## '02 SEP 9 PM2:14

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS ARE TO BE SENT TO THE FOLLOWING ADDRESS:

Klamath First Federal

ATTN: Business First Lending

540 Main Street

Klamath Falls OR 97601-9982

**CONSIDERATION: \$529,105.94** 

Vol\_M02\_Page\_50959

State of Oregon, County of Klamath
Recorded 09/09/2002 2:14 p. m.
Vol M02, Pg 50959-6
Linda Smith, County Clerk
Fee \$ 3/00 # of Pgs 3

K-58604 TRUSTEE'S DEED

TRUSTEE:

MICHAEL C. AROLA, Successor Trustee

GRANTEE:

KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION

## **RECITALS**:

## A. TRUST DEEDS:

- 1. BEKCO, INC., Grantor, executed and delivered to WILLIAM L. SISEMORE, Trustee for the benefit of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, Beneficiary, a Trust Deed dated March 23, 1999 and recorded on March 23, 1999, in the Official Records of Klamath County, Oregon as Volume M99, Page 10343 (the Trust Deed). In the Trust Deed, the following described real property (the Real Property) was conveyed by the Grantor to the Trustee to secure the performance of certain obligations to the Beneficiary:
- 2. BEKCO, INC., Grantor, executed and delivered to PACIFIC CASCADES FINANCIAL, INC., Trustee for the benefit of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION, Beneficiary, a Trust Deed dated February 21, 2001 and recorded on February 22, 2001, in the Official Records of Klamath County, Oregon as Volume M01, Page 7202 (the Trust Deed). In the Trust Deed, the following described real property (the Real Property) was conveyed by the Grantor to the Trustee to secure the performance of certain obligations to the Beneficiary:

As described on the attached Exhibit A.

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

- B. MICHAEL C. AROLA was appointed Successor Trustee of the Trust Deeds. The appointment was recorded on April 23, 2002 in the Official Records of Klamath County, Oregon as Volume M02, Page 24003.
- C. The Beneficiary declared the Grantor of the Trust Deeds 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 Deeds by advertisement and sale to satisfy the Grantor's obligations was recorded on April 23, 202 in the Official Records of Klamath County, Oregon as Volume M01, Page 24005.
- 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 in the Official Records of Klamath County, Oregon as Volume M02, Page 44068, prior to the day the Trustee conducted the sale.
- 2. By publishing such notice in the <u>Herald and News</u>, 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 in the Official Records of Klamath County, Oregon

- 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 in the Official Records of Klamath County, Oregon as Volume M02, Page 44068, prior to the date the Trustee conducted the sale.
- F. On September 5, 2002, at 11:00 a.m. at the front of 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.
- 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 covered by the Trust Deeds, 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 \$ 529,105.94.
  - 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 in cash, the receipt of which is hereby acknowledged, the Trustee hereby conveys to the Grantee all interest which the Grantor had or had the power to convey at the time of Grantor's execution of the Trust Deeds in and to the Real Property described herein, together with any interest the Grantor or the Grantor's successors in interest acquired after the execution of the Trust Deeds.

Dated: September 6, 2002.		Michael Chrola	
		MICHAEL C. AROLA	
		Successor Trustee	
STATE OF OREGON	)		
	) ss.		
COUNTY OF LANE	)		
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The foregoing instrument was acknowledged before me on September 6, 2002, by MICHAEL C. AROLA, Successor Trustee.

OFFICIAL SEAL
CAROL B MART
NOTARY PUBLIC-OREGON
COMMISSION NO. 328154
MY COMMISSION EXPIRES NOV 23, 2003

Notary Public for Oregon

My Commission Expires: 11-23-03

## EXHIBIT "A" LEGAL DESCRIPTION

The following described real property situate in Klamath County, Oregon:

A tract of land situated in Government Lots 6 and 7 in Section 33, Township 38 South, Range 9, East of the Willamette Meridian, Klamath County, Oregon, and being a portion of that certain tract described in deed from Weyerhaeuser Company to Juckeland Motors, Inc., recorded in Volume M65, page 110, Microfilm Records of Klamath County, Oregon, and being more particularly described as follows:

Beginning at the 1 1/2 inch iron pipe marking the intersection of the Southwesterly line of South Sixth Street with the Westerly line of the Southern Pacific Railroad right of way, said iron pipe being the Northeasterly corner of lands conveyed by Ewauna Box Company to Weyerhaeuser Timber Company be Deed Volume 227, page 47, Records of Klamath County, Oregon, all as shown on Map of Record Survey No. 621; thence North 55 degrees 22' West along the Southwesterly line of South Sixth Street, a distance of 250.0 feet to a 1 1/2 inch iron pipe; thence South 34 degrees 38' West a distance of 329.0 feet, more or less, to the most Southerly corner of tract conveyed be Weyerhaeuser Timber Company to State of Oregon by Deed Volume 281 page 268, Records of Klamath County, Oregon, said point also being the Northeasterly corner of said Juckeland Tract as described in Volume M65, page 110, Microfilm Records of Klamath County, Oregon, and the TRUE POINT OF BEGINNING of this description; thence North 55 degrees 46' 30" West a distance of 350.0 feet, more or less, to the most Northerly corner of said Juckeland Tract; thence South 34 degrees 38' West, along the Northwesterly line of said Juckeland Tract a distance of 470.73 feet to a 5/8 inch iron pin, said point being North 34 degrees 38' East a distance of 470.73 feet to a 5/8 inch iron pin, said point being North 34 degrees 38' East a distance of 470.73 feet to a 5/8 inch iron pin, said point being North 34 degrees 38' East a distance of 470.73 feet to a 5/8 inch iron pin, said point being North 34 degrees 38' East a distance of 146.33 feet, from the Northeasterly right of way of the O. C. & E. Railroad; thence South 55 degrees 22' East a distance of 347.42 feet, more or less, to a 5/8 inch iron pin on the Southeasterly line of said Juckeland Tract; thence North 34 degrees 38' East along said Southeasterly line, a distance of 469.9 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the Southeasterly 60 feet of even width, measured at right angles from the Southeasterly line of above described tract.