

2010-010650

Klamath County, Oregon



00089920201000106500040049

09/08/2010 02:54:38 PM

Fee: \$52.00

After Recording Return to:
SHAPIRO & SUTHERLAND, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
10-103964 FNMA
ATE 67599

TRUSTEE'S DEED

THIS INDENTURE, Made this 4th day of August, 2010, between Kelly D. Sutherland, hereinafter called trustee, and EverHome Mortgage Company, hereinafter called the second party;

WITNESSETH:

RECITALS: Espedicto Hernandez and Rosa Hernandez, as grantor, executed and delivered to First American Title Insurance Co. of Oregon, as trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., as nominee for Gateway Business Bank, dba Mission Hills Mortgage Bankers, as beneficiary, a certain trust deed dated July 27, 2006, duly recorded on August 3, 2006, in the mortgage records of Klamath County, Oregon, as Instrument No. 2006-015696. 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 his 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.

By reason of said default, the owner and holder of the obligations secured by said trust deed, being the beneficiary therein named, or his 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 in the mortgage records of said county on March 23, 2010, as Instrument No. 2010^{*} thereof.

* -3621

SEND FUTURE TAX STATEMENTS TO:
EverHome Mortgage Company
ATTN: REO Department
8100 Nations Way
Jacksonville, Florida 32256

CONSIDERATION AMOUNT:\$234,482.79

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 him 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 representative, 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 persons; 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 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 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, 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). The Trustee hereby certifies that any valid requests for information under ORS 86.757 have been responded to within the time allowed by statute. The Trustee also hereby certifies that all statutory requirements of ORS 86.737 were complied with in a timely manner.

Pursuant to said notice of sale, the undersigned trustee on July 29, 2010, at the hour of 10:00 AM PT, 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 86.775(2) (which was the day and hour set in the amended Notice of Sale) 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 him by said trust deed, sold real property in one parcel at public auction to the said second party for the sum of \$234,482.79, he being the highest and best bidder at such sale and said sum being the highest and best sum bid for said property. The true and actual consideration paid for this transfer is the sum of \$234,482.79.

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 trust deed, the trustee does hereby convey unto the second party all interest which the grantor has or had the power to convey at the time of grantor's execution of said trust deed, together with any interest the said grantor or his successors in interest acquired after the execution of said trust deed in and to the following described real property, to-wit:

See complete Legal Description attached hereto as Exhibit "A"

Commonly known as: 5407 Hwy 39, Klamath Falls, OR 97603

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

In construing this instrument and whenever the context so requires, the masculine gender includes the feminine and the neuter and 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.

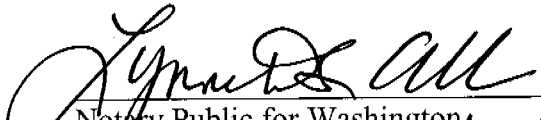
KELLY D. SUTHERLAND,
Successor Trustee

By: 

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.

STATE OF WASHINGTON)
) SS.
County of Clark)

The foregoing instrument was acknowledged before me this 4th day of August, 2010, by Kelly D. Sutherland, Successor Trustee.


Notary Public for Washington
My Commission Expires: 11/29/2011

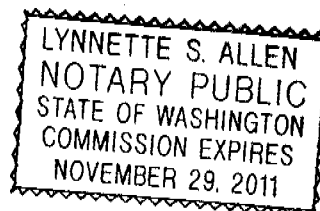


Exhibit A

Parcel 1:

A tract of land being the Southerly 100 feet of Parcel 3 of "Land Partition 10-96" situated in the NW 1/4 SW 1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Westerly right of way of State Highway 39, being the Southwest corner of said Parcel 3 from which the 1/4 corner common to Section 13, Township 39 South, Range 9 East of the Willamette Meridian and said Section 18 bears North 01° 27' 09" West 1,053.06 feet; thence along the West boundary of said Parcel 3 North 00° 03' 01" West 121.17 feet; thence South 55° 40' 10" East 487.60 feet; thence along the East and South boundary of said Parcel 3, South 00° 03' 01" East 121.17 feet and North 55° 40' 10" West 487.60 feet to the point of beginning, as evidenced by lot line adjustment 7-97 on file in the Office of the Klamath County Planning Department.

Parcel 2:

A tract of land situated in Government Lots 3 and 4 in the SW 1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point which is North a distance of 1,249.0 feet from the Southwest corner of said Section 18, said point being situated on the centerline of the State Highway and also being on the West line of said Section 18; thence North along said centerline and West line of said Section 18 a distance of 375.5 feet; thence South 55° 36' East a distance of 36.36 feet to a 5/8 inch iron pin on the East right of way line of the State Highway; thence continuing South 55° 36' East along the Westerly extension of the centerline of an existing drain ditch a distance of 1,298.64 feet, more or less, to a 5/8 inch iron pin on the Westerly line of an irrigation lateral known as the "J" lateral; thence South 85° 04' West along the Westerly line of said lateral a distance of 293.0 feet to a 5/8 inch iron pin; thence South 36° 30' West along the Westerly line of said lateral 165.0 feet to a 5/8 inch iron pin; thence North 53° 00' West along the Northerly line of an existing drain ditch a distance of 853.44 feet, more or less, to a 5/8 inch iron pin situated on the East right of way line of the State Highway; thence continuing North 53° 00' West a distance of 37.56 feet to the point of beginning.

Also a strip of land 30 feet in width adjoining and measured at right angles to the Northerly line of the right of way of the main canal of the Government irrigation system in the SW 1/4 SW 1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, and running and extending the entire distance from the thread or centerline of that certain lateral branching from the Northerly side of said main canal and known as Lateral "J" in a Northwesterly direction to the West boundary of said SW 1/4 SW 1/4 of Section 18, and being a strip of land adjoining said right of way saved and excepted in Deed dated September 13, 1907, recorded at Page 101 in Volume 26, Deed Records of Klamath County, Oregon.

Excepting therefrom that portion lying within the boundaries of the Klamath Falls - Merrill Highway State 39.

Also excepting therefrom that portion deeded to the State of Oregon Department of Transportation recorded February 4, 1997 in Volume M97, Page 3478, Microfilm records of Klamath County, Oregon.

CODE: 032 MAP: 3910-01800 TL: 00904 KEY: 882276

CODE: 032 MAP: 3910-01800 TL: 01000 KEY: 597866