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04/02/2010 02:56:20 PM

Fee: \$47.00

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

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

Grantee's Name & 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

1<sup>st</sup> 1486104

## TRUSTEE'S DEED

**THIS INDENTURE**, made this 30<sup>th</sup> day of March, 2010, between ROBERT A. SMEJKAL, Attorney at Law, hereinafter called Trustee, and JOHN E. OCKERT, hereinafter called Grantee:

### RECITALS:

EVELYN V. FANDREY 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 October 7, 2005, recorded October 12, 2005, in the Records of Klamath County, Oregon, at Volume M05, Page 66397.

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 and Election to Sell 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 and Election to Sell 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 October 29, 2009, in the Records of Klamath County, Oregon, as Recorder's No. 2009-014006.

After recording the Notice of Default and Election to Sell, 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 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 and 86.740(2)(a), at least 120 days before the date the property was sold. Copies of the Trustee's 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 Trustee's 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 Trustee's Notice of Sale occurred more than 20 days prior to the date of the sale. The mailing and publication of the Trustee's 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 Trustee's 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).

The true and actual consideration for this conveyance is **\$83,871.00**.

The Trustee, on March 30, 2010, at the hour of 11:30 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 **\$83,871.00**, 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 hereby conveys 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 property more particularly described as follows:

**"PARCEL I:**

**LOTS 23 AND 24 OF BLOCK 40 OF CRESCENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**IN THE TOWN OF CRESCENT, OREGON BEGINNING AT THE INTERSECTION OF WARD STREET AND MAIN STREET, ON THE EAST SIDE OF MAIN STREET, AND NORTH SIDE OF WARD STREET AND RUNNING EAST 100 FEET, PARALLEL WITH WARD STREET; THENCE NORTH PARALLEL WITH MAIN STREET 50 FEET; THENCE WEST PARALLEL WITH WARD STREET 100 FEET; THENCE SOUTH PARALLEL WITH MAIN STREET 50 FEET, TO PLACE OF BEGINNING.**

**PARCEL II:**

**Lots 5, 6, 7 & 8, BLOCK 40 OF CRESCENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON."**

**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 Trustee has hereunto executed this document.

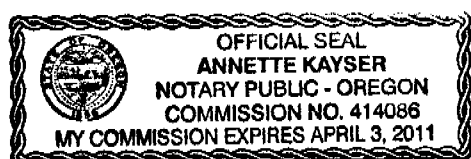
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 and 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.


**DATED** this 30<sup>th</sup> day of March, 2010.

  
ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane ) ss.

This instrument was acknowledged before me on March 30, 2010, by Robert A. Smejkal, Trustee.



  
NOTARY PUBLIC FOR OREGON