

05 MAY 10 AM 10:42

mtc-1396-6874

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Grantor's Name and Address:  
Gerald M. Shean, III, Successor Trustee  
145 S. Holly, Ste. B/PO Box 789  
Medford, OR 97501

Grantee's Name and Address: Brent Thomas  
PO Box 7632  
Klamath Falls, OR 97602

After recording return to: Brent Thomas  
PO Box 7632  
Klamath Falls, OR 97602

State of Oregon, County of Klamath  
Recorded 05/10/2005 10:42 am  
Vol M05 Pg 33669-70  
Linda Smith, County Clerk  
Fee \$ 26<sup>00</sup> # of Pgs 2

### TRUSTEE'S DEED

THIS INDENTURE, made this 28th day of April, 2005, between Gerald M. Shean, III, hereinafter called successor trustee, and Brent Thomas, hereinafter called the second party;

#### WITNESSETH:

RECITALS: Chanhpheth Phetsinorath and Thongphanh Phetsinorath, as grantors, executed and delivered to Aspen Title & Escrow, Inc., as Trustee, for the benefit of Gary E. Adkins and Joan H. Adkins, husband and wife, as beneficiaries, a certain trust deed dated June 7, 1999, duly recorded on June 8, 1999, in the mortgage records of Klamath County, Oregon in Volume M99, Page 22472. 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 beneficiaries. 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. After the grantors' default, the beneficiaries appointed Gerald M. Shean as successor trustee by instrument duly recorded November 26, 2004 in Volume M04, page 81402 in the mortgage records of Klamath County, Oregon.

By reason of the default, the owner and holder of the obligations secured by the trust deed, being the beneficiaries therein named, or beneficiaries' 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 duly recorded on December 17, 2004, in Volume M04, Page 86251, Klamath County records by the successor trustee.

After recording the notice of default, the undersigned successor trustee gave notice of the time for and place of sale of the real property as fixed by the successor 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. 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). The property was unoccupied at all times from the date of recording the notice of default until the date of the trustee's sale. The successor trustee published a copy of the notice of sale in a newspaper of general circulation in the county in which the real property is situated once a week for four successive weeks. The last publication of the notice occurred more than twenty 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.

1 - Trustee's Deed

AMERITITLE has recorded this  
instrument by request as an accommodation only,  
and has not examined it for regularity and sufficiency  
or as to its effect upon the title to any real property  
that may be described therein.

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The undersigned successor 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 \$50,606.59.

The undersigned successor trustee on Tuesday, April 26, 2005, at the hour of 10:00 o'clock a.m. in accord with the standard of time established by ORS 187.110, 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 successor trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$50,606.59, 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 successor trustee by the laws of the State of Oregon and by the trust deed, the successor 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 26, Block 305, DARROW ADDITION TO THE CITY OF KLAMATH FALLS,  
in the County of Klamath, State of Oregon.  
Map R38W09-33DD, TL 2500

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 or his agents; the word "beneficiaries" includes any successor in interest of the beneficiaries first named above; and the word "person" includes a corporation and any other legal or commercial entity.

IN WITNESS WHEREOF, the undersigned successor trustee has hereunto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930

*Gerald M. Shean*  
Successor Trustee

STATE OF OREGON           )  
  ) ss.  
County of Jackson        )

Gerald M. Shean acknowledged this instrument before me on April 28, 2005,, III as successor trustee.

*Margaret I. Wahl*  
Notary Public for Oregon

