

2010-008706

Klamath County, Oregon



07/21/2010 03:04:25 PM

Fee: \$47.00

1st 1533549

TRUSTEE'S DEED

THIS INDENTURE, made July 20, 2010, between Northwest Trustee Services, Inc., hereinafter called the Trustee and The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee for Bear Stearns Asset Backed Securities Trust 2006-SD3, Asset-Backed Certificates, Series 2006-SD3, hereinafter called the second party;

RECITALS:

RECITALS: Frederick K. Irvin, as to an undivided 20% interest and Alice L. Irvin, as to an undivided 80% interest as tenants in common., as grantors, executed and delivered to: Amerititle, as trustee, for the benefit of Mortgage Electronic Registration Systems, Inc. solely as nominee for Gateway Business Bank dba Mission Hills Mortgage Bankers, as beneficiary, a trust deed dated 05/04/06, duly recorded on 05/10/06 in the mortgage records of Klamath County, Oregon in M06-09303 and subsequently assigned to The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee for Bear Stearns Asset Backed Securities Trust 2006-SD3, Asset-Backed Certificates, Series 2006-SD3 by Assignment recorded as 2010-3031. In the trust deed, the real property described below ("Property") was conveyed by the grantor to the trustee to secure, among other things, the performance of the grantor's obligations to the beneficiary. The grantor thereafter defaulted in the performance of those obligations and such default(s) still existed at the time of the trustee's sale of the Property described below.

Consideration \$113,560.00

Because of the default(s), the record beneficiary under the trust deed or its predecessor declared all sums secured by the trust deed immediately due and owing; therefore, a Notice of Default, containing an election to sell the Property and to foreclose the trust deed by advertisement and sale to satisfy grantor's obligations owed to the beneficiary was recorded in the mortgage records of the county in which the Property is located on 03/08/10, in 2010-3032.

After recording the Notice of Default, the trustee gave notice to the grantor(s) and/or occupants pursuant ORS 86.737 by mailing said notice by both first class and certified mail with return receipt requested. Trustee gave notice of the time for and place of sale of the Property 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 Trustee's Notice of Sale was served upon occupants of the Property 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 was stayed and released from stay, copies of an Amended Notice of Sale in the form required by ORS 86.755(6) were mailed within thirty days after release from stay by registered or certified mail to the last-known address of those persons listed in ORS 86.740 and 86.750(1) and any person requesting notice who was present at the time and place set for the sale which was stayed. Further, the trustee published a copy of the Trustee's Notice of Sale in a newspaper of general circulation in each county in which the Property is located, once a week for four successive weeks; the last publication of Notice of Trustee's Sale occurred more than twenty days prior to the date of sale. Compliance with the ORS 86.737 and the mailing, service and publication of the Trustee's Notice of Sale are evidenced by one or more affidavits or proofs of service duly recorded prior to the date of sale in the official records of the county in which the Property is located.

Northwest Trustee Services, Inc. P.O. Box 997, Bellevue, WA 98009-0997 Grantor's Name and Address The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee 3476 Stateview Blvd. Fort Mill, SC 29715 Grantee's Name and Address	FOR COUNTY USE:
After Recording Return to: Northwest Trustee Services, Inc. Attn: Post Sale Dept. P.O. Box 997 Bellevue, WA 98009-0997 7023.71131	
Until a change is required all tax statements shall be sent to: The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee 3476 Stateview Blvd. Fort Mill, SC 29715	

Consideration: \$113,560.00

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

### **Legal Description**

All that part of the NE 1/4 NW 1/4 of Section 23, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows: Beginning at the intersection of a line running North and South and distance from the West line of said NE 1/4 NW 1/4 750 feet Easterly and the North line of the Klamath-Keno Road or Highway; thence North and parallel with the West line of said NE 1/4 NW 1/4 a distance of 330 feet; thence Northeasterly and parallel with said line of highway to an intersection with a line running North and South and parallel with said West line of said NE 1/4 NW 1/4 and distance therefrom 882 feet; thence South on said North and South line a distance of 330 feet to the North line of said highway; thence West on said line of highway to the point of beginning.

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