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Vol M00 Page 25888



## TRUSTEE'S DEED

THIS INDENTURE, Made this 24th day of May, 2000, between Patrick J. Kelly, successor Trustees of the J.C. DEC 1985 Trust, hereinafter called trustee, and hereinafter called the second party;

## WITNESSETH:

RECITALS: Northern Eagle Properties, L.L.C., as grantor, executed and delivered to Amerititle, as trustee, for the benefit of Trustees of the J.C. DEC 1985 Trust, as beneficiary, a certain trust deed dated September 28, 1998, duly recorded on September 29, 1998, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M98 at page 35748, or as fee/file/instrument/microfilm/reception No. 67015 (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 December 6, 1999, in book/reel/volume No. M99 at page 47998 thereof.

XXXXXXXXXXXXXXXXXXXX (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

Don Cruickshank  
98203 South Bank Chetco Road  
Brookings, OR 97415

Grantee's Name and Address

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

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

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

Don Cruickshank  
98203 South Bank Chetco Road  
Brookings, OR 97415

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

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Pursuant to said notice of sale, the undersigned trustee on May 19 ~~xxx~~ 2000, 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 \$ 106,821.87, 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 \$ 106,821.87.

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"

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

STATE OF OREGON, County of Josephine ) ss.

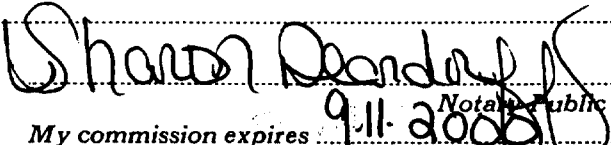
This instrument was acknowledged before me on May 24, ~~xxx~~ 2000

by Patrick J. Kelly

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



OFFICIAL SEAL  
SHARON DEARDORFF  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 057531  
MY COMMISSION EXPIRES SEPT. 11, 2000

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

**EXHIBIT "A"**

**Lots 327 and 328 in Block 111 MILLS 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.**

NE

25891

## CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON,

County of Josephine

ss.

THIS IS TO CERTIFY That I am the Successor Trustee  
~~beneficiary~~ in that certain trust deed in which Northern Eagle Properties, L.L.C.,  
 \_\_\_\_\_, as grantor, conveyed to Amerititle  
 \_\_\_\_\_, as trustee, certain real property in Klamath County, Oregon;  
 which said trust deed was dated September 28, 1998, and recorded September 29, 1998,  
 in the mortgage records of said county, in book/reel/volume M98 at page 35748 or as ~~an~~ this instrument/  
~~reception~~ No. 67015 (indicate which); thereafter a notice of default with respect to said trust deed  
 was recorded December 6, 1999, in book/reel/volume M99 at page 47998 of said  
 mortgage records, or as ~~an~~ this instrument/~~reception~~ No. xxxxxxxxxx (indicate which); thereafter the  
 said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed was  
 sold at the trustee's sale on May 19, 2000; I reasonably believe at no time during the period of  
 three months and one day immediately preceding the day of said sale and including the day thereof, was the real prop-  
 erty described in and covered by said trust deed, or any interest therein, owned by a person in the military service as  
 defined in Article I of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended.

In construing this certificate the singular includes the plural, the word "grantor" includes any successor in  
 interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any  
 successor in interest to the beneficiary named in said trust deed.

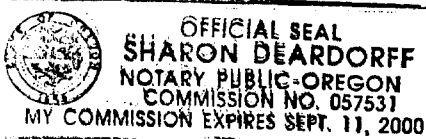
STATE OF OREGON,

County of Josephine

ss:

PATRICK J. KELLY

This instrument was acknowledged before me on June 22, 2000  
 by Patrick J. Kelly



Notary Public for Oregon

My commission expires 9-11-2000

### CERTIFICATE OF NON-MILITARY SERVICE

Re Trust Deed from  
 Northern Eagle Properties  
 \_\_\_\_\_ Grantor  
 to  
 Amerititle  
 \_\_\_\_\_ Trustee

AFTER RECORDING RETURN TO

PATRICK J. KELLY  
 ATTORNEY AT LAW  
 717 NW 5th ST.  
 GRANTS PASS, OR 97526

(DON'T USE THIS  
 SPACE: RESERVED  
 FOR RECORDING  
 LABEL IN COUNTIES  
 WHERE USED.)

State of Oregon, County of Klamath  
 Recorded 07/17/00, at 10:59 AM.  
 In Vol. M00 Page 25888  
 Linda Smith,  
 County Clerk Fee \$ 36.00