


NT

Vol. M01 Page 41368 STATE OF OREGON,
County of _____ } ss.

AUG 16 PM 2:05

Richard Fairclo
280 Main Street
Klamath Falls OR 97601Trustee's Name and Address
Norman David Newland and Kathy Ann
Newland 8400 Sheldon Road
Elk Grove Ca 95624

Second Party's Name and Address

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

Richard Fairclo
280 Main Street
Klamath Falls OR 97601

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

Norman and Kathy Newland
8400 Sheldon Road
Elk Grove CA 95624SPACE RESERVED
FOR
RECORDER'S USEState of Oregon, County of Klamath
Recorded 08/16/01 at 2:05 p.m.
In Vol. M01 Page 41368
Linda Smith,
County Clerk Fee \$ 31-

TRUSTEE'S DEED

THIS INDENTURE, Made this 15th day of August, 192001, between Richard Fairclo, hereinafter called trustee, and Norman David Newland and Kathy Ann Newland, Husband and Wife, hereinafter called the second party; WITNESSETH:

RECITALS: DANNY R. CLOSSER, SR., AND DEBORAH F. CLOSSER, as grantor, executed and delivered to KLAMATH COUNTY TITLE COMPANY, as trustee, for the benefit of NORMAN DAVID NEWLAND AND KATHY ANN NEWLAND, as beneficiary, a certain trust deed dated September 25, 1996, recorded September 27, 1996, in the Records of Klamath County, Oregon, in book 30768 / volume No. M96 at page 30768, and/or as fee/file/instrument/microfilm/reception No. XXXXX (indicate which). In that trust deed, the real property therein and hereinafter described was conveyed by the grantor to the trustee to secure, among other things, the performance of certain obligations of the grantor to the beneficiary. The grantor thereafter defaulted in performance of the obligations secured by the 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 the default, the owner and holder of the obligations secured by the trust deed, being the beneficiary therein named, or the beneficiary's successor in interest, declared all sums so secured immediately due and owing. A notice of default containing an election to sell the real property and to foreclose the trust deed by advertisement and sale to satisfy the asserting grantor's obligations was recorded on April 3, 2001, in the Records of Klamath County, in book 13605 / volume No. M01 at page 13605, and/or as fee/file/instrument/microfilm/reception No. XXXXX (indicate which), to which reference now is made.

After recording the notice of default, the undersigned trustee gave notice of the time for and place of sale of the real property, as fixed by the trustee and as required by law. Copies of the notice of sale were served pursuant to ORCP 7 D. (2) and 7 D. (3), or mailed by both first class and certified mail with return receipt requested, to the last known addresses of the persons or their legal representatives, if any, named in ORS 86.740 (1) and 86.740 (2)(a), at least 120 days before the date the property was sold. A copy of the notice of sale was mailed by first class and certified mail with return receipt requested to the last known address of the fiduciary or personal representative 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. Copies of the notice of sale were served upon occupants of the property described in the trust deed in the manner in which a summons is served pursuant to ORCP 7 D. (2) and 7 D. (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 addresses 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. The trustee published a copy of the notice of sale in a newspaper of general circulation in each county in which the real property is situated once a week for four successive weeks. The last publication of the notice occurred more than twenty days prior to the date of sale. The mailing, service and publication of the notice of sale are shown by affidavits and/or proofs of service duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with the Notice of Default and Election to Sell and the notice of sale, being now referred to and incorporated in and made a part of this deed as if fully set forth herein. The undersigned trustee has no actual notice of any person, other than the persons named in those affidavits and proofs as having or claiming a lien on or interest in the real property, entitled to notice pursuant to ORS 86.740 (1)(b) or (1)(c).

The true and actual consideration for this conveyance is \$ 205,224.42 (Here comply with ORS 93.030.)

(OVER)

31 00

1 of 3



The undersigned trustee, on August 15, 2001, ~~xxx~~, at the hour of 10:00 o'clock, A. M., in accord with the standard of time established by ORS 187.110, (which was the day and hour to which the 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, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$205,224.42, the second party being the highest and best bidder at the sale, and that sum being the highest and best bid for the property.

