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2012-008572

Klamath County, Oregon



00122253201200085720040043

08/06/2012 11:20:02 AM

Fee: \$62.00

After recording, return to:
ROBERT A. SMEJKAL, P.C.
PO Box 1758
Eugene, OR 97440

Grantors:
BRIAN L. KELLEY
SANDRA M. KELLEY
150154 Midstate Road
LaPine, OR 97739

Trustee's Name & Address:
ROBERT A. SMEJKAL
PO Box 1758
Eugene, OR 97440

Grantee's Names & Address:
J & D OR PROPERTIES, LLC
PO Box 1209
Cottage Grove, OR 97424

Until a change is requested, send tax statements to:
J & D OR PROPERTIES, LLC
PO Box 1209
Cottage Grove, OR 97424

TRUSTEE'S DEED

THIS INDENTURE, made this 31st day of July, 2012, between ROBERT A. SMEJKAL, Attorney at Law, hereinafter called Trustee, and J & D OR PROPERTIES, LLC, an Oregon limited liability company, hereinafter called Grantee:

RECITALS:

BRIAN L. KELLEY and SANDRA M. KELLEY as Grantors, executed and delivered to ROBERT A. SMEJKAL, Attorney at Law, as Trustee, for the benefit of JAMES D. MEXICO and GRACE MEXICO, husband and wife or the survivor (the "Original Beneficiaries") as Beneficiaries, a certain Trust Deed dated October 8, 2003, recorded October 15, 2003, in the Records of Klamath County, Oregon, in Volume M03 at Page 76907, the beneficial interest of which was assigned to JAMES D. MEXICO and MILDRED G. MEXICO, Trustees or their Successors in Trust under THE MEXICO FAMILY TRUST dated October 24, 1995 and any amendments thereto, by Assignment of Trust Deed by Beneficiary dated January 5, 2009, recorded January 13, 2009, in the Records of Klamath County, Oregon, as Recorder's No. 2009-000354, and further assigned to J & D OR PROPERTIES, LLC, an Oregon limited liability company (the "Beneficiary"), by Assignment of Trust Deed by Beneficiary dated December 15, 2010, recorded March 8, 2011, in the Records of Klamath County, Oregon, as Recorder's No. 2011-003308.

The true and actual consideration for this conveyance is **\$65,804.00**.

F.
52.00

In the Trust Deed, the real property therein, and hereinafter described, was conveyed by the Grantors to the Trustee to secure, among other things, the performance of certain obligations of the Grantors to the Original Beneficiaries. The Grantors thereafter defaulted in the performance of the obligations secured by the Trust Deed as stated in the Notice of Default of the Beneficiary 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 named herein, 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 Grantors' obligations was recorded March 2, 2012, in the Records of Klamath County, Oregon, as Recorder's No. 2012-002274.

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 and Notice to Tenants 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 and Notice to Tenants 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 Trustee's 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 July 31, 2012, at the hour of 1:00 p.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 **\$65,804.00**, the Grantee 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 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 Grantors had or had the power to convey at the time of Grantors' execution of the Trust Deed, together with any interest the Grantors or Grantors' successors acquired after the execution of the Trust Deed in and to that certain real property more particularly described as follows:

"Lot 4 in Block 3 of FIRST ADDITION TO ANTELOPE MEADOWS, 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, "Grantors" includes any successor in interest to the Grantors, 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.

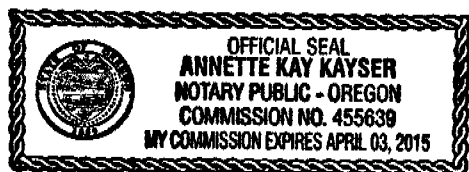
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 and 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 31st day of July, 2012.

Robert A. Smejkal
ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged before me on July 31, 2012, by Robert A. Smejkal, Trustee.



Annette Kayser
NOTARY PUBLIC FOR OREGON

After Recording, Return To:
ROBERT A. SMEJKAL
PO Box 1758
Eugene, OR 97440

CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON, County of Lane) ss.

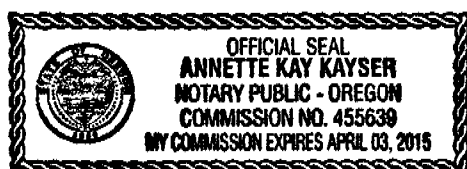
THIS IS TO CERTIFY that I am the Trustee of that certain Trust Deed in which BRIAN L. KELLEY and SANDRA M. KELLEY as Grantors, conveyed to ROBERT A. SMEJKAL, Attorney at Law, as Trustee, for the benefit of JAMES D. MEXICO and GRACE MEXICO, husband and wife or the survivor, as Beneficiaries, certain real property located in Klamath County, Oregon, which Trust Deed was recorded October 15, 2003, in the Records of Klamath County, Oregon, in Volume M03 at Page 76907, the beneficial interest of which was assigned to JAMES D. MEXICO and MILDRED G. MEXICO, Trustees or their Successors in Trust under THE MEXICO FAMILY TRUST dated October 24, 1995 and any amendments thereto, by Assignment of Trust Deed by Beneficiary dated January 5, 2009, recorded January 13, 2009, in the Records of Klamath County, Oregon, as Recorder's No. 2009-000354, and further assigned to J & D OR PROPERTIES, LLC, an Oregon limited liability company (the "Beneficiary"), by Assignment of Trust Deed by Beneficiary dated December 15, 2010, recorded March 8, 2011, in the Records of Klamath County, Oregon, as Recorder's No. 2011-003308; thereafter the Trust Deed was duly foreclosed by advertisement and sale, and the real property covered by said Trust Deed was sold at the Trustee's sale on July 31, 2012; to the best of my knowledge and belief, I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale, and including the day thereof, was the real property described in and covered by said Trust Deed, or any interest therein, owned by a person in the military service as defined in the "Service Members Civil Relief Act of 2003," as amended. I have used the DMDC Military Verification Website and determined that neither BRIAN L. KELLEY nor SANDRA M. KELLEY were members of the military.

In construing this Certificate, the singular includes the plural, the word "Grantors" includes any successor in interest to the Grantors, the word "Trustee" includes any successor in interest to the Trustee, and the word "Beneficiaries" includes any successor in interest to the Beneficiaries named in the Trust Deed.

Robert A. Smeal
ROBERT A. SMEJKAL, OSB No. 78382

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged before me on July 31, 2012, by ROBERT A. SMEJKAL.



Annette Kayser
NOTARY PUBLIC FOR OREGON