



00098084201100028550020022

03/01/2011 12:23:28 PM

Fee: \$42.00

After Recording Return to:

Gorilla Capital, Inc.
1390 High Street
Eugene, OR 97401

Until a change is required all tax statements shall be sent to the following address:

Gorilla Capital, Inc., an Oregon Corporation
1390 High Street
Eugene, OR 97401

Consideration: \$44,730.02

CORRECTED TRUSTEE'S DEED

THIS INDENTURE made this 25th day of February, 2011, between, **Daniel W. Seitz**, hereinafter called Trustee, and **Gorilla Capital, Inc., an Oregon corporation**, hereinafter called the Grantee.

RECITALS:

A. **Ronald James Collman**, Grantor, executed and delivered to **First American Title Insurance Company of Oregon**, Trustee for the benefit of **Sheri Ann VanHorn and JoAnne C. Phillips**, as to an undivided 57% interest and **Kenneth Phillips and JoAnne C. Phillips**, trustees of the **Phillips Loving Trust** dated **June 23, 1997**, as to an undivided 43% interest, as beneficiary, Beneficiary, a Trust Deed dated **December 21, 2009** and recorded on **January 14, 2010**, in the Official Records of Klamath County, Oregon as Instrument No. 2010-000486 (the Trust Deed). In the Trust Deed, the following described real property (the Real Property) was conveyed by the Grantor to the Trustee to secure the performance of certain obligations to the Beneficiary:

Lot 24, Block 4, Tract No. 1087, Known as First Addition to Banyon Park, According to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

Thereafter the Grantor defaulted in performance of the obligations secured by the Trust Deed. The default still existed at the time of sale by the Trustee to the Grantee.

B. **Daniel W. Seitz** was appointed Successor Trustee of the Trust Deed. The appointment was recorded on **August 3, 2010** in the Official Records of Klamath County, Oregon as Recorder's No. **2010-0009120**.

C. The Beneficiary declared the Grantor of the Trust Deed to be in default. The reasons for the declaration of default, the Beneficiary's election to declare all sums due to it immediately due and the Beneficiary's election to foreclose the Trust Deed by advertisement and sale to satisfy the Grantor's obligations was recorded on **August 6, 2010** in the Official Records of Klamath County, Oregon as Recorder's No. **2010-0009291**.

D. After recording the Notice of Default and Election to Sell, the Trustee gave notice of the time and place set for sale of the Real Property through the Notice to Grantor that Grantor was in danger of losing Grantor's property under ORS 86.737 to all persons entitled to receive that said Notice by both first class mail and certified mail, return receipt requested. The Affidavit of Mailing that said Notice was recorded in the Official Records of Klamath County, Oregon as Recorder's No. **2010-13800**, prior to the day the Trustee conducted the sale.

E. After recording the Notice of Default and Election to Sell, the Trustee gave notice of the time and place set for sale of the Real Property. Notice of the sale was given:

1. To all persons entitled to receive such notice by mailing the notice to them at their last known addresses by both first class mail and certified mail, return receipt requested. The notice was mailed to them more than 120 days before the Trustee conducted the sale. An Affidavit of Mailing of such notice was recorded in the Official Records of Klamath County, Oregon as Recorder's No. **2010-13800**, prior to the day the Trustee conducted the sale.
2. To the occupants of the Real Property by personal or substituted service, or posting and mailing, more than 120 days prior to the day the Trustee conducted the sale. A Proof of Service was recorded in the Official records of Klamath County, Oregon as Recorder's No. **2010-13800**, prior to the day the Trustee conducted the sale.
3. By publishing such notice in the **Herald and News**, a newspaper of general circulation in Klamath County, Oregon, once a week for four successive weeks. The last publication was more than 20 days prior to the day the Trustee conducted

the sale. An Affidavit of Publication of such notice was recorded in the Official Records of Klamath County, Oregon as Recorder's No. 2011-00072, prior to the day the Trustee conducted the sale.

F. On the date of the Notice of Sale, the Trustee did not have actual notice of any person claiming an interest which was subsequent to the Trustee's interest in the Real Property, except for those persons named in the affidavits referred to in Recital D of this deed. The Trustee hereby certifies that any valid requests for information under ORS 86.757 have been responded to within the time allowed by the statute.

G. On January 20, 2011, at 10:00 a.m. at the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon the Trustee sold the Real Property in one parcel at public auction to the highest bidder for cash. The price bid was paid at the time of sale.

H. At no time during the period of time between the recording of the Notice of Default and Election to Sell and the date of the sale, was the real property described in and covered by the Trust Deed, or any interest therein owned by a person in the military service of the United States of America, a minor or an incapacitated person.

I. The true and actual consideration paid for this transfer is \$44,730.02.

J. In construing this instrument, whenever the context requires, the following shall apply:

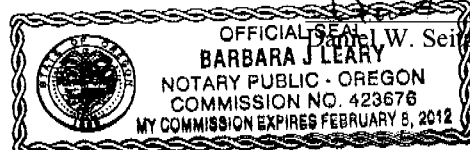
1. References to a specific gender shall include the masculine, feminine and neuter genders.
2. Reference to the singular shall include the plural and vice versa.
3. References to the Trustee shall include any Successor Trustee.

K. The Trustee made a prior deed dated January 26, 2011, which was recorded in the Klamath County, Oregon, official records on February 2, 2011, Recorder's No. 2011-001225, which deed mistakenly did not clarify that the grantee of the deed was Gorilla Capital, Inc., an Oregon Corporation, and therefore, with this deed, intends to correct that previous deed to state that Gorilla Capital, Inc. is the grantee.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

In consideration of the sum paid Gorilla Capital, Inc., an Oregon corporation in cash, the receipt of which is hereby acknowledged, the Trustee hereby conveys to Gorilla Capital, Inc., an Oregon corporation all interest which the Grantor had or had the power to, convey at the time of Grantor's execution of the Trust Deed in and to the Real Property described herein, together with any interest the Grantor or successors in interest acquired after the execution of the Trust Deed.

STATE OF OREGON)
) ss.
County of Douglas)



I certify that I know or have satisfactory evidence that Daniel W. Seitz is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: February 25, 2011

Barbara J. Leary
Notary Public For Oregon