

03 AUG 13 PM 3:08

SEND ALL TAX STATEMENTS TO  
AND WHEN RECORDED MAIL TO:  
DEUTSCHE BANK NATIONAL  
BANKERS TRUST COMPANY  
OF CALIFORNIA AS TRUSTEE  
155 NORTH LAKE AVENUE  
P.O. BOX 7103  
PASADENA, CA 91109  
Trustee's Sale No.: 2002-28667-D  
Loan No.: 1001132115  
FHA/VA/PMI No.:

Vol M03 Page 58814

State of Oregon, County of Klamath  
Recorded 08/13/2003 3:08 p.m.  
Vol M03 Pg 58814-58815  
Linda Smith, County Clerk  
Fee \$ 26.00 # of Pgs 2

*Aspen 54457*

## TRUSTEE'S DEED

THIS INDENTURE, made on August 11, 2003, between FIDELITY NATIONAL TITLE INSURANCE COMPANY hereinafter called the trustee, and DEUTSCHE BANK NATIONAL TRUST AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT SERIES BT-SPMD 2001-A F/K/A BANKERS TRUST COMPANY OF CALIFORNIA AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT SERIES SPMD 2001-A BY INDYMAC BANK FSB AS ATTORNEY IN FACT hereinafter called the grantee; and this true and actual consideration paid for this transfer is the sum of \$64,350.00.

### WITNESSETH:

RECITALS: JUST M. COLE AND ARLIE K. COLE, AS TENANTS BY THE ENTIRETY, as grantor, executed and delivered to ASPEN TITLE, as trustee, for the benefit of INDYMAC BANK, F.S.B., as beneficiary, a certain Deed of Trust dated 11/22/2000 duly recorded on 11/28/2000, in the mortgage records of KLAMATH County, Oregon, as instrument number in Book VOL MOO, Page 42614. 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 his 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 his 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 5/3/2002 in to which reference no is made.

After the recording of said default, as aforesaid, the undersigned trustee gave notice of the time for and place of sale of said real property as fixed by trustee as required by law; copies of the Trustee's Notice of Sale were served pursuant to O.R.C.P. 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 O.R.S. 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 return receipt requested, to the last known address of the guardian, conservator or administrator or executor of any person named in O.R.S. 86.740 (1), promptly after the trustee received knowledge of the disability, insanity or death of any such person; the 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 O.R.C.P. 7D. (2) and 7D. (3) at least 120 days before the date the property was sold, pursuant to O.R.S. 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 O.R.S. 86.755 (6) were mailed by registered or certified mail to the last-known address of those persons listed in O.R.S. 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 said real property is situated, once a week for four successive weeks; the last publication of said notice of sale occurred more than twenty days prior to the date of such sale.

26.00A

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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 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 O.R.S. 86.740 (1) (b) or (1) (c).

Pursuant to said notice of sale, the undersigned trustee on 8/8/2003, at the hour of 10:00 AM, of said day, in accord with the standard of time established by O.R.S. 187.110, (which was the date and hour to which said sale was postponed as permitted by O.R.S. 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 him by said Trust Deed, sold said real property in one parcel at public auction to grantee for the sum of \$64,350.00, he being the highest and best bidder at such sale and the said sum being the highest and best sum bid for said property.

NOW THEREFORE, in consideration of the said sum so paid by grantee 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 grantee 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:

PARCEL 1 OF LAND PARTITION 45-97 BEING A PORTION OF LOT 59 OF FAIR ACRES SUBDIVISION NO. 1, SITUATED IN THE NW 1/4 SE 1/4 OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

TO HAVE AND TO HOLD the same unto grantee, his heirs, successors-in-interest and assigns forever.

In construing this instrument and whenever the context so requires, the masculine gender includes feminine and the neuter and the singular includes 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 caused its corporate name to be signed by its officers 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 DEPARTMENTS TO VERIFY APPROVED USES.

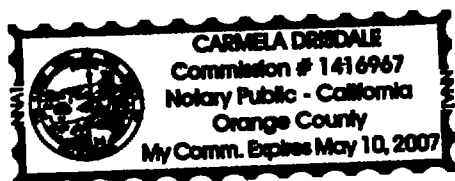
Dated: August 8, 2003

FIDELITY NATIONAL TITLE INSURANCE  
COMPANY

STATE OF CALIFORNIA}  
COUNTY OF ORANGE} ss.

By A. Fragassi

The forgoing instrument was acknowledged before me on 8/12/03, by A. Fragassi,  
of FIDELITY NATIONAL TITLE INSURANCE COMPANY, on behalf of the corporation.



Carmela Drisdale  
NOTARY PUBLIC  
My commission expires: 5-10-07