

Send tax statements to:  
Ruth Hofman  
122 N Van Buren Street  
Eugene, OR 97402

Vol M00 Page 36398

2000 OCT -4 PM 2: 58

**CONSIDERATION:**

*K55365*  
**TRUSTEE'S DEED**

**TRUSTEE:** MICHAEL P. KEARNEY, Attorney at Law

**GRANTEE:** Ruth Hofman, Trustee of the Hofman Joint Revocable Trust

**RECITALS:**

A. Michael White and Daryl White, Grantors, executed and delivered to Willamette Valley Title Company, Trustee, for the benefit of Ruth Reynolds, now known as Ruth Hofman, beneficiary, a Trust Deed dated September 9, 1983, recorded September 13, 1983, in the Official Records of Klamath County, Oregon as Volume M83, Page 15740, (herein the "trust deed") and subsequently assigned to Ruth Hofman, Trustee of the Hofman Joint Revocable Trust by Assignment recorded May 17 2000, Volume M00, Page 17901. In the Trust Deed, the following described real property (the Real Property) was conveyed by Grantor to the Trustee to secure the performance of certain obligations to the Beneficiary.

Lot 24 in Block 6 of Wagon Trail Acreages Number One, Second Addition, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Thereafter, the Grantors defaulted in performance of the obligations secured by the Trust Deed. The default still existed at the time of sale by the Trustee to the Grantee.

B. MICHAEL P. KEARNEY was appointed Successor Trustee of the Trust Deed. The appointment was recorded on May 17, 2000 in the Official Records of Klamath County, Oregon as Volume M00, Page 17902.

The beneficiary declared the Grantors of the Trust Deed to be in default. The reasons for the declaration of default, the Beneficiary's election to declare all sums due to it immediately due and the Beneficiary's election to foreclose the Trust Deed by advertisement and sale to satisfy the Grantor's obligations was recorded on May 17, 2000, in the Official Records of Klamath County, Oregon as Volume M00, Page 17903.

D. After recording the Notice of Default and Election to Sell, the Trustee gave notice of the time and place set for sale of the Real Property. Notice of the sale was given:

1. To all persons entitled to receive such notice by mailing the notice to them at their last known addresses by both first class mail and certified mail, return receipt requested. The notice was mailed to them more than 120 days before the trustee conducted the sale. An Affidavit of Mailing of such notice was recorded on August 30, 2000 in the Official Records of Klamath County, Oregon as Volume M00, Page 31846, prior to the day the Trustee conducted the sale.

2. By publishing such notice in the Herald and News, a newspaper of general circulation in Klamath County, Oregon, once a week for four successive weeks. The last publication was more than 20 days prior to the day the Trustee conducted the sale. An Affidavit of Publication of such notice was recorded on August 30, 2000 in the Official Records of Klamath County, Oregon as Volume M00, Page 31852, prior to the day the Trustee conducted the sale.

E. On the date of the Notice of Sale, the Trustee did not have actual notice of any person claiming an interest which was subsequent to the Trustee's interest in the Real Property, except for those persons named in the affidavits referred to in Recital D. of this deed. The property was not occupied at the time notice was given. An Affidavit of Nonoccupancy was recorded on August 30, 2000 in the Official Records of Klamath County, Oregon as Volume M00,

Page 31851, prior to the date the Trustee conducted the sale.

F. On September 29, 2000, at 1:00 p.m. at the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, the Trustee sold the Real Property in one parcel at public auction to the highest bidder for cash. The price bid was paid at the time of sale. The Trustee's Notice of Sale indicated that the sale would occur at the Klamath County Courthouse at 317 S 7<sup>th</sup> Street, Klamath Falls, Oregon because at the time the notice was recorded the Klamath County Courthouse was located at 317 S 7<sup>th</sup> Street, Klamath Falls, Oregon. However, at the time of the sale, the Klamath County Courthouse had moved to 316 Main Street, Klamath Falls, Oregon. Therefore, at the time of the sale, the Trustee had a representative present at 317 S 7<sup>th</sup> Street, Klamath Falls, Oregon for the purpose of inquiring if anyone at that location was present for the purpose of bidding at the sale of the property. The Trustee and his representative located at 317 S 7<sup>th</sup> Street, Klamath Falls, Oregon communicated by telephone during the sale. No one appeared at 317 S 7<sup>th</sup> Street, Klamath Falls, Oregon at the time of the sale. Therefore, the undersigned Trustee conducted the sale at 316 Main Street, Klamath Falls, Oregon at the Klamath County Courthouse as set forth herein.

G. At no time during the period of time between the recording of the Notice of Default and Election to Sell and the date of the sale, was the real property described in and conveyed by the Trust Deed, or any interest therein owned by a person in the military service of the United States of America, a minor or an incapacitated person.

H. The true and actual consideration paid for this transfer is \$11,116.00.

I. In construing this instrument, whenever the context requires, the following shall apply:

1. References to a specific gender shall include the masculine, feminine and neuter genders.
2. Reference to the singular shall include the plural and vice versa.
3. References to the Trustee shall include any Successor Trustee.

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.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

In consideration of the sum paid by the Grantee, the receipt of which is hereby acknowledged, the Trustee hereby conveys to the Grantee all interest which the Grantors had or had the power to convey at the time of Grantors' execution of the Trust Deed in and to the Real Property described herein, together with any interest the Grantors or the Grantors' successors in interest acquired after the execution of the Trust Deed.

DATE: October 2, 2000

Michael P. Kearney  
MICHAEL P. KEARNEY, Successor Trustee

STATE OF OREGON )

: ss.

County of Lane )

This instrument was acknowledged before me on October 2, 2000, by Michael P. Kearney, Successor Trustee,  
Attorney at Law.

Lauri Damron  
Notary Public for Oregon  
My Commission Expires: 8/22/02



State of Oregon, County of Klamath  
Recorded 10/04/00, at 2:58 p. m.  
In Vol. M00 Page 26398  
Linda Smith,  
County Clerk Fee \$ 3.00