

K56190

'01 SEP 17 PM3:01

TRUSTEE'S DEED

THIS INDENTURE, made this 14th day of September, 2001, between DAVID E. FENNELL, hereinafter called the Trustee and Altegra Credit Company, hereinafter called the second party;

RECITALS:

RECITALS: Larry W. Caldwell, an unmarried person, as grantors, executed and delivered to: Chicago Title Insurance Company, as trustee, for the benefit of First Franklin Financial Corporation, as beneficiary, a trust deed dated 12/10/99, duly recorded on 12/30/99 in the mortgage records of Klamath County, Oregon in Volume M99 Page 51178 and subsequently assigned to Altegra Credit Company by Assignment recorded as Volume M01 Page 14587. In the trust deed, the real property described below ("Property") was conveyed by the grantor to the trustee to secure, among other things, the performance of the grantor's obligations to the beneficiary. The grantor thereafter defaulted in the performance of those obligations and such default(s) still existed at the time of the trustee's sale of the Property described below.

Because of the default(s), the record beneficiary under the trust deed or its predecessor declared all sums secured by the trust deed immediately due and owing; therefore, a Notice of Default, containing an election to sell the Property and to foreclose the trust deed by advertisement and sale to satisfy grantor's obligations owed to the beneficiary was recorded in the mortgage records of the county in which the Property is located on 04/09/01, in Volume M01 Page 14590.

After recording the Notice of Default, the trustee gave notice of the time for and place of sale of the Property 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 Trustee's Notice of Sale was served upon occupants of the Property 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 was stayed and released from stay, copies of an Amended Notice of Sale in the form required by ORS 86.755(6) were mailed within thirty days after release from stay by registered or certified mail to the last-known address of those persons listed in ORS 86.740 and 86.750(1) and any person requesting notice who was present at the time and place set for the sale which was stayed. Further, the trustee published a copy of the Trustee's Notice of Sale in a newspaper of general circulation in each county in which the Property is located, once a week for four successive weeks; the last publication of Notice of Trustee's Sale occurred more than twenty days prior to the date of sale. The mailing, service and publication of the Trustee's Notice of Sale are evidenced by one or more affidavits or proofs of service duly recorded prior to the date of sale in the official records of the county in which the Property is located.

DAVID E. FENNELL P.O. Box 4143 Bellevue, WA 98009-4143 Grantor's Name and Address <u>Altegra Credit Company</u> <u>150 Allegheny Center</u> <u>Pittsburgh, PA 15212</u> Grantee's Name and Address	FOR COUNTY USE:
After Recording Return to: Altegra Credit Company 150 Allegheny Center Pittsburgh, PA 15212 7427.20003	
Until a change is required all tax statements shall be sent to the following address: <u>Altegra Credit Company</u> <u>150 Allegheny Center</u> <u>Pittsburgh, PA 15212</u> Name, Address, Zip	

Consideration: \$17,000.00

K26.

The trustee has no actual notice of any person, other than the persons identified in the affidavit(s) and proof(s) of mailing and/or service, having or claiming any lien on or interest in the Property, entitled to notice pursuant to ORS 86.740(1)(b) or (1)(c).

Pursuant to the Notice of Trustee's Sale, one or more due public proclamations of the sale's postponement and/or an Amended Notice of Trustee's Sale, the trustee -- on 09/07/01, at 10:00 a.m. in accord with the standard of time established by ORS 187.110, 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 said trustee by the trust deed -- sold the Property in one parcel at public auction to the Altegra Credit Company for the sum of \$17,000.00, Altegra Credit Company being the highest and best bidder at the sale. The true and actual consideration paid for this transfer is the sum of \$17,000.00

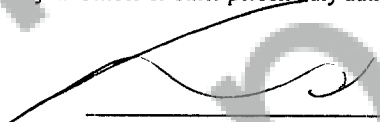
NOW, THEREFORE, in consideration of the sum of Altegra Credit Company paid by Altegra Credit Company in cash, the receipt of which is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the trust deed, the trustee does hereby convey Altegra Credit Company all interest 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 Property, which is legally described as follows:

A parcel of land lying in Lots 5 and 6, Block 72, Buena Vista Addition to the City of Klamath Falls, Oregon, in the County of Klamath, State of Oregon, more particularly described as follows: Beginning at the most Easterly corner of Lot 6, Block 72, Buena Vista Addition to the City of Klamath Falls, Oregon, and running thence South 89 degrees 31' West along the Southerly line of Prescott Street 114.35 feet to the true point of beginning of this description; thence South 13 degrees 51' West a distance of 80.05 feet, more or less, to a point on the line between Lots 4 and 5 of said Block 72; thence North 52 degrees 51' West along said line between said Lots 4 and 5, a distance of 80 feet to a point in the Southeasterly line of Lot 7 of said Block 72; thence Northeasterly along the line between said Lots 5 and 7 to Prescott Street; thence North 89 degrees 31' East along the Southerly line of Prescott Street to the true point of beginning.

Commonly known as: 648 Prescott Street, Klamath Falls, OR 97601

This conveyance is made without representations or warranties of any kind. By recording this Trustee's Deed, Altegra Credit Company understands, acknowledges and agrees that the Property was purchased in the context of a foreclosure, that the trustee made no representations to Altegra Credit Company concerning the Property and that the trustee owed no duty to make disclosures to Altegra Credit Company concerning the Property, Altegra Credit Company relying solely upon his/her/their/its own due diligence investigation before electing to bid for the Property.

IN WITNESS WHEREOF, the undersigned trustee has 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. FENNELL, Trustee

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

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 signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: September 14, 2001

DOLORES L. SAN NICOLAS  
STATE OF WASHINGTON  
NOTARY --- PUBLIC  
MY COMMISSION EXPIRES 2-16-05

  
\_\_\_\_\_  
Dolores L. San Nicolas  
NOTARY PUBLIC in and for the State of  
Washington, residing at Kent  
My commission expires 2-16-05

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.

State of Oregon, County of Klamath  
Recorded 09/17/01 at 3:01 p m.  
In Vol. M01 Page 47175  
Linda Smith.  
County Clerk Fee\$ 26<sup>00</sup>