

2009-012340

Klamath County, Oregon



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09/16/2009 03:47:24 PM

Fee: \$36.00

Joseph A.G. Sakay  
Hillis Clark Martin & Peterson, P.S.  
1221 Second Ave, #500, Seattle, WA 98101  
Trustee's Name and Address

Oregon Housing and Community  
Services Department, State of Oregon  
P.O. Box 14508, Salem, OR 97309  
Second Party's Name and Address

**After recording, return to:**  
Hillis Clark Martin & Peterson, P.S.  
Attn: Susan E. Shin  
1221 Second Avenue, Suite 500  
Seattle, WA 98101-2925

**Until requested otherwise,  
send all tax statements to:**  
Oregon Housing and Community  
Services Department, State of Oregon  
c/o HomeStreet Bank  
Attn: Jan Hansen  
601 Union Street, Suite 2000  
Seattle, WA 98101-2326

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HSB Loan No. 311329  
OSH Loan No. 0543660

Trustee No. 40014.515

### TRUSTEE'S DEED

THIS INDENTURE, Made this September 10, 2009, between Joseph A.G. Sakay, hereinafter called trustee, and Oregon Housing and Community Services Department, State of Oregon, hereinafter called the second party. The true and actual consideration for this conveyance is \$173,490.08.

### WITNESSETH:

RECITALS: Reference is made to that certain trust deed made, executed, and delivered by Wither W. Moncure, a married man, as Grantor, to Amerititle, as Trustee, to secure certain obligations in favor of Eagle Home Mortgage, LLC, a Delaware Limited Liability Company, as Beneficiary, dated August 30, 2007, and recorded on August 31, 2007, in the Mortgage Records of Klamath County, Oregon, under File No. 2007-15470. The beneficial interest and the obligations secured thereby were assigned to Oregon Housing and Community Services Department, State of Oregon, by assignment of deed of trust recorded on October 9, 2007, in the Mortgage records of Klamath County, Oregon, under File No. 2007-017502. 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 the beneficiary's successor in interest, declared all sums so secured

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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 the asserting grantor's obligations was recorded on April 14, 2009, in the Records of Klamath County, Oregon, under File No. 2009-5210, to which reference is now 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 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 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 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 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 stay. 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 affidavits and/or proofs of service duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with 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 therein. 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 undersigned trustee, on September 4, 2009, at the hour of 10:00 a.m., in accord with the standard 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 trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$173,490.08 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's secured 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 of any kind (including, without limitation, warranties as to the status of title to and condition of the real property described below), 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:

The Northwesterly 50 feet of Lot 6, Block 43 of FIRST 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, more particularly as follows:

Beginning at the most Westerly corner Lot 6, Block 43 of FIRST ADDITION to the City of Klamath Falls; thence Southerly along the Easterly line of Fifth Street, 50 feet; thence Easterly at right angles to Fifth Street, 52.1 feet; thence Northwesterly parallel with Fifth Street and along the lot lines of Lots 6 and 7 of said Block 43, 50 feet; thence Westerly along the Southerly line of the alley in said Block 43, 52.1 feet to the place of beginning, being the Northwesterly 50 feet of Lot 6 in said Block and Addition. TOGETHER WITH an appurtenant easement described as follows: 25 feet in width, being 12.50 feet on each side of the following described centerline, beginning at an angle point in the North line of said Lot 11, said angle point being 59.15 feet South 73821°45" West from the Northeast corner of said Lot 11, running thence North 89850°30" West, 145.30 feet to the Easterly line of Dallas Drive.

TO HAVE AND TO HOLD the same unto the second party and the 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; "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 trust deed; "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 instrument. 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.

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.

  
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JOSEPH A.G. SAKAY, Successor Trustee  
Oregon Bar #021734

c/o Hillis Clark Martin & Peterson, P.S.  
500 Galland Building  
1221 Second Avenue  
Seattle, WA 98101-2925  
Telephone: (206) 623-1745

STATE OF WASHINGTON

COUNTY OF KING

} ss.

On this day personally appeared before me Joseph A.G. Sakay, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 10<sup>th</sup> day of September, 2009.

Printed Name: Susan E. Shin

NOTARY PUBLIC in and for the State of Washington,  
residing at: Seattle

My Commission Expires: Dec. 29, 2012

ND: 40014.515 4826-4049-9460v1 9/10/2009