NOW, THEREFORE, in consideration of that sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the 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 the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the trust deed in and to the following described real property, to-wit:

See Attached Exhibit "A"

TO HAVE AND TO HOLD the same unto the second party and the 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; "grantor" includes any successor in interest to the grantor, as well as each and every other person owing an obligation, the performance of which is secured by the trust deed; "trustee" includes any successor trustee; "beneficiary" includes any successor in interest of the beneficiary first named above; and "person" includes a 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 name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so 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.

* Delete words in parentheses if inapplicable.

STATE OF OREGON, County of Klamath ss.
 This instrument was acknowledged before me on August 15, 2001, ~~xxx~~,
 by Richard Fairclo, Trustee
 This instrument was acknowledged before me on _____, 19____,
 by _____,
 as _____,
 of _____



Notary Public for Oregon
 My commission expires 8-24-2004

EXHIBIT "A"

41370

DESCRIPTION OF PROPERTY

PARCEL ONE:

A parcel of land situated in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36, Township 39 South, Range 12 E.W. M., Klamath County, Oregon, being more particularly described as follows: Beginning at the Southwest corner of the NW $\frac{1}{4}$ of said Section 36; thence S. 89°53'07" E. along the South line of said NW $\frac{1}{4}$ 1328.28 feet to the Southeast corner of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 36; thence N. 00°00'33" E. along the East line of said W $\frac{1}{2}$ NW $\frac{1}{4}$ 608.31 feet to a point where a fence line intersects from the Northwest; thence Northwesterly along said fence line the following bearings and distances: N. 84°33'04" W. 151.14 feet; N. 32°10'32" W. 466.48 feet; S. 86°44'52" W. 101.88 feet; N. 60°24'37" W. 187.47 feet; N. 51°33'56" W. 58.38 feet; N. 88°40'36" W. 291.86 feet; S. 89°38'32" W. 326.26 feet to a point on the West line of said Section 36; thence S. 00°03'00" W. along said section line 1142.62 feet to the Point of Beginning.

ALSO, A parcel of land situated in the NW $\frac{1}{4}$ of Section 36, T. 39 S., R. 12 E.W.M., Klamath County, Oregon, being more particularly described as follows: Beginning at a point on the East line of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 36 at a point where said East line intersects the Southerly right of way line of the U.S.B.R. North Canal; thence S. 00°00'33" W. 328.44 feet along said East line to a point where a fence intersects from the Northwest; thence leaving said East line and running Northwesterly along said fence the following bearings and distances: N. 84°33'04" W. 151.14 feet; N. 32°10'32" W. 466.48 feet; S. 86°44'52" W. 101.88 feet; N. 60°24'37" W. 187.47 feet; N. 51°33'56" W. 58.38 feet; N. 88°40'36" W. 291.86 feet; thence leaving said fence N. 00°29'37" E. 134.22 feet to a 1/2 inch iron pin; thence S. 68°11'17" E. 50.23 feet to a 1/2 inch iron pin; thence N. 53°19'03" E. 218.51 feet to a 1/2 inch iron pin on the Southerly right of way line of the U.S.B.R. North Canal, said point being hereinafter referred to as "Point A"; thence Southeasterly along said canal right of way line to the point of beginning.

PARCEL TWO:

That portion of W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36, Township 39 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point on the West line of Section 36, said point being S. 0°03' W. 1494.44 feet from the Northwest corner of Section 36; thence continuing S. 0°03' E. approximately 20 feet; thence East 326.26 feet; thence North 134.22 feet; thence Southeasterly 50.23 feet and Northeasterly 218.54 feet to a point on the Southwesterly right of way of USBR North Canal referred to as Point A in instrument recorded July 12, 1976, in Volume M76 page 10481, Deed records of Klamath County, Oregon; thence N. 42°35'53" W. 179.01 feet; thence N. 79°39'35" W. 190.08 feet more or less; thence S. 23°51'30" E. 151.61 feet; thence S. 0°06'40" W. 257.02 feet; thence N. 89°53'20" W. 301.94 feet to the point of beginning.

EXCEPTING FROM ABOVE MENTIONED PARCELS, that parcel conveyed to United States of America by Deed recorded July 8, 1924 in Deed Volume 64 on page 299, Deed Records of Klamath County, Oregon.