

MTC 81476

John W. Weil, Successor Trustee
1001SW Fifth Avenue, Suite 2150
Portland, Oregon 97204

2009-000822

Klamath County, Oregon



00059167200900008220040044

01/23/2009 03:15:52 PM

Fee: \$46.00

Vanderbilt Mortgage and Finance, Inc., second party
500 Alcoa Trail
Maryville, TN 37804

After recording return to:

John W. Weil
1001SW Fifth Avenue, Suite 2150
Portland, Oregon 97204

Until a change is requested

mail all tax statements to:

Vanderbilt Mortgage and Finance, Inc
500 Alcoa Trail
Maryville, TN 37804

TRUSTEE'S DEED

The true and actual consideration for this conveyance is \$55,000.00.

THIS INDENTURE made this 21st day of January, 2009, between John W. Weil, Successor Trustee, hereinafter called trustee, and Vanderbilt Mortgage and Finance, Inc., hereinafter called the second party, WITNESSETH:

RECITALS: Charles Hemmingway, as grantor, executed and delivered to John W. Weil, as successor trustee, in favor of Oakwood Acceptance Corporation, LLC, as beneficiary, dated April 29, 1998, recorded on May 1, 1998 in Volume M98, Page 14604 in the Microfilm Records of Klamath County, Oregon, which deed of trust was duly assigned to Chase Manhattan Trust Company National Association by assignment recorded April 29, 1999, in Volume M99, Page 16097 in the Microfilm Records of Klamath County, Oregon. In that deed of trust, 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 deed of trust 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 deed of trust, being the beneficiary therein named, or the 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 deed of trust by advertisement and sale to satisfy the asserting grantor's obligation was recorded on August 20, 2008, in the Records of Klamath County, Under Instrument No. 2008-011793, to which reference now is made.

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4/11/09

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 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 86.740(2)(a), at least 120 days before the date the property was sold. 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 fiduciary or personal representative 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. Copies of the notice of sale were served upon occupants of the property described in the deed of trust 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 addresses 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. The trustee published a copy of the amended 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 amended 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).

The true and actual consideration for this conveyance is \$55,000.00.

The undersigned trustee, on January 16, 2009, at the hour of 11:00 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 the trustee by the deed of trust, sold the real property in one parcel at public auction to the second party for the sum of \$55,000.00, 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 in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the deed of trust, 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 deed of trust, together with any interest the grantor or grantor's successors in interest acquired after the execution of the deed of trust in and to the following described real property, to-wit:

LOTS 26 AND 27 Block 3 INDUSTRIAL ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Excluding the manufactured home located thereon.

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

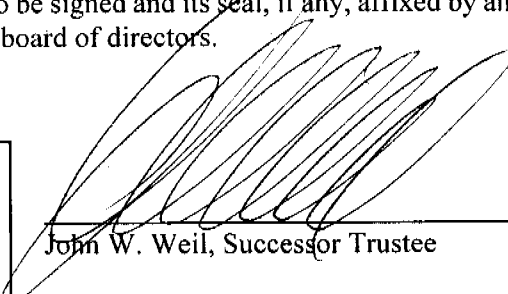
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In construing this instrument, and whenever the context so requires, the singular includes the plural; "grantor" includes any successor in interest to the grantor, as well as each and every other person owing an obligation, the performance of which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

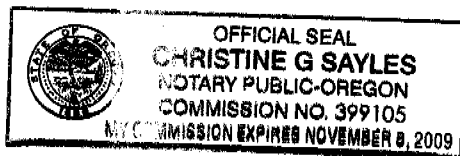
Dated this 21st day of January, 2009.

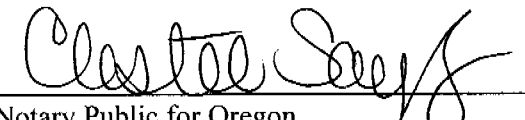
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.


John W. Weil, Successor Trustee

STATE OF OREGON, County of Multnomah) ss.

This instrument was acknowledged before me this 21st day of January, 2009, by John W. Weil.




Notary Public for Oregon
My Commission Expires: 11/08/09

Charles Hemmingway, Grantor
1928 Applegate Avenue
Klamath Falls, OR 97061

John W. Weil, Successor Trustee
1001 SW Fifth Avenue, Suite 2150
Portland, Oregon 97204

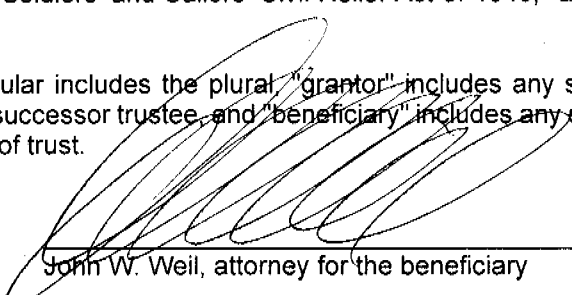
After recording return to:
Vanderbilt Mortgage and Finance, Inc
500 Alcoa Trail
Maryville, TN 37804

CERTIFICATE OF NONMILITARY SERVICE

STATE OF OREGON)
) ss.
County of Multnomah)

THIS IS TO CERTIFY that I am the attorney for the beneficiary under that certain deed of trust in which Charles Hemmingway, as grantor, conveyed to John W. Weil, as successor trustee, certain real property in Douglas County, Oregon. The deed of trust was dated April 29, 1998, recorded on May 1, 1998 in Volume M98, Page 14604 in the Microfilm Records of Klamath County, Oregon, which deed of trust was duly assigned to Chase Manhattan Trust Company National Association by assignment recorded April 29, 1999, in Volume M99, Page 16097 in the Microfilm Records of Klamath County, Oregon; thereafter, the deed of trust was duly foreclosed by advertisement and sale, and the real property covered by the deed of trust was sold at the trustee's sale on January 16, 2009. I reasonably believe that, at no time during the period of three months and one day immediately preceding the date of the sale, and including the day thereof, was the real property described in and covered by the deed of trust, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended.

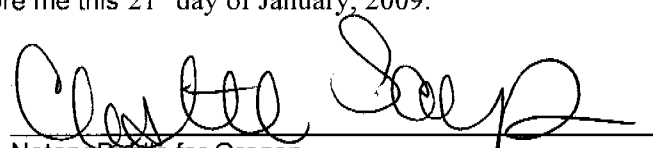
In construing this certificate the singular includes the plural, "grantor" includes any successor in interest of the grantor, "trustee" includes any successor trustee, and "beneficiary" includes any successor in interest to the beneficiary named in the deed of trust.



John W. Weil, attorney for the beneficiary

This instrument was acknowledged before me this 21st day of January, 2009.





Notary Public for Oregon
My Commission Expires: 11/08/09