

03 MAY 23 AM 10:59

Vol M03 Page 34965

AFTER RECORDING RETURN TO:

MICHAEL J. BIRD, Attorney

P. O. BOX 10

GRANTS PASS, OR 97528

Re: Trust Deed from:

Zachariah Botting & Stacy Botting,

Grantor,

First American Title Insurance,

Trustee

State of Oregon, County of Klamath

Recorded 05/23/2003 10:59 a m.

Vol M03 Pg 34965-68

Linda Smith, County Clerk

Fee \$ 36.00 # of Pgs 4

Aspen 56080

TRUSTEE'S DEED

THIS INDENTURE, Made this 19th day of May, 2003, between **MICHAEL J. BIRD**, hereinafter called trustee, for the true and actual consideration of ONE HUNDRED THIRTY FOUR THOUSAND TWO HUNDRED SIXTY TWO DOLLARS & TWENTY FOUR CENTS, (\$134,262.24), paid to trustee by **DON OLSON**, hereinafter called the second party;

W I T N E S S E T H :

RECITALS: ZACHARIAH BOTTING & STACY BOTTING, as grantor, executed and delivered to FIRST AMERICAN TITLE INSURANCE, as trustee, for the benefit of DON OLSON, as beneficiary, a certain trust deed dated August 3, 2001, and recorded August 7, 2001, in book No. M-01, Page 39598, Official Records of Klamath County, Oregon. 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. Assignment of the Trustee recorded on January 3, 2003, in Book No. M-03, Page No. 00489, Official Records of Klamath County, Oregon. wherein Michael J. Bird was appointed Successor Trustee. 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 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 grantor's obligations was recorded on January 3, 2003, in Book No. M-03, Page No. 00490, Official Records of Klamath County, Oregon 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 7D.(2) and 7D.(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 (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 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. 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 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 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 20 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 \$134,262.24.

The undersigned trustee and/or representative thereof, on May 19, 2003, 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)), 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 \$134,262.24, 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:

Lot 7, Block 10, Tract No. 1152, NORTH HILLS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

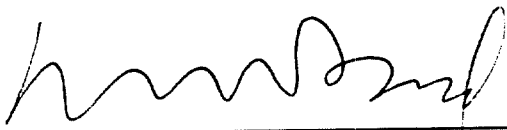
TO HAVE AND TO HOLD the same unto the second party, second party's heirs, successors in

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 the 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 a corporation and any other legal or commercial entity.

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.

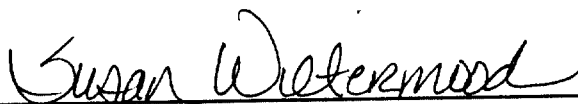
IN WITNESS WHEREOF, the grantor has executed this instrument this 20th day of May, 2003.

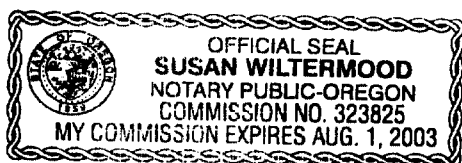
By: 
MICHAEL J. BIRD, Successor Trustee

STATE OF OREGON, County of Josephine) ss.

On this 20th day of May, 2003, personally appeared the above named MICHAEL J. BIRD, Successor Trustee, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before Me:


Notary Public for Oregon
My Commission Expires: 8/1/2003



NN

CERTIFICATE OF NON-MILITARY SERVICE

RE: Trust Deed from

Zachariah & Stacy Botting

To

Grantor

First American Title Insurance
Company

Trustee

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

SPACE RESERVED
FOR
RECORDER'S USE

County of _____

34968 } ss.

I certify that the within instrument was
received for recording on _____,
at _____ o'clock _____ M., and recorded in
book/reel/volume No. _____ on page _____
and/or as fee/file/instrument/microfilm/reception
No. _____, Records of this County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____, Deputy.

STATE OF OREGON,

County of Josephine

} ss.

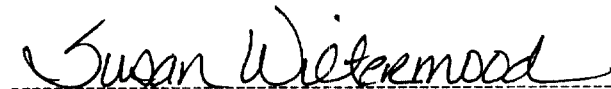
THIS IS TO CERTIFY that I am the _____ attorney for the
beneficiary in that certain trust deed in which _____ Zachariah Botting & Stacy Botting
_____, as grantor, conveyed to _____ Don Olson
_____, as trustee, certain real property in _____ Klamath _____, County, Oregon.
The trust deed was dated _____ August 3, 2001 _____, and recorded on _____ August 7, 2001 _____,
in the Records of that county, in book/reel/volume M-01 _____ at page 39598 _____, and ~~as fee/file/instrument/microfilm/reception No. xxxxxxxxxxxxxxxx (indicate which)~~ Thereafter, a Notice of Default with respect to the trust deed was
recorded on _____ January 3, 2003 _____, in book/reel/volume M-03 _____ at page 00490 _____ of the
Records, and ~~as fee/file/instrument/microfilm/reception No. xxxxxxxxxxxxxxxx (indicate which)~~ Thereafter, the trust deed was
duly foreclosed by advertisement and sale, and the real property covered by the trust deed was sold at the trustee's sale on
_____ May 19, 2003 _____. I reasonably believe that, at no time during the period of three months and one day
immediately preceding the day of the sale, and including the day thereof, was the real property described in and covered by the trust
deed, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailors' Civil
Relief Act of 1940," as amended.

In construing this certificate the singular includes the plural, "grantor" includes any successor in interest to the grantor,
"trustee" includes any successor trustee, and "beneficiary" includes any successor in interest to the beneficiary named in the trust
deed.



This instrument was acknowledged before me on _____ May 20, 2003 _____,

by _____ Michael J. Bird _____



Notary Public for Oregon

My commission expires _____ 8/1/03 _____

