

## Grantor's Name and Address:

cd  
 Scott D. MacArthur  
 280 Main Street  
 Klamath Falls, OR 97601

Vol M00 Page 11203

## Grantee's Name and Address:

Paul Adams and Barton Adams  
 P.O. Box 999  
 Basalt, CO 81621

## After recording return to:

Paul Adams and Barton Adams  
 P.O. Box 999  
 Basalt, CO 81621

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

**TRUSTEE'S DEED**

THIS INDENTURE, Made this 5th day of April, 2000, between Scott D. MacArthur, hereinafter called trustee, and Paul G. Adams and Barton K. Adams, as Tenants in Common, hereinafter called the second party;

**WITNESSETH:**

RECITALS: Western Homes, Inc., an Oregon Corporation, as grantor, executed and delivered to Amerititle, Inc., as trustee, for the benefit of Paul G. Adams and Barton K. Adams, as beneficiary, a certain trust deed dated September 17, 1997, duly recorded on September 24, 1997, in the mortgage records of Klamath County, Oregon, in volume No. M97 at page 31258. 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 15, 1999, at Volume No. M99, at page 45250, 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 property was vacant and no 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. 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).

Pursuant to said notice of sale, the undersigned trustee on April 5, 2000 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, 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 \$93,035.29, 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 \$93,035.29.

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:

Exhibit "A" Attached hereto.

Tax Account No. 3909-001CD-00300-000

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

Scott D. MacArthur  
Scott D. MacArthur, Successor Trustee

STATE OF OREGON, County of Klamath)ss.

This instrument was acknowledged before me

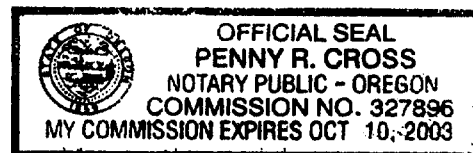
on April 5, 2000, by Scott D.

MacArthur

Penny R. Cross

Notary Public for Oregon

My commission expires 10/10/03



STATE OF OREGON, County of Klamath)ss.

I certify that the within instrument was received for record on the \_\_\_\_ day of \_\_\_\_\_, 2000, 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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A tract of land situated in the S1/2 of Section 1, 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 the Southwest corner of that land described in Book M72 at Page 1623, as recorded in the Klamath County Deed Records, which is North 12 degrees 14' 37" West 536.95 feet from the South quarter corner of said Section 1; thence North 03 degrees 24' West, along the Westerly line of said land, 83.2 feet; thence North 23 degrees 39' 30" East along the Westerly line of that land described in Book M72 at Page 1625 of said Deed Records, 577.61 feet to the Southerly right of way line of State Highway No. 140; thence North 46 degrees 09' West along said right of way line, 370.18 feet, thence South 60 degrees 21' West 80.70 feet, South 11 degrees 21' West 365.5 feet, South 32 degrees 14' West 166.10 feet, South 01 degrees 13' West 217.08 feet; thence south 67 degrees 44' East 297.55 feet, more or less, to the point of beginning, with bearings based on recorded Survey No. 625, as recorded in the office of the Klamath County Surveyor.

SAVING AND EXCEPTING THEREFROM a tract of land situated in the S1/2 of Section 1, 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 the Southwest corner of that tract of land described in Book M72 at Page 1623 as recorded in the Klamath County Deed Records, which is North 12 degrees 14' 37" West, 536.95 feet from the South quarter corner of said Section 1; thence North 03 degrees 24' West, along the Westerly line of said land, 83.2 feet; thence North 23 degrees 39' 30" East, along the Westerly line of that tract of land described in Book M72 at Page 1625, said Deed Records, 577.61 feet to the Southerly right of way line of State Highway No. 140; thence North 46 degrees 09' West along said right of way line, 200.00 feet; thence South 43 degrees 51' West 50.00 feet; thence south 20 degrees 27' 53" West, 679.84 feet to a point that bears North 67 degrees 44' West from the point of beginning; thence South 67 degrees 44' East, 205.00 feet to the point of beginning, with bearings based on recorded Survey No. 625, as recorded in the office of the Klamath County, Surveyor.

State of Oregon, County of Klamath  
Recorded 04/05/00, at 11:48 a.m.  
In Vol. M00 Page 11203  
**Linda Smith,**  
County Clerk Fee \$ 36.00