

2008-010517

Klamath County, Oregon



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07/23/2008 11:39:12 AM

Fee: \$26.00

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS ARE TO BE
SENT TO THE FOLLOWING ADDRESS:

Gorilla Capital
1400 High St., Suite B-2
Eugene, OR 97401

CONSIDERATION: \$85,672.29

TRUSTEE'S DEED

TRUSTEE: NANCY K. CARY, Successor Trustee

GRANTEE: GORILLA CAPITAL OF KLAMATH COUNTY LLC

RECITALS:

A. RICHARD F. MULKEY, JR., Grantor, executed and delivered to AMERITITLE, Trustee for the benefit of OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, Assignee of WHIDBEY ISLAND BANK, Beneficiary, a Trust Deed dated May 6, 2003 and recorded on May 8, 2003, in the Official Records of Klamath County, Oregon as Recorded: Vol: M03, Page: 30863 (the Trust Deed). In the Trust Deed, the following described real property (the Real Property) was conveyed by the Grantor to the Trustee to secure the performance of certain obligations to the Beneficiary:

Unit 10027 (McGuire Avenue) SUPPLEMENTAL PLAT TRACT 1379, FALCON HEIGHTS CONDOMINIUM STAGE 3, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

Thereafter the Grantor defaulted in performance of the obligations secured by the Trust Deed. The default still existed at the time of sale by the Trustee to the Grantee.

B. NANCY K. CARY was appointed Successor Trustee of the Trust Deed. The appointment was recorded on February 11, 2008 in the Official Records of Klamath County, Oregon as Recording No: Vol: 2008, Page: 001702.

C. The Beneficiary declared the Grantor of the Trust Deed to be in default. The reasons for the declaration of default, the Beneficiary's election to declare all sums due to it immediately due and the Beneficiary's election to foreclose the Trust Deed by advertisement and sale to satisfy the Grantor's obligations was recorded on February 11, 2008 in the Official Records of Klamath County, Oregon as Recording No: Vol: 2008, Page: 001703.

D. After recording the Notice of Default and Election to Sell, the Trustee gave notice of the time and place set for sale of the Real Property. Notice of the sale was given:

1. To all persons entitled to receive such notice by mailing the notice to them at their last known addresses by both first class mail and certified mail, return receipt requested. The notice was mailed to them more than 120 days before the Trustee conducted the sale. An Affidavit of Mailing of such notice was recorded in the Official Records of Klamath County, Oregon as Recording No: Vol: 2008, Page: 008236, prior to the day the Trustee conducted the sale.

2. To the occupants of the Real Property by personal or substituted service, or posting and mailing, more than 120 days prior to the day the Trustee conducted the sale. A Proof of Service was recorded in the Official records of Klamath County, Oregon as Recording No: Vol: 2008, Page: 008236, prior to the day the Trustee conducted the sale.

3. By publishing such notice in the Herald & News, a newspaper of general circulation in Klamath County, Oregon, once a week for four successive weeks. The last publication was more than 20 days prior to the day the Trustee conducted the sale. An Affidavit of Publication of such notice was recorded in the Official Records of Klamath County, Oregon as Recording No: Vol: 2008, Page: 008236, prior to the day the Trustee conducted the sale.

E. On the date of the Notice of Sale, the Trustee did not have actual notice of any person claiming an interest which was subsequent to the Trustee's interest in the Real Property, except for those persons named in the affidavits referred to in Recital D. of this deed. The Trustee hereby certifies that any valid requests for information under 2003 OR Laws Ch 251 have been responded to within the time allowed by the statute.

F. On July 10, 2008, at 11:00 a.m. at the front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, the Trustee sold the Real Property in one parcel at public auction to the highest bidder for cash. The price bid was paid at the time of sale.

G. At no time during the period of time between the recording of the Notice of Default and Election to Sell and the date of the sale, was the real property described in and covered by the Trust Deed, or any interest therein owned by a person in the military service of the United States of America, a minor or an incapacitated person.

H. The true and actual consideration paid for this transfer is \$85,672.29.

I. In construing this instrument, whenever the context requires, the following shall apply:

1. References to a specific gender shall include the masculine, feminine and neuter genders.
2. Reference to the singular shall include the plural and vice versa.
3. References to the Trustee shall include any Successor Trustee.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 197.352.

In consideration of the sum paid by the Grantee in cash, the receipt of which is hereby acknowledged, the Trustee hereby conveys to the Grantee all interest which the Grantor had or had the power to convey at the time of Grantor's execution of the Trust Deed in and to the Real Property described herein, together with any interest the Grantor or the Grantor's successors in interest acquired after the execution of the Trust Deed.

Dated: July 14, 2008.

STATE OF OREGON)
) ss.
COUNTY OF LANE)

NANCY K. CARY, Successor Trustee

The foregoing instrument was acknowledged before me on July 14, 2008, by NANCY K. CARY, Successor Trustee.

Notary Public for Oregon
My Commission Expires: 10/23/2011

