

mtc - 71384

M06-04583

Klamath County, Oregon

03/14/2006 03:04:37 PM

Pages 2 Fee: \$36.00

After recording, return to:

Carter M. Mann, Esq.
Successor Trustee
Foster Pepper Tooze LLP
601 SW 2nd Ave., Suite 1800
Portland, OR 97204

Until a change is requested, send
all tax statements to:

Cavalry Portfolio Services, LLP
Attn: Michael Godner
7 Skyline Drive, 3rd Floor
Hawthorne, NY 10532

TRUSTEE'S DEED

The true and actual consideration paid for this transfer is the sum of \$223,501.20.

THIS INDENTURE, made this 13th day of March, 2006, between CARTER M. MANN, Successor Trustee, hereinafter called trustee and CAVALRY SPV II, LLC, hereinafter called the second party;

WITNESSETH:

RECITALS: BILLY G. SMITH, as grantor, executed and delivered to GLENN H. PROHASKA, as trustee, for the benefit of CONSECO BANK, INC., as beneficiary, a certain trust deed dated August 19, 1999, and duly recorded on August 25, 1999, in the microfilm records of Klamath County, Oregon, in Volume M99, Page 34315. The beneficial interest under the Trust Deed was assigned to GREEN TREE FINANCIAL SERVICING CORPORATION by assignment dated August 18, 1999, and recorded August 25, 1999, in Volume M99, Page 34322 microfilm records of Klamath County, Oregon. 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 beneficiary. The grantor thereafter defaulted in grantor's 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, or beneficiary's 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 grantor's obligations was recorded in the microfilm records of the above county on September 9, 2005, in Volume M05, Page 63899.

After the recording of the notice of default, as aforesaid, 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 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 Notice of Sale was 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). 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. Further, 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 one or more affidavits or proofs of service duly recorded prior to the date of sale in the official records of the above county, the affidavits and proofs, 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 fully as if set out herein verbatim,

together with the Certificate of Non-Military Service attached hereto. The undersigned trustee has no actual notice of any person other than the persons named in said affidavits and proofs as having or claiming a lien on or interest in said described real property, entitled to notice pursuant to ORS 86.740(1)(b) or (1)(c).

Pursuant to the postponement of the notice of sale, the undersigned trustee on February 16, 2006, at the hour of 10:00 a.m., of that day, in accord with the standard of time established by ORS 187.110, 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 real property in one parcel at public auction to the second party for the sum of \$223,501.20, the second party being the highest and best bidder at such sale and the sum being the highest and best sum bid for the property.

NOW THEREFORE, in consideration of the sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in said 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:

NW¼ of the NW¼ of the SW¼ of Section 7, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon SAVING AND EXCEPTING THEREFROM the Easterly 30 feet thereof conveyed to Klamath County in Deed recorded July 24, 1979 in Volume M79, page 17530, Microfilm Records of Klamath County, Oregon

The Property is more commonly known as 13570 Whispering Pines Drive, Keno, Klamath County, Oregon.

TO HAVE AND TO HOLD the same unto the second party, 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; the word "grantor" includes any successor in interest to the grantor as well as each and all other persons owing an obligation, the performance of which is secured by the trust deed; the word "trustee" includes any successor trustee, the word beneficiary first named above, and the word "person" includes 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 corporate name to be signed and its seal affixed hereto by an officer of other person duly authorized thereunto by order of its Board of Directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

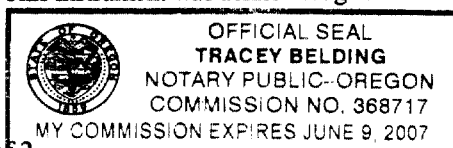

CARTER M. MANN, Successor Trustee

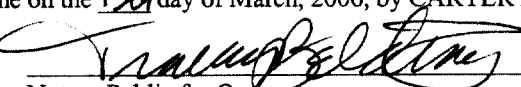
STATE OF OREGON)

) ss.

County of Multnomah)

This instrument was acknowledged before me on the 13th day of March, 2006, by CARTER M. MANN.




Notary Public for Oregon

My Commission Expires: JUNE 9, 2007