State of Oregon, County of Klamath
Recorded 6/17/99, at 3:22 p m.
In Vol. M99 Page 23960

Linda Smith,
County Clerk

Fee \$ 40 - *KL*