

18273072

## TRUSTEE'S DEED

THIS INDENTURE, made this 14th day of February, 2005, between Northwest Trustee Services, Inc., hereinafter called the Trustee and The Bank of New York, as Trustee, hereinafter called the second party;

## RECITALS:

RECITALS: David L. Van Horn, Susan L. Van Horn, as grantors, executed and delivered to: First American Title Insurance Co., as trustee, for the benefit of U.S. Bank National Association, as beneficiary, a trust deed dated 05/18/00, duly recorded on 05/19/00 in the mortgage records of Klamath County, Oregon in Volume M00, Page 18380 and subsequently assigned to The Bank of New York, as Trustee by Assignment recorded as Volume M03 Page 90404. In the trust deed, the real property described below ("Property") was conveyed by the grantor to the trustee to secure, among other things, the performance of the grantor's obligations to the beneficiary. The grantor thereafter defaulted in the performance of those obligations and such default(s) still existed at the time of the trustee's sale of the Property described below.

Because of the default(s), the record beneficiary under the trust deed or its predecessor declared all sums secured by the trust deed immediately due and owing; therefore, a Notice of Default, containing an election to sell the Property and to foreclose the trust deed by advertisement and sale to satisfy grantor's obligations owed to the beneficiary was recorded in the mortgage records of the county in which the Property is located on 10/04/04, in Volume M04 page 66975.

After recording the Notice of Default, the trustee gave notice of the time for and place of sale of the Property 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 (2)(a), at least 120 days before the date the Property was sold, and the Trustee's Notice of Sale was mailed by first class and certified mail with return receipt requested, to the last-known address of the guardian, conservator or administrator or executor 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 Trustee's Notice of Sale was served upon occupants of the Property 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). If the foreclosure was stayed and released from stay, copies of an Amended Notice of Sale in the form required by ORS 86.755(6) were mailed within thirty days after release from stay by registered or certified mail to the last-known address of those persons listed in ORS 86.740 and 86.750(1) and any person requesting notice who was present at the time and place set for the sale which was stayed. Further, the trustee published a copy of the Trustee's Notice of Sale in a newspaper of general circulation in each county in which the Property is located, once a week for four successive weeks; the last publication of Notice of Trustee's Sale occurred more than twenty days prior to the date of sale. The mailing, service and publication of the Trustee's Notice of Sale are evidenced by one or more affidavits or proofs of service duly recorded prior to the date of sale in the official records of the county in which the Property is located.

<p>Northwest Trustee Services, Inc. P.O. Box 4143 Bellevue, WA 98009-4143</p> <p>Grantor's Name and Address The Bank of New York as Trustee C/o PHH Mortgage Corporation 4001 Leadenhall Road, Mailstop SV01 Mt. Laurel, NJ 08054</p> <p>Grantee's Name and Address After Recording Return to: The Bank of New York as Trustee C/o PHH Mortgage Corporation 4001 Leadenhall Road, Mailstop SV01 Mt. Laurel, NJ 08054 7283.25234      Loan No. 0010375483</p>	<p>FOR COUNTY USE:</p> <p>State of Oregon, County of Klamath Recorded 02/15/2005 <u>11:51a</u> m Vol M05 Pg <u>10409-10</u> Linda Smith, County Clerk Fee \$ <u>26</u> # of Pgs <u>2</u></p>
<p>Until a change is required all tax statements shall be sent to the following address: The Bank of New York as Trustee C/o PHH Mortgage Corporation 4001 Leadenhall Road, Mailstop SV01 Mt. Laurel, NJ 08054</p> <p>Name, Address, Zip</p>	

Consideration: \$84,000.00

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The trustee has no actual notice of any person, other than the persons identified in the affidavit(s) and proof(s) of mailing and/or service, having or claiming any lien on or interest in the Property, entitled to notice pursuant to ORS 86.740(1)(b) or (1)(c).

Pursuant to the Notice of Trustee's Sale, one or more due public proclamations of the sale's postponement and/or an Amended Notice of Trustee's Sale, the trustee -- on 02/04/05, at 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 said trustee by the trust deed -- sold the Property in one parcel at public auction to the The Bank of New York, as Trustee for the sum of \$84,000.00, The Bank of New York, as Trustee being the highest and best bidder at the sale. The true and actual consideration paid for this transfer is the sum of \$84,000.00

NOW, THEREFORE, in consideration of the sum of \$84,000.00 paid by The Bank of New York, as Trustee in cash, the receipt of which is acknowledged, 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 The Bank of New York, as Trustee all interest 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 Property, which is legally described as follows:

Lot 3 in Block 6, Oregon Shores Subdivision, Tract 1053, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon. Also a mobile described as follows: 2000 HOMEB Style 3U VIN#2323 Plate Number X258614

Commonly known as: 37855 Park View Drive, Chiloquin, OR 97624

This conveyance is made without representations or warranties of any kind. By recording this Trustee's Deed, Grantee understands, acknowledges and agrees that the Property was purchased in the context of a foreclosure, that the trustee made no representations to Grantee concerning the Property and that the trustee owed no duty to make disclosures to Grantee concerning the Property, Grantee relying solely upon his/her/their/its own due diligence investigation before electing to bid for the Property.

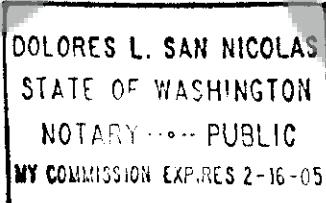
IN WITNESS WHEREOF, the undersigned trustee has executed this document; if the undersigned is a corporation, it has caused its corporate name to be signed and its seal affixed hereto by an officer or other person duly authorized thereunto by order of its Board of Directors.

STATE OF WASHINGTON )  
)  
COUNTY OF KING )  
) ss.

  
Northwest Trustee Services, Inc., Trustee  
Northwest Trustee Services, Inc. is successor by merger to  
Northwest Trustee Services, PLLC (formerly known as  
Northwest Trustee Services, LLC)

I certify that I know or have satisfactory evidence that Jeff Penman is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as an Assistant Vice President of Northwest Trustee Services, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: February 14, 2005

  
DOLORES L. SAN NICOLAS  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 2-16-05

  
Dolores L. San Nicolas  
NOTARY PUBLIC in and for the State of  
Washington, residing at Kent  
My commission expires 02/16/05

THIS INSTRUMENT WILL NOT ALLOW USE OF PROPERTY DESCRIBED HEREIN 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 VERIFIED APPROVED USES.