

1st 1570968

2010-011991

Klamath County, Oregon



00091480201000119910020020

10/12/2010 03:00:23 PM

Fee: \$42.00

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

Grantees' Names & Address:  
LIANE F. CONNOLLY, STEVE M. CONNOLLY  
& LILIAN E. MARSH, Trustee  
6103 N. Michigan Avenue  
Portland, OR 97217

Until a change is requested,  
send tax statements to:  
LIANE F. CONNOLLY, STEVE M. CONNOLLY  
& LILIAN E. MARSH, Trustee  
6103 N. Michigan Avenue  
Portland, OR 97217

### TRUSTEE'S DEED

**THIS INDENTURE**, made this 5<sup>th</sup> day of October, 2010, between ROBERT A. SMEJKAL, Attorney at Law, hereinafter called Trustee, and LIANE F. CONNOLLY and STEVE M. CONNOLLY, as to an undivided 13/183 interest, and LILIAN E. MARSH, Trustee of THE LILIAN E. MARSH TRUST dated April 7, 2005, as to an undivided 170/183 interest, hereinafter called Grantees:

#### RECITALS:

ALBERTS DEVELOPMENT, LLC, an Oregon limited liability company, as Grantor, executed and delivered to ROBERT A. SMEJKAL, Attorney at Law, as Trustee, for the benefit of LIANE F. CONNOLLY and STEVE M. CONNOLLY, as to an undivided 13/183 interest, and LILIAN E. MARSH, Trustee of THE LILIAN E. MARSH TRUST dated April 7, 2005, as to an undivided 170/183 interest, as Beneficiaries, a certain Trust Deed recorded April 23, 2008, in the Records of Klamath County, Oregon, in Volume 2008, Page 005907.

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 Beneficiaries. 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 Beneficiaries therein named, 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 in the Records of Klamath County, Oregon, on May 20, 2010, as Recorder's No. 2010-6145.

The true and actual consideration for this conveyance is **\$214,238.00**.

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(1) and 86.740(2)(a), at least 120 days before the date the property was sold. 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

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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 Trustee, on October 5, 2010, 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 Grantees for the sum of **\$214,238.00**, the Grantees 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 Grantees 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 Grantees 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 as follows:

"PARCEL 2 OF MAJOR LAND PARTITION PLAT NO. 53-91, RECORDS OF KLAMATH COUNTY, OREGON, LOCATED IN SECTION 30, TOWNSHIP 24 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON."

**TO HAVE AND TO HOLD** the same unto the Grantees and the Grantees' 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 "Beneficiaries" includes any successor in interest of the Beneficiaries first named above.

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

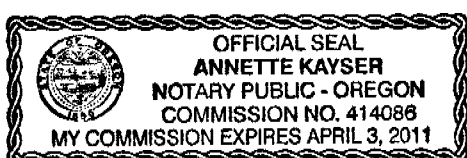
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 and 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT 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 5<sup>th</sup> day of October, 2010.

  
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ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane ) ss.

This instrument was acknowledged before me this 5<sup>th</sup> day of October, 2010, by Robert A. Smejkal, Trustee.



  
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NOTARY PUBLIC FOR OREGON