

TRUSTEE'S DEED

THIS INDENTURE, made this 23rd day of May, 2001, between David E. Fennell, hereinafter called the Trustee and U.S. Bank National Association, hereinafter called the second party;

WITNESSETH:

RECITALS: Mark A. Maggiora and Vicky W. Maggiora, as grantors, executed and delivered to: Transamerica Title Insurance Company, as trustee, for the benefit of United States National Bank of Oregon, as beneficiary, a certain trust deed dated 07/27/79, duly recorded on 08/28/79 in the mortgage records of Klamath County, Oregon in Vol. M79 Page 20491 and subsequently assigned to U.S. Bank of Washington by Assignment recorded as Vol. M89, Page 10907. 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 obligation 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 12/04/00, in Volume M00 Page 43432 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 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

DAVID E. FENNEL

P.O. Box 4143

Bellevue, WA 98009-4143

Grantor's Name and Address

U.S. Bank National Association601 Second Avenue SouthMinneapolis, MN 55402

Grantee's Name and Address

After Recording Return to:

U.S. Bank National Association601 Second Avenue SouthMinneapolis, MN 55402

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

U.S. Bank National Association601 Second Avenue SouthMinneapolis, MN 55402

Name, Address, Zip

FOR COUNTY USE:

This instrument is being recorded as an accommodation only, and has not been examined as to validity, sufficiency or effect it may have upon the herein described property. Title company recording has been requested of FAYES TITLE & ESCRQGE, INC.

Consideration: \$22,937.03

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 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 any 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 **, at the hour of 10:00 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) 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 \$22,937.03, 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 \$22,937.03

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 ATTACHED

** 5/18/2001

Commonly known as: 430 - 436 Bonner Lane, Crescent, OR 97733

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 any 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.

DAVID E. PENNELL, Trustee

STATE OF WASHINGTON)

COUNTY OF KING)

) ss.

I certify that I know or have satisfactory evidence that David E. Fennell is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 5/23/01

Chenue M. Nave
NOTARY PUBLIC in and for the State of
Washington, residing at *Seattle*
My commission expires *5/18/01*

YVONNE M. NAVE
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES 5-18-05

THIS INSTRUMENT WILL NOT ALLOW USE OF PROPERTY DESCRIBED HEREIN 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 VERIFIED APPROVED USES.

That portion of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, Township 24 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at the intersection of the Southeasterly side line of Main Street, 80.00 feet wide with the Southwesterly side line of Ward Street, 60.00 feet wide according to the recorded plat of Town of Crescent; thence along the Southeasterly side line of said Main Street, South 39° 40' West, 328.95 feet to the most Northerly corner of that certain parcel of land conveyed to the United States of America by Glen and Shirley Bilderback, husband and wife, per Warranty Deed recorded in Volume 395 at page 279 of Deed Records of said Klamath County; thence along the Northeasterly line of said parcel, South 50° 20' East, 99.60 feet; thence along the Southeasterly line of said parcel South 42° 23' 37" West, 147.27 feet to the Southerly corner thereof; said corner also being the northeasterly corner of that certain parcel conveyed to the United States of America by Ester K. Guddat, a widow, by individual Warranty Deed recorded in Volume 317 at page 397 of Deed Records; thence along the Northeasterly line of said parcel, South 50° 20' East, 207.40 feet to the most Easterly corner thereof; thence along the Southeasterly line of said parcel South 39° 40' West, 133.78 feet to the true point of beginning for this description; thence South 50° 20' East, 150.00 feet; thence South 39° 40' West, 133.78 feet to the Northeasterly line of that certain parcel of land conveyed by Byron C. Steevens and Emma A. Steevens, husband and wife, to Bonnie J. And Jean Shultz, husband and wife, by Warranty Deed recorded in Volume 241 at page 276 of said Deed Records; thence along the Northeasterly line of said parcel, North 50° 20' West, 150.00 feet; thence North 39° 40' East, 133.78 feet to the true point of beginning.

State of Oregon, County of Klamath
Recorded 06/08/01, at 11:15 a. m.
In Vol. M01 Page 26966
Linda Smith,
County Clerk Fee\$ 31.00