

2008-010937

Klamath County, Oregon

RECORDING REQUESTED BY

T.D.SERVICE COMPANY



00050785200800109370040040

08/01/2008 11:23:37 AM

Fee: \$36.00

And when recorded mail to  
WELLS FARGO BANK  
RE: Loan # 1190015088/HARDISTY  
P6053-022/FILE MANAGEMENT  
18700 NW WALKER ROAD # 92  
BEAVERTON, OR 97006

ATE 65704

Space above this line for recorder's use

### TRUSTEE'S DEED UPON SALE

T.S. No: F355209 OR Unit Code: F Loan No: 1190015088/HARDISTY Investor No: 171129183  
AP #1: R-3610-00300-01300-000  
Title #: W870238

THIS INDENTURE, Made July 28, 2008, between DAVID A. KUBAT, OSBA #84265 hereinafter called trustee, WELLS FARGO BANK, N.A. hereinafter called the second party;

Pursuant to said original/amended notice of sale, the undersigned trustee on July 28, 2008, at the hour of 10:00 A.M. of said day, in accord with the Standard of Time established by ORS 187.110 (which was the day and hour to which said sale was postponed as permitted by ORS 86.755 (2)) and at the place so fixed for sale, as aforesaid in full accordance with the laws of the state of Oregon and pursuant to the powers conferred upon said trust deed, sold said real property in one parcel at public auction to the said second party for the sum of \$47,610.00, Pro-tanto, said second party being the highest and best bidder at such sale and said sum being the highest and best sum bid for said property.

#### WITNESSETH:

RECITALS: WESLEY E. HARDISTY, MARLA S. SYKORA-HARDISTY as Grantor, executed and delivered to WELLS FARGO FINANCIAL NATIONAL BANK as Trustee, for the benefit of WELLS FARGO BANK, N.A. as Beneficiary.

Trust Deed Dated March 23, 2007, Recorded April 30, 2007 as Instr. No. 2007-007653 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON .

In said trust deed the real property therein and hereinafter described was conveyed by said grantor to said trustee to secure, among other things, the performance of certain obligations of the grantor to the said beneficiary. The said grantor thereafter defaulted in grantor's performance of the obligations secured by said 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 said default, the owner and holder of the obligations secured by said 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 said real property and to foreclose said trust deed by advertisement and sale to satisfy grantor's said obligations was recorded Recorded March 25, 2008, in said mortgage records, as Instr. No. 2008-3841 in Book --- Page --- ; to which reference now is made.

After the recording of said notice of default, as aforesaid, the undersigned trustee gave notice of the time for and place of sale of said 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 the Amended Notice of Sale in the form required by ORB 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 said notice of sale in a newspaper of general circulation in each county in which the said real property is situated, once a week for four successive weeks; the last publication of said notice occurred more than twenty days prior to the date of such sale. The mailing, service and publication of said 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 said county, said affidavits and proofs, together with the said 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. 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).

Grantor (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.

NOW THEREFORE, in consideration of the said 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 said trustee 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 said trust deed, together with any interest the said grantor or grantor's successors in interest acquired after the execution of said trust deed in and to the following described real

property, to-wit:

SEE ATTACHED EXHIBIT

The street or other common designation if any, of the real property described above is purported to be:  
22770 SPRAGUE RIVER RD., CHILOQUIN, OR 97624

The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

TD#:

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 said trust deed, the word "trustee" includes any successor trustee, the word "beneficiary" includes any successor in interest of the 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 thereunto by order of its Board of Directors.

This instrument will 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.

DATED:

7-29-08

DAVID A. KUBAT, OSBA #84265

By

DAVID A. KUBAT, ATTORNEY AT LAW

STATE OF WASHINGTON )  
COUNTY OF KING )SS

On 7-29-08 before me, DENNIS E. ROBERTS  
personally appeared David A. Kubat

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Dennis E. Roberts (Seal)

DENNIS E. ROBERTS  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
04-09-11

**EXHIBIT "A"**

THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN SECTION 3,  
TOWNSHIP 36 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN,  
KLAMATH COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE  
NORTH ALONG THE WEST SECTION LINE A DISTANCE OF 1320 FEET;  
THENCE EAST 660 FEET; THENCE SOUTH 57 DEGREES 30 MINUTES  
EAST TO THE WEST LINE OF THE SPRAGUE RIVER; THENCE  
SOUTHERLY, FOLLOWING THE WESTERLY LINE OF SAID SPRAGUE  
RIVER TO THE SOUTH LINE OF SAID SECTION 3; THENCE WEST ALONG  
THE SOUTH LINE OF SECTION 3 TO THE POINT OF BEGINNING. ALSO  
THE SOUTHERLY 660 FEET OF SAID SECTION 3 LYING WEST OF THE  
SPRAGUE RIVER HIGHWAY AND EAST OF THE SPRAGUE RIVER.