

2010-006221

Klamath County, Oregon



00084628201000062210040041

RECORDING REQUESTED BY

05/21/2010 03:24:39 PM

Fee: \$52.00

And when recorded mail to
HOME LOAN SERVICES
RE: Loan # 1044843087/BANKS
150 ALLEGHENY CENTER
PITTSBURG, PA 15212

1st 1516890

Space above this line for recorder's use

TRUSTEE'S DEED UPON SALE



T.S. No: D507009 OR Unit Code: D Loan No: 1044843087/BANKS Investor No: 4001244576
AP #1: R577147
Title #: 4346919

THIS INDENTURE, Made May 17, 2010, between DAVID A. KUBAT, OSBA #84265 hereinafter called trustee, U.S. BANK, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF AMERICA, N. A. AS SUCCESSOR BY MERGER TO LASALLE BANK N. A., AS TRUSTEE FOR MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-1 hereinafter called the second party;

Pursuant to said original/amended notice of sale, the undersigned trustee on May 17, 2010, 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 \$64,000.00, 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: ROB BANKS, PATRICIA BANKS as Grantor, executed and delivered to AMERI TITLE as Trustee, for the benefit of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. IS A SEPARATE CORPORATION THAT IS ACTING SOLELY AS NOMINEE FOR FIRST FRANKLIN FINANCIAL CORP., AN OP. SUB. OF MLB&T CO., FSB as Beneficiary.

Trust Deed Dated January 31, 2007, Recorded February 1, 2007 as Instr. No. 2007-001824 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.

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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 January 8, 2010, in said mortgage records, as Instr. No. 2010-285 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 that the grantor had or had the power to convey at the time the grantor executed the 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:
4816 SUMMERS LN, KLAMATH FALLS, OR 97603

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

TD#: D507009

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: 5-18-10

DAVID A. KUBAT, OSBA #84265

By

DAVID A. KUBAT
DAVID A. KUBAT, ATTORNEY AT LAW

STATE OF WASHINGTON)
COUNTY OF KING)SS

On 5-18-10 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"
LEGAL DESCRIPTION

A parcel of land situate in the NE1/4 of the NE1/4 of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon being more particularly described as follows:

Beginning at an iron pin on the Westerly right of way line of Summers Lane, which lies South 0°, 10' East along the Section line a distance of 748.7 feet and North 88° 39' West a distance of 30 feet from the iron axle which marks the Northeast corner of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, and running thence; Continuing North 88° 39' West a distance of 275.4 feet to an iron pin; thence South 0° 10' East parallel to the Section line a distance of 78.4 feet to an iron pin; thence South 88° 39' East 275.4 feet to an iron pin on the Westerly right of way line of Summers Lane; thence North 0° 10' West along the Westerly right of way line of Summers Lane a distance of 78.4 feet, more or less, to the point of beginning, being in the NE1/4 of the NE1/4 of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.