

2009-007787

Klamath County, Oregon

After recording, return to:
ROBERT A. SMEJKAL, P.C.
PO Box 654
Eugene, OR 97440



06/04/2009 02:59:38 PM

Fee: \$31.00

Trustee's Name & Address:
ROBERT A. SMEJKAL
PO Box 654
Eugene, OR 97440

Grantee's Names & Address:
JOHN E. OCKERT
87821 Saltaire Street
Florence, OR 97439

Until a change is requested, send tax statements to:
JOHN E. OCKERT
87821 Saltaire Street
Florence, OR 97439

TRUSTEE'S DEED

ist 1182821

THIS INDENTURE, made this 29th day of May, 2009, between ROBERT A. SMEJKAL, Attorney at Law, hereinafter called Trustee, and JOHN E. OCKERT, hereinafter called Grantee:

RECITALS:

KATHRYN E. BICE as Grantor, executed and delivered to ROBERT A. SMEJKAL, Attorney at Law, as Trustee, for the benefit of JOHN E. OCKERT as Beneficiary, a certain Trust Deed dated June 29, 2006, recorded July 5, 2006, in the Microfilm Records of Klamath County, Oregon, at Volume M06, Page 13614.

In the 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 the 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 February 26, 2008, in the Microfilm Records of Klamath County, Oregon, as Recorder's No. 2008-2418.

The true and actual consideration for this conveyance is **\$125,891.00**.

After recording the Notice of Default, the Trustee gave notice of the time for and place of the sale of the real property as fixed by the Trustee and as required by law. Copies of the Notice of Sale and Amended 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 86.740(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 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 consecutive weeks. The last publication of the Notice occurred more than 20 days prior to the date of the sale. The original sale proceedings were stayed by a Chapter 13 Bankruptcy Petition filed in the United States Bankruptcy Court for the District of Oregon, In re: Kathryn Ellen Bice, Case No. 08-62573-aer13. The Stay was terminated by an Order re: Relief from Stay filed April 13, 2009. The mailing of the Notice of Sale and Amended Notice of Sale and publication of the Notice of Sale are shown by affidavits duly recorded prior to the date of sale in the county records, those affidavits, together with the Notice of Default and Election to Sell and the Notice of Sale and Amended Notice of Sale, being now referred to and incorporated in and made a part of this Deed as if fully set forth herein. The Trustee has no actual notice of any person, other than the persons named in those affidavits 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).

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The Trustee, on May 29, 2009, at the hour of 11:00 a.m., in accord with the standard of time established by ORS 187.110, and at the place so fixed for the 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 Grantee for the sum of **\$125,891.00**, the Grantee being the highest and best bidders 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 Grantee in cash, the receipt of which is acknowledged, and by 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 Grantee 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 acquired after the execution of the Trust Deed in and to that certain real property more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the same unto the Grantee and the Grantee'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; and "Beneficiary" includes any successor in interest of the Beneficiary first named above.

IN WITNESS WHEREOF, the undersigned Trustee has hereunto executed this document.

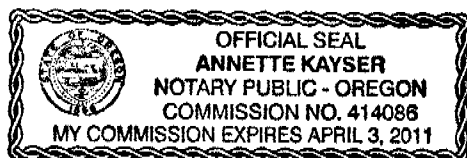
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR 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 197.352.

DATED this 29th day of May, 2009.


ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged before me on May 29, 2009, by Robert A. Smejkal, Trustee.





NOTARY PUBLIC FOR OREGON

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 36, TOWNSHIP 24 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE SOUTH 89° 28' 54" EAST ALONG THE SOUTHERLY LINE OF SAID SECTION 36, 254.05 FEET TO THE WESTERLY LINE OF THAT CERTAIN PARCEL DESCRIBED IN DEED VOLUME M74, PAGE 13285, BEING THE OFFICIAL KLAMATH COUNTY RECORDS; THENCE NORTH 00° 34' 19" EAST ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN DEED VOLUME M74, PAGE 13285, 202.25 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED IN DEED VOLUME M74, PAGE 13285; THENCE SOUTH 89° 25' 41" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL DESCRIBED IN DEED VOLUME M74, PAGE 13285, 546.69 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN DEED VOLUME M77, PAGE 17497 BEING THE OFFICIAL KLAMATH COUNTY RECORDS; THENCE NORTH 00° 34' 19" EAST ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN DEED VOLUME M77, PAGE 17497, 295.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL DESCRIBED IN DEED VOLUME M77, PAGE 17497; THENCE SOUTH 89° 25' 41" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL DESCRIBED IN DEED VOLUME M77, PAGE 17495, 528.10 FEET TO THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE NORTH 00° 19' 29" EAST ALONG THE EASTERLY LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, 823.43 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE NORTH 89° 34' 19" WEST ALONG THE NORTHERLY LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, 1,332.27 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 00° 16' 06" WEST ALONG THE WESTERLY LINE OF SAID SECTION 36, 1,317.59 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT 60 FEET IN WIDTH FOR PURPOSES OF INGRESS AND EGRESS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHERLY 60 FEET OF THE SOUTHERLY 400 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36 LYING WEST OF THE KLAMATH NORTHERN RAILROAD RIGHT OF WAY.

AN EASEMENT 60 FEET IN WIDTH FOR PURPOSES OF INGRESS AND EGRESS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 60 FEET OF THE SOUTHERLY 400 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36.

Tax Parcel Number: R149903 and R7959