

01 NOV 8 PM 1:00

**Grantor's Name and Address:**

Scott D. MacArthur

280 Main Street

Klamath Falls, OR 97601

Vol M01 Page 57410

**Grantee's Name and Address:**

Herman McCarty and C. Roland McCarty

2933 Knollwood Drive

Cameron Park, CA 95682

**After recording return to:**

Herman McCarty and C. Roland McCarty

2933 Knollwood Drive

Cameron Park, CA 95682

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

Same

**TRUSTEE'S DEED**

THIS INDENTURE, Made this 8th day of November, 2001, between Scott D. MacArthur, hereinafter called trustee, and Herman McCarty and C. Roland McCarty, hereinafter called the second party;

**WITNESSETH:**

RECITALS: Lee A. Van Winkle and Elizabeth A. Van Winkle, husband and wife, as grantor, executed and delivered to Aspen Title & Escrow, Inc., as trustee, for the benefit of Herman McCarty and C. Roland McCarty, as beneficiary, a certain trust deed dated January 19, 1998, duly recorded on January 26, 1998, in the mortgage records of Klamath County, Oregon, in volume No. M98 at page 2406. 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 July 5, 2001, at Volume No. M01, at page 32569, 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

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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 property was vacant and no 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. 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).

Pursuant to said notice of sale, the undersigned trustee on November 8, 2001 at the hour of 10:00 o'clock, A.M., of said day, in accord with the standard of time established by ORS 187.110, 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 \$231,419.28, 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 \$231,419.28.

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 his successors in interest acquired after the execution of said trust deed in and to the following described real property, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference

Tax Account NO. 3908-012DA-00200-000

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 duly authorized

thereunto by order of its Board of Directors.

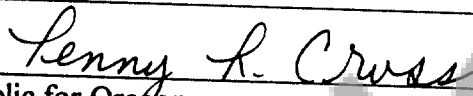
57412

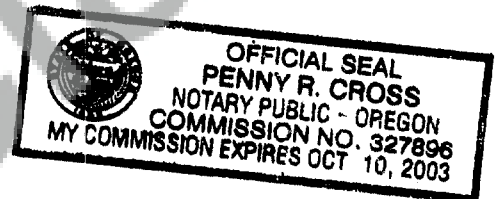
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

  
Scott D. MacArthur, Successor Trustee

STATE OF OREGON, County of Klamath)ss.

This instrument was acknowledged before me  
on November 8, 2001, by SCOTT D  
MacArthur

  
Notary Public for Oregon  
My commission expires 10/10/2003



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**F. The land referred to in this Guarantee is described as follows:**

**PARCEL 1:**

A tract of land situated in the NE1/4 SE1/4 of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of Lot 20 of Tract 1283, a duly recorded subdivision, from which the C-E 1/16 corner of said Section 12 bears North 43 degrees 58' 06" West 1,293.09 feet; thence along the South line of said Tract 1283, South 89 degrees 24' 23" East 225.01 feet and South 87 degrees 54' 27" East 245.01 feet to the West of STEWART, a duly recorded subdivision; thence South 00 degrees 52' 27" East, along the said West line, 197.92 feet to the Northerly right of way line of State Highway 66; thence along the said right of way line, South 00 degrees 52' 27" East 10.43 feet and South 72 degrees 39' 23" West 633.27 feet, more or less, to its intersection with the South line of the said NE1/4 SE1/4 of Section 12; thence North 89 degrees 17' 51" West, along the said South line, 703.39 feet, more or less, to the Easterly right of way line of Orindale Road; thence along the said right of way line, North 35 degrees 01' 33" West 75.62 feet and North 00 degrees 28' 18" East 346.91 feet to its intersection with the South line of said Tract 1283 extended; thence South 89 degrees 24' 23" East 875.38 feet to the point of beginning, with bearings based on the plat of Tract 1283.

**PARCEL 2:**

A tract of land situated in the NE1/4 SE1/4 of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of Lot 1 of Tract 1283, a duly recorded subdivision, said point also on the West line of STEWART, a duly recorded subdivision, from which the C-E 1/16 corner of said Section 2 bears North 78 degrees 07' 06" West 1,387.66 feet; thence along the boundary of said Tract 1283, South 72 degrees 47' 33" West 189.39 feet, South 68 degrees 25' 43" West 80.51 feet, South 54 degrees 05' 35" West 87.78 feet, South 38 degrees 48' 27" West 87.78 feet, South 23 degrees 31' 19" West 87.78 feet and South 09 degrees 30' 40" West 75.31 feet; thence North 89 degrees 24' 23" West 903.86 feet to the Easterly right of way line of Orindale Road; thence North 00 degrees 28' 18" East, along the said right of way line, 104.21 feet to a point on the South line of that tract of land described in Deed Volume M-92, page 20434 of the Klamath County Deed Records; thence along said Deed Volume, North 89 degrees 10' 27" East 353.86 feet and North 00 degrees 28' 18" East 112.70 feet to the Southeast corner of that tract of land described in Deed Volume M-92, Page 20842 of the Klamath County Deed Records; thence along said Deed Volume, North 00 degrees 28' 18" East 122.69 feet and South 89 degrees 10' 27" West 353.86 feet to its intersection with the Easterly right of way line of Orindale Road; thence North 00 degrees 28' 18" East, along the said right of way line, 142.91 feet to the Southwest corner of that tract of land described in Deed Volume M-79, Page 11866 of the Klamath County Deed Records; thence along said Deed Volume, North 89 degrees 10' 27" East 353.86 feet and North 00 degrees 28' 18" East 117.52 feet to the Southerly right of way line of Balsam Drive; thence South 89 (continued) degrees 46' 36" East, along the said right of way line, 732.08 feet to the Northwest corner of that tract of land described in Deed Volume 327, Page 475 of the Klamath County Deed Records; thence along said Deed Volume, South 00 degrees 49' 55" East 178.70 feet and South 89 degrees 46' 36" East 238.70 feet to a point on the said West line of STEWART; thence south 00 degrees 49' 55" East 71.76 feet to the point of beginning, with bearings based on the plat of Tract 1283.

Exhibit "A"

State of Oregon, County of Klamath  
Recorded 11/08/01 1:00 p. m.  
In Vol. M01 Page 57413  
Linda Smith,  
County Clerk Fee\$ 26.00