

Recording Requested by
and When Recorded Mail to:

THE CIT GROUP/CONSUMER FINANCE, INC.
C/O FORECLOSURE MANAGEMENT COMPANY
5345 WEST 94TH TERRACE
SHAWNEE MISSION, KS 66207

State of Oregon, County of Klamath
Recorded 11/26/2002 2:08 p. m.
Vol M02, Pg 68834-38
Linda Smith, County Clerk
Fee \$ 4.00 # of Pgs 5

FIDELITY NATIONAL TITLE - NDS 24/03/2
TRUSTEE'S DEED

Loan #: 14916-OR-02/36504983
TS #: 27405
Parcel #: R213370

THIS INDENTURE, Made this 22nd day of November, 2002, between FIDELITY NATIONAL TITLE INSURANCE COMPANY, as Trustee and THE CIT GROUP/CONSUMER FINANCE, INC., hereinafter called the second party;

Pursuant to said notice of sale, the undersigned trustee on 11/22/2002, at the hour of 10:00 AM, o'clock 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 scheduled or which was the day and hour to which said sale was postponed as permitted by ORS 86.755 (2) or which was the day and hour set in the amended Notice of Sale 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 trust deed, sold said real property in one parcel at public auction to the said second party for the sum of \$32,595.00, 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.

WITNESSETH:

RECITALS: GARY RICHARD CHERRY AND LINDA LOU CHERRY, as grantor, executed and delivered to ASPEN TITLE AND ESCROW, as trustee, for the benefit of AMERICA'S WHOLESALE LENDER, as beneficiary, a certain trust deed dated 09/21/1998, duly recorded on 09/29/1998, Book M98, Page 35706, in the mortgage records of KLAMATH County, Oregon. Said real property in the trust deed therein and hereinafter described was conveyed by said grantor to said trustee to secure, among other things, the performance of certain obligations

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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 07/15/2002, in Vol. No. M02 at page 40086-89 thereof 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 bylaw; copies of the Notice of Trustee's 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 Notice of Trustee's 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 Trustee's 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 the Amended Notice of Sale in the form required by ORB 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

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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 Notice of Trustee's 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 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).

NOW THEREFORE, in consideration of the said sum is 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 trustee 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:

THE WEST 40 FEET OF LOTS 3 AND 30 AND VACATED ALLEY BETWEEN SAID LOTS IN ROSELAWN, SUBDIVISION OF BLOCK 70 OF BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH CO., OREGON.

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 documents; if the undersigned is a

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corporation, it has caused it's corporate named to be signed and its seal affixed hereto by an officer or another person duly authorized thereunto 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 verity approved uses.

FIDELITY NATIONAL TITLE INSURANCE CO., as Trustee

By:

A. Fragassi

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Date: 11/22/2002

State of CA

County of ORANGE

On this 25th day of November personally appeared before me
A. Fragassi to me known to be the individual
described in and who executed the within and foregoing
instrument, and acknowledged that he signed the same as his
free and voluntary act and deed, for the uses and purposes
therein mentioned.

GIVEN under my hand and official seal this 22ND day of
NOVEMBER, 2002

Jeri Smeltzer
Notary Public in and for said County and State
Residing at Orange County

