

EOB

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



James L. Grantland, Jr.
1818 E. McAndrews Road
Medford, OR 97504

Trustee's Name and Address

Bill and Jennifer Smith
P. O. Box 873
Medford, OR 97501

Second Party's Name and Address

After recording, return to (Name, Address, Zip):
Grantland, Blodgett, Shaw & Abel
1818 E. McAndrews Road
Medford, OR 97504

Until requested otherwise, send all tax statements to (Name, Address, Zip):
Bill and Jennifer Smith

P. O. Box 873
Medford, OR 97501

2009-000303

Klamath County, Oregon



00058561200900003030030032

SPACE RESE
FOR
RECORDER:

01/12/2009 11:04:42 AM

Fee: \$31.00

TRUSTEE'S DEED

THIS INDENTURE, Dated January 12, 2009

JAMES L. GRANTLAND, JR.

between
hereinafter called trustee, and BILL F. SMITH, JR. and JENNIFER L. SMITH, husband and wife, as tenants by the entirety, hereinafter called the second party; WITNESSETH:

RECITALS: RICK BARNETT, as grantor, executed and delivered to LAWYERS TITLE INSURANCE CORPORATION, as trustee, for the benefit of BILL F. SMITH, JR. and JENNIFER L. SMITH, or the survivor of them, a certain trust deed dated June 12, 2007, recorded on June 13, 2007, in the Records of

Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. 2007 at page 010695, and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. (indicate which). 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. 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 the 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 the asserting grantor's obligations was recorded on September 3, 2008, in the Records of Klamath County, in ☐ book ☐ reel ☐ volume No. at page, and/or as ☐ fee ☒ file instrument ☐ microfilm ☐ reception No. 2008-012315 (indicate which), 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 7 D. (2) and 7 D. (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 86.740 (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 fiduciary or personal representative 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 in accordance with ORS 86.750(1) upon occupants of the property described in the trust deed at least 120 days before the date the property was sold. 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 addresses 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 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. 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 \$ 218,160.96. (Here comply with ORS 93.030.)

(OVER)



The undersigned trustee, on January 12, 2009, at the hour of 11:00 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)) (which was the day and hour set in the amended notice of sale)* 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 \$ 218,160.96, 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:

See Exhibit "A", a copy of which is attached hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the same unto the second party and the 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; "grantor" includes any successor in interest to the grantor, as well as each and every other person owing an obligation, the performance of which is secured by the trust deed; "trustee" includes any successor trustee; "beneficiary" includes any successor in interest of the beneficiary first named above; and "person" includes a 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 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.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

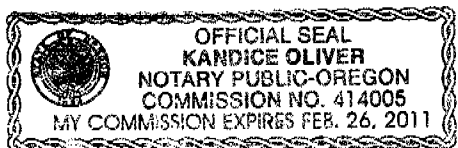
James L. Grantland, Jr.

* Delete words in parentheses if inapplicable.

STATE OF OREGON, County of Jackson ss.

This instrument was acknowledged before me on January 12, 2009
by JAMES L. GRANTLAND, JR.

This instrument was acknowledged before me on _____
by _____
as _____
of _____



Kandice Oliver
Notary Public for Oregon
My commission expires 2/26/2011

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 10 EAST WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, ON THE WEST LINE OF SAID SECTION 21, FROM WHICH AN ALUMINUM SURVEY CAP MARKING THE SECTION CORNER COMMON TO SECTIONS 20, 21, 28, AND 29, TOWNSHIP 40 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON BEARS SOUTH 0° 15' 47" EAST 1005.37 FEET; THENCE ALONG THE CENTERLINE OF A 20 FOOT WIDE ROAD EASEMENT THE FOLLOWING COURSES AND DISTANCES: 1) NORTH 82° 24' 23" EAST 161.50 FEET; 2) NORTH 55° 04' 31" EAST 501.99 FEET; 3) NORTH 49° 46' 20" EAST 108.36 FEET; 4) NORTH 38° 36' 01" EAST 66.71 FEET; 5) NORTH 40° 46' 40" WEST 32.49 FEET TO A POINT ON THE CENTERLINE OF THE U.S.B.R. NO. 5 DRAIN; THENCE LEAVING SAID EASEMENT CENTERLINE AND CONTINUING ALONG SAID NO. 5 DRAIN THE FOLLOWING COURSES AND DISTANCES: 1) NORTH 53° 44' 39" EAST 44.23 FEET; 2) NORTH 86° 20' 21" EAST 426.98 FEET; 3) NORTH 32° 05' 57" EAST 46.23 FEET; 4) NORTH 01° 16' 58" EAST 154.64 FEET; 5) NORTH 37° 38' 55" WEST 325.72 FEET; 6) NORTH 11° 06' 48" EAST 250.00 FEET; 7) NORTH 25° 36' 48" EAST 160.00 FEET; 8) NORTH 12° 53' 12" WEST 130 FEET, MORE OR LESS TO THE CONFLUENCE OF LOST RIVER; THENCE UPSTREAM ALONG THE RIGHT BANK OF SAID LOST RIVER TO A POINT ON THE WEST LINE OF SAID SECTION 21; THENCE ALONG SAID WEST LINE OF SECTION 21 SOUTH 0° 15' 47" EAST 1620 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAVE AND EXCEPT THAT PORTION LYING WITHIN THE U.S.B.R. NO. 5 DRAIN,

TOGETHER WITH A NON-EXCLUSIVE 30 FOOT WIDE ROAD EASEMENT, FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED CENTERLINE; BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 39 (MERRILL HIGHWAY) AND THE WEST LINE OF SAID SECTION 28; THENCE NORTHERLY ALONG SAID WEST LINE OF SECTION 28 TO AN ALUMINUM SURVEY CAP MARKING THE SECTION CORNER COMMON TO SAID SECTIONS 20, 21, 28, AND 29; THENCE ALONG THE EAST LINE OF SAID SECTION 20, NORTH 0° 15' 47" WEST 1005.37 FEET TO A POINT ON THE CENTERLINE OF A 20 FOOT WIDE ROAD EASEMENT, SAID POINT BEING THE SOUTHWEST CORNER OF PARCEL NO. 3 OF MINOR LAND PARTITION NO. 34-82; THENCE ALONG SAID 20 FOOT WIDE ROAD EASEMENT CENTERLINE NORTH 82° 24' 23" EAST 161.50 FEET; THENCE CONTINUING ALONG SAID CENTERLINE NORTH 55° 04' 31" EAST 20.01 FEET TO A COMMON POINT OF THE ABOVE DESCRIBED PARCEL NO. 2 OF MINOR LAND PARTITION NO. 34-82.

Tax Parcel Number: R787492