

WTC-61050

Vol M04 Page 20636

<b>RETURN TO:</b> Brandsness, Brandsness, Rudd & Bunch, P.C. 411 Pine Street Klamath Falls, OR 97601	<b>MAIL TAX STATEMENTS:</b>
--	-----------------------------

State of Oregon, County of Klamath  
 Recorded 04/09/2004 3:04 P m  
 Vol M04 Pg 20636-38  
 Linda Smith, County Clerk  
 Fee \$ 31.00 # of Pgs 3

**- TRUSTEE'S DEED -**

THIS INDENTURE, made April 7, 2004, between Michael P. Rudd, hereinafter called trustee, and Bernard L. Simonsen and Rhea Ellen Simonsen, husband and wife, with full rights of survivorship, hereinafter called the second party;

**WITNESSETH:**

**RECITALS:** Robert J. McElley and Elizabeth Irene McElley, as grantor, executed and delivered to Aspen Title & Escrow, Inc., as trustee, for the benefit of Bernard L. Simonsen and Rhea Ellen Simonsen, as beneficiary, a certain trust deed dated November 21, 1997, duly recorded on November 21, 1999, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M97, at page 38213. 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 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 September 22, 2003, in Book/Vol. No. M03 at page 70665 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 him and as required by law; copies of the Trustee's Notice of Sale were served pursuant to ORCP 7D(2) and 7D(e) 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 subsections (1) and (2)(a) of Section 86.740 Oregon Revised Statutes, at least 120 days before the date the property was sold, and the address of the guardian, conservator or administrator or executor of any person named in subsection (1) of ORS 86.740, 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 ORCP 7D(2) and 7D(3) at least 120 days before the date the property was sold, pursuant to subsection (1) of Section 86.750 Oregon Revised Statutes. If the foreclosure proceedings were stayed and released from the stay, copies of an Amended Notice of Sale in the form required by subsection (6) of Section 86.755 Oregon Revised Statutes were mailed by registered or certified mail to the last-known address of those persons listed in ORS 86.740 and 86.750(1) 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 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 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 subsections (1)(b) or (1)(c) of ORS 86.740.

Pursuant to said notice of sale, the undersigned trustee on April 7, 2004, at the hour of 10:00 o'clock a.m. of said day, Standard Time as established by Section 187.110, Oregon Revised Statutes, which was the day and hour to which said sale was postponed as permitted by subsection (2) of ORS 68.755, 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 the said second party for the sum of \$203,055.06 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 \$203,055.06.

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

3/10 AM

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:

Parcels 1 and 3 of land partition 65-93 situated in the NE 1/4 SE 1/4 and the SE 1/4 NE 1/4 of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

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

In construing this instrument and whenever the context so requires, the masculine gender includes the feminine and the neuter and 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 set his hand.

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.

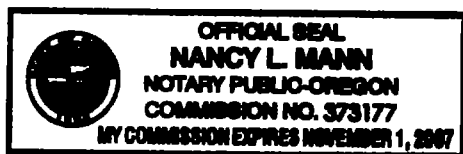
DATED: April 7, 2004



Michael P. Rudd, Successor Trustee

STATE OF OREGON       )  
                                  ) ss.  
County of Klamath    )

Personally appeared before me this 7 day of April, 2004, Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed.




Notary Public for Oregon

My Commission expires: 11-1-07

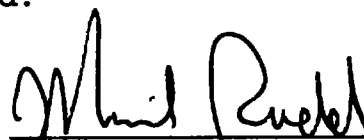
RETURN TO:  
 Brandsness, Brandsness, Rudd & Bunch, P.C.  
 411 Pine Street  
 Klamath Falls, OR 97601

**CERTIFICATE OF NON-MILITARY SERVICE**

STATE OF OREGON           )  
                                   ) ss.  
 County of Klamath        )

THIS IS TO CERTIFY That I am the attorney for the beneficiary/beneficiary's successor in interest in that certain trust deed in which Robert J. McElley and Elizabeth Irene McElley, as grantor, conveyed to Aspen Title & Escrow, Inc. as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated November 21, 1997, and recorded in the mortgage records of said county, in book/volume M97 at page 38213; thereafter a notice of default with respect to said trust deed was recorded September 22, 2003, in book/volume M03 at page 70665 of said mortgage records; thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed was sold at the trustee's sale on April 7, 2004; I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said 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 masculine includes the feminine, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.

  
 Michael P. Rudd

STATE OF OREGON           )  
                                   ) ss.  
 County of Klamath        )

Personally appeared before me this 7 day of April, 2004, Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed.

  
 Notary Public for Oregon  
 My Commission expires: 11-1-07

