

NTC 871103

2010-009908

Klamath County, Oregon

RETURN TO:	MAIL TAX STATEMENTS:
Brandsness, Brandsness & Rudd, P.C.	James A Carlson
411 Pine Street	4525 130th Avenue SE
Klamath Falls, OR 97601	Bellevue, WA 98006



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08/19/2010 11:28:33 AM

Fee: \$42.00

- TRUSTEE'S DEED -

THIS INDENTURE, Dated August 12, 2010, between Andrew C. Brandsness, hereinafter called trustee, and Nancy E. Ceilley-Vogel, Successor Trustee of the Donald R. Vogel Trust dated July 6, 1994, as to a 71% interest, and James A. Carlson as to a 29% interest, hereinafter called the second party;

WITNESSETH:

RECITALS: Thomas L. Potter and Lois K. Potter, as tenants by the entirety, as grantor, executed and delivered to AmeriTitle, as trustee, for the benefit of Donald R. Vogel, Trustee of the Donald R. Vogel Trust dated July 6, 1994, as to a 71% interest, and James A. Carlson and Karen K. Carlson, or the survivor thereof, as to a 29% interest, as beneficiary, a certain trust deed dated June 26, 2006, duly recorded on July 5, 2006, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M06, at page 13625. 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 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 his 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 March 16, 2010, in the Records of Klamath County, in Volume 2010, Page 003354, to which reference now is made.

After the recording of notice of default, 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 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 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 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 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. The trustee published a copy of the 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 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 \$120,000.

The undersigned trustee, on August 5, 2010, at the hour of 10:00 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 trustee by said trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$120,000, the second party being the highest and best bidder at the sale, and that sum being the highest and best sum bid for the property.

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

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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 the trust deed, together with any interest the grantor or his successors in interest acquired after the execution of said trust deed in and to the following described real property, to-wit:

Tract 8B of LAKESHORE GARDENS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

LESS AND EXCEPT that portion of Tract 8B which was deeded to the City of Klamath Falls by instrument recorded October 23, 1974 in Volume M74, page 13973, Microfilm Records of Klamath County, Oregon


TO HAVE AND TO HOLD the same unto the second party and the second party's 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 persons 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.

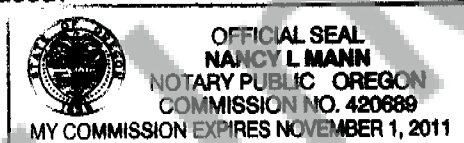
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, 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: August 10, 2010

  
Andrew C. Brandsness, Successor Trustee

STATE OF OREGON       )  
                                  ) ss.  
County of Klamath    )

Personally appeared before me this 10 day of August, 2010, Andrew C. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed.



  
Nancy L. Mann  
Notary Public for Oregon  
My Commission expires: 11-1-11