

1999 DEC 14 PM 2:26

ASPEN 01050586/F  
TRUSTEE'S DEED

Vol M99 Page 49158

THIS INDENTURE, Made this 14th day of December, 1999, between Aspen Title & Escrow, Inc. called trustee, and Aspen Title & Escrow, INC. 401K Profit Sharing Plan Trust hereinafter called the second party;

## WITNESSETH:

RECITALS: Deborah Hollenbeak and Sheryl McLemore delivered to Aspen Title & Escrow, INC. of Robert Raby as grantor, executed and dated September 23, 1994, as trustee, for the benefit of Klamath County, Oregon, in XXXXXX volume No. 88995, 1994, as beneficiary, a certain trust deed 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 July 26, 1999, in XXXXXX volume No. M99 at page 29627 thereof.

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 publication of said notice of sale occurred more than twenty days prior to the date of such sale. The mailing service and 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 it 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)

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

Aspen Title &amp; Escrow, INC

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:

NAME, ADDRESS, ZIP

SPACE RESERVED  
FOR  
RECORDER'S USE

State of Oregon, County of Klamath  
Recorded 12/14/99, at 2:26 p.m.  
In Vol. M99 Page 49158  
Linda Smith,  
County Clerk Fees 40<sup>00</sup>

ALD--

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Pursuant to said notice of sale, the undersigned trustee on December 13, 1999, at the hour of 10:00 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 \$16,543.37, 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 \$16,543.37.

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" attached hereto and by this reference made a part hereof as though fully set forth herein....

\*Assigned in Volume M99 Page 21473.

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.

Dennis Gish  
TRUSTEE/ASPEN TITLE & ESCROW, INC.

\* Delete words in parentheses if inapplicable.

STATE OF OREGON, County of Klamath ) ss.

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

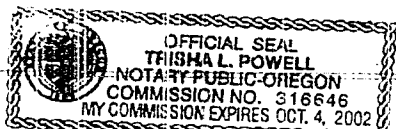
by \_\_\_\_\_

This instrument was acknowledged before me on December 14, 1999,

by Dennis Gish

as Trustee

of Aspen Title & Escrow, Inc



Simon H. Powell  
Notary Public for Oregon  
My commission expires 10/11/2002

## EXHIBIT "A"

A portion of the SE 1/4 NW 1/4 Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the South boundary of said SE 1/4 NW 1/4, 495 feet East of the Southwest corner of said SE 1/4 NW 1/4; thence North and parallel to the West line of said SE 1/4 NW 1/4, 720 feet to the Southwest corner of the tract herein conveyed, being the place of beginning of this description; thence from said place of beginning East and parallel to the North line of said SE 1/4 NW 1/4, 165 feet; thence North and parallel to the West line of said SE 1/4 NW 1/4, 100 feet; thence West and parallel to the North line of said SE 1/4 NW 1/4, 165 feet; thence South and parallel to the West line of said SE 1/4 NW 1/4, 100 feet to the point of beginning.

LESS Hope Street and that portion described in Deed Volume 351 at Page 629, all being in Klamath County, Oregon.

CODE 41 MAP 3909-2BD TL 5300