

'04 MAY 17 AM 11:40

Grantor's Name and Address:

Michael L. Spencer

Grantee's Name and Address:

BRC Funding Corporation
502 North Division St.
Carson City, NV 89703

Vol M04 Page 30493

State of Oregon, County of Klamath
Recorded 05/17/2004 11:40 A m
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Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

After recording return to:

Michael L. Spencer

Until a change is requested all tax statements shall be sent to the following address: Same as Grantee

TRUSTEE'S DEED

THIS INDENTURE, Made this 17th day of May, 2004, between Michael L. Spencer, hereinafter called trustee, and BRC Funding Corporation, hereinafter called the second party;

WITNESSETH:

RECITALS: John W. Miller, as grantor, executed and delivered to First American Title Co., as trustee, for the benefit of BRC Funding Corporation, as beneficiary, a certain trust deed dated May 23, 2002, duly recorded on June 18, 2002, in the mortgage records of Klamath County, Oregon, in Vol. No. M02 at page 35431-33, or as No. . 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 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 January 9, 2004, in Vol. No. M04 at page 1033-22 thereof or as No. , 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 by law; copies of the Trustee's 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 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 Trustee's 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; 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 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. 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 the 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 ORS 86.740(1)(b) or (1)(c).

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Pursuant to said notice of sale, the undersigned trustee on May 17, 2004, at the hour of 10:00 o'clock, A.M., 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 postponed as permitted by ORS 86.755(2)) (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 trustee by said trust deed, sold said real property in one parcel at public auction to the said second party for the sum of \$27,950.35, 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. The true and actual consideration paid for this transfer is the sum of \$27,950.35.

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 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: SEE ATTACHED EXHIBIT "A"

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 document; if the undersigned is a corporation, it has caused its corporate name to be signed and its seal affixed hereto by an officer 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 VERIFY APPROVED USES.



STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on May 17, 2004, by Michael L. Spencer.



Notary Public for Oregon



01035
35433
30495

DESCRIPTION

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

Parcel 1:

The Southerly 110 feet of the N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon. EXCEPT that portion lying East of Sprague River.

Parcel 2:

The Northerly 55 feet of the N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon. Excepting that part that lays East of the Sprague River.

That portion of the S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ that lays East of the access road, and West of the Sprague River, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Parcel 3:

That part of the S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ that lays West of the access road as now located on the said property.

TOGETHER WITH a 10 foot wide easement for access to the Sprague River along the South boundary of that part of the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ that lays East of said access road and West of the Sprague River, in Section 6, Township 35 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.