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2011-013829

Klamath County, Oregon



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12/15/2011 02:26:59 PM

Fee: \$52.00

After Recording Return to:

Milton E. Gifford

P. O. Box 247

Cottage Grove, OR 97424

**Until requested otherwise,
send all tax statements to:**

Dennis B. Nixon, trustee

1209 E. Adams Avenue

Cottage Grove, OR 97424

SPACE ABOVE THIS LINE FOR RECORDER'S USE

\$89,553.26

TRUSTEE'S DEED

THIS INDENTURE, Dated December 13, 2011, between Milton E. Gifford, P.C., hereinafter called trustee, and Dennis B. Nixon and Deborah K. Nixon, Trustees of the Dennis B. Nixon Trust, dated December 5, 2002, 1209 E. Adams Avenue, Cottage Grove, OR 97424, hereinafter called the second party;

WITNESSETH:

RECITALS: LaRae, LLC, an Oregon Limited Liability Company, as grantor, executed and delivered to First American Title., as trustee, and by Appointment of Successor Trustee recorded August 2, 2011 at recorder's number 2011-008899, Klamath County records of Klamath County, Oregon, Milton E. Gifford, P.C. became successor trustee, for the benefit of Dennis B. Nixon and Deborah K. Nixon, Trustees under the Dennis B. Nixon Living Trust, dated December 5, 2002, 1209 E. Adams Avenue, Cottage Grove, OR 97424, as beneficiary, a certain trust deed dated April 21, 2010, recorded on April 26, 2010, in the records of Klamath County, Oregon, at recorder's number 2010-004948. 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, 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 August 5, 2011, in the records of Klamath County, as recorder's number 2011-009022, to which reference now is made.

The true and actual consideration for this conveyance is \$0. (Here comply with ORS 93.030.) Other valuable consideration.

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, 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. The property is bare land, with no improvements and is not occupied. If the foreclosure proceedings were stayed and released from the stay,

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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 proof 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.

The undersigned trustee, on December 12, 2011, at the hour of 1:00 o'clock, p.m., in accord with the standard of time established by ORS 187.110, and at the place so fixed for sale, in fully accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold or caused to be sold, the real property in one parcel at public auction to the second party for the amount owed to the beneficiary, the sum of \$89,553.26, the second party being the highest and best bidder and only bidder at the sale, and that sum being the highest and best bid and only bid for the property.

NOW, THEREFORE, in consideration of the sums owed to second party, 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:

A portion of the Northwest quarter of the Southwest quarter of Section 17, Township 24 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows: A rectangular portion of the Northeast quarter of the Southwest quarter of Section 17, Township 24 South, Range 7 East of the Willamette Meridian, described as follows: Commencing on a point where the North-South Center line of said Section 17 intersects the Southwesterly line of the highway right of way of Oregon State Highway 58, thence along said Southwesterly line of said right of way in a generally Northwesterly direction a distance of 850 feet to a point which is the true point of beginning; thence at right angles to said highway right of way and in a generally Southwesterly direction 250 feet to a point; thence at right angles to said last course and in a generally Northwesterly direction a distance of 175 feet to a point; thence at right angles to said last course and in a generally Northeasterly direction a distance of 250 feet, more or less, to the said Southwesterly right of way line of said Oregon State Highway 58; thence along said Southwesterly line of said right of way in a generally Southeasterly direction a distance of 175 feet, more or less to the point of beginning. (Property ID No.: R146791)

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 PERSONS' RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 to 11, CHAPTER 424, OREGON LAW 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, 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 December 13, 2011.

Milton E. Gifford, P.C.

By: Milton E. Gifford, P.C.
Trustee

STATE OF OREGON, County of Lane) ss.

Personally appeared the above named Milton E. Gifford, President of Milton E. Gifford, P.C., and acknowledged the foregoing instrument to be his voluntary act and deed this December 13, 2011.

Before me: Ryan M. Gifford
Notary Public for Oregon

(Official Seal)



EXHIBIT A

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

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 24 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A RECTANGULAR PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 24 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHERE THE NORTH-SOUTH CENTER LINE OF SAID SECTION 17 INTERSECTS THE SOUTHWESTERLY LINE OF THE HIGHWAY RIGHT OF WAY OF OREGON STATE HIGHWAY 58, THENCE ALONG SAID SOUTHWESTERLY LINE OF SAID RIGHT OF WAY IN A GENERALLY NORTHWESTERLY DIRECTION A DISTANCE OF 850 FEET TO A POINT WHICH IS THE TRUE POINT OF BEGINNING; THENCE AT RIGHT ANGLES TO SAID HIGHWAY RIGHT OF WAY AND IN A GENERALLY SOUTHWESTERLY DIRECTION 250 FEET TO A POINT; THENCE AT RIGHT ANGLES TO SAID LAST COURSE AND IN A GENERALLY NORTHWESTERLY DIRECTION A DISTANCE OF 175 FEET TO A POINT; THENCE AT RIGHT ANGLES TO SAID LAST COURSE AND IN A GENERALLY NORTHEASTERLY DIRECTION A DISTANCE OF 250 FEET, MORE OR LESS, TO THE SAID SOUTHWESTERLY RIGHT OF WAY LINE OF SAID OREGON STATE HIGHWAY 58; THENCE ALONG SAID SOUTHWESTERLY LINE OF SAID RIGHT OF WAY IN A GENERALLY SOUTHEASTERLY DIRECTION A DISTANCE OF 175 FEET, MORE OR LESS TO THE POINT OF BEGINNING.