

2008-016332

Klamath County, Oregon



00057347200800163320030037

12/10/2008 11:48:21 AM

Fee: \$31.00

AFTER RECORDING RETURN TO:

Erich M. Paetsch, OSB# 99335
Saalfeld Griggs PC
P.O. Box 470
Salem, Oregon 97308-0470
Telephone: (503) 399-1070

ATE 65936

ALL TAX STATEMENTS SHALL BE SENT TO:

Lisa Dow, Senior Vice President
West Coast Bank
500 E. Broadway, Suite 300
P.O. Box 1087
Vancouver, WA 98666

The true and actual consideration for this conveyance is One Hundred Ninety Five Thousand One Hundred Eighty Five Dollars and No/100 (\$195,185.00).

NON-WARRANTY TRUSTEE'S DEED

THIS INDENTURE, made this 9th day of December 2008, between Erich M. Paetsch, (hereinafter called "**trustee**"), and West Coast Bank, (hereinafter called the "**second party**");

WITNESSETH:

RECITALS: Elwynn Kirby, as grantor, executed and delivered to Aspen Title & Escrow, Inc., as trustee, for the benefit of West Coast Bank as beneficiary, a certain trust deed dated January 24, 2008, and duly recorded on January 29, 2008 in the mortgage records of Klamath County, Oregon, as Document No. 2008-001205. In that 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 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 on August 4, 2008 as Document No. 2008-011009, Klamath County mortgage records, to which reference now is made.

After recording the notice of default, 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

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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 addresses of the persons or their legal representatives, if any, named in ORS 86.740(1) and (3)(a), at least 120 days before the date the property was sold. Pursuant to ORS 86.740(3), a copy of the 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 if applicable. Copies of the notice of sale were served upon occupants of the property described in the trust deed in the manner in which a summons is served in accordance with ORCP 7D(2) and 7D(3) at least 120 days before the date the property was sold, pursuant to ORS 86.750(1), if any, or, if personal service could not be accomplished, service by posting pursuant to ORS 86.750(1)(b) and was effective as provided in ORS 86.750(1)(c) at least 120 days before the sale date. 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 thirty (30) days after the release from the stay. Contemporaneous with the Notice of Sale, copies of a Notice of Foreclosure as required under House Bill 3630 (2008) and further defined by regulation, were mailed to the grantors, borrowers and any occupants known to me other than the grantors. 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 and prior to any stay of the foreclosure proceedings. The mailing, service and publication of the notice of sale are shown by affidavits and/or proofs of service duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with the Notice of Default and Election to Sell and the Notice of Sale, being now referred to and incorporated in and made a part of this deed as if fully set forth herein. The undersigned trustee has no actual notice of any person, other than the persons named in those affidavits and proofs 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).

Grantor hereby certifies that any valid requests for information received pursuant to 2003 Oregon Laws ch. 251 have been responded to within the time allowed by the referenced statute.

The following is the notice as required by Oregon law: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352 (Also commonly known as Measure 37). 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, 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, ORS 197.352"

The true and actual consideration for this conveyance is One Hundred Ninety Five Thousand One Hundred Eighty Five Dollars and No/100 (\$195,185.00).

An Agent for the undersigned trustee on December 4, 2008, at the hour of 10:10 o'clock a.m., in accord with the standard of time established by ORS 187.110 (which was the day and

hour to which the sale was scheduled and advertised) 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 the trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$195,185.00, the second party 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 second party by credit bid, the receipt whereof 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, without warranty or other representations of title or exceptions, either express or implied, 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:

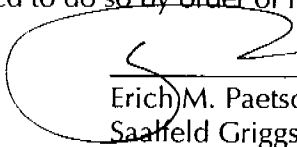
Lot 32, Tract No. 1432, Quail Point Estates, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

Real property commonly known as 770 Hogue Drive, Klamath Falls, OR 97601.

TO HAVE AND TO HOLD the same unto the second party, second party's heirs, successors in interest and assigns forever.

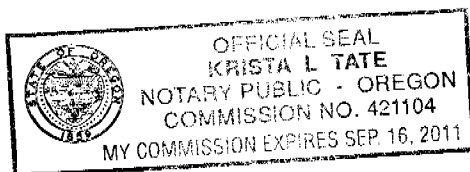
In construing this instrument and whenever the context so requires the singular includes the plural; the word "grantor" includes any successor in interest to the grantor, as well as each and all other persons owing an obligation, the performance of which is secured by the trust deed; the word "trustee" includes any successor trustee; the word "beneficiary" includes any successor in interest of the beneficiary first named above; and the word "person" includes a corporation and any other legal or commercial entity.

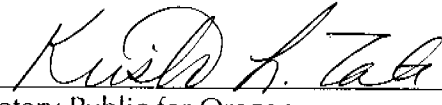
IN WITNESS WHEREOF, the undersigned trustee has hereunto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.


Erich M. Paetsch, Successor Trustee, OSB #99335
Saathfield Griggs, PC

STATE OF OREGON, County of Marion) ss.

This instrument was acknowledged before me on this 9th day of December, 2008, by Erich M. Paetsch, Successor Trustee.




Notary Public for Oregon
My commission expires: Sep. 16, 2011