

15-1639609

2011-003820

Klamath County, Oregon



00099257201100038200050054

03/21/2011 02:57:31 PM

Fee: \$62.00

AFTER RECORDING RETURN TO:  
Columbia Community Bank  
Attn: Fred S. Johnson  
314 E. Main Street, Suite A  
Hillsboro, OR 97123

SEND TAX STATEMENTS TO:  
Columbia Community Bank  
314 E. Main Street, Suite A  
Hillsboro, OR 97123

### TRUSTEE'S DEED

THIS INDENTURE, made this 18th day of March, 2011, between STEVEN L. NAITO, "Successor Trustee", and COLUMBIA COMMUNITY BANK, an Oregon corporation, "Second Party":

### WITNESSETH:

Pursuant to the Notice of Sale, the undersigned Successor Trustee on March 18, 2011, at the hour of 10:00 o'clock A.M., in accord with the standard of time established by ORS 187.110, which was the date and hour set in the 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 the Trustee by the described Trust Deed, sold the real property in one parcel at public auction to the Second Party for the sum of \$886,673.96, it being the highest and best bidder at such sale and the sum being the highest and best sum bid for the real property. The true and actual consideration paid for this transfer is the sum of \$886,673.96.

NOW, THEREFORE, in consideration of the sum so paid by the Second Party, the receipt whereof is acknowledged, and by the authority vested in the Trustee by the laws of the State of Oregon and by the described Trust Deed, the Successor Trustee does hereby convey 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 his successors in interest acquired after the execution of the Trust Deed in and to the following described real property, to-wit:

See attached Exhibit A.

TO HAVE AND TO HOLD the same unto the Second Party, its successors in interest and assigns forever.

Transfer is based on the following RECITALS:

The Trust Deed was dated August 31, 2005, recorded September 6, 2005, in Volume M05, Page 63589, Official Records of Klamath County, Oregon. An Assignment of Deed of Trust to Columbia Community Bank was dated October 8, 2010, recorded October 15, 2010, as Vol. No. 2010, Page 012218, Official Records of Klamath County, Oregon.

In the Trust Deed, real property was conveyed by Grantor to Trustee to secure, among other things, performance by Grantor of obligations to Beneficiary. Grantor defaulted in performance of obligations secured by the Trust Deed. The default still existed at the time of the sale.

By reason of default, the owner and holder of the obligation secured by the Trust Deed declared all sums so secured 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 Grantor's obligations was recorded, and to which reference now is made, on October 15, 2010, as Recorder's Fee No. 2010-012220, Official Records of Klamath County, Oregon.

After the recording of the Notice of Default and Election to Sell, as aforesaid, the undersigned Successor Trustee gave notice of the time for and place of sale of the 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 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 Successor 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 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.

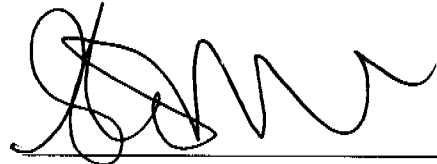
Further, the Successor Trustee published a copy of the Notice of Sale in a newspaper of general circulation in each county in which the real property is situated, once a week for four (4) successive weeks; the last publication of the notice occurred more than 20 days prior to the date of the sale. The mailing, service and publication of the 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 Linn County, Oregon, the affidavits and proofs, together with the 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 Successor Trustee has no actual notice of any person, other than the persons named in the affidavits and proofs as having or claiming a lien on or interest in the described real property, entitled to notice pursuant to ORS 86.740(1)(b) or (1)(c).

**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 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 the Trust Deed; the word "Trustee" includes any successor trustee, the word "Beneficiary" includes any successor in interest of the Beneficiary first named, and the word "person" includes corporation and any other legal or commercial entity.

IN WITNESS WHEREOF, the undersigned Successor Trustee has subscribed this instrument.

DATED this 18<sup>th</sup> day of March, 2011.




Steven L. Naito, OSB 803215  
Successor Trustee

STATE OF OREGON     )  
                                      ) ss.  
County of Multnomah    )

This instrument was acknowledged before me on March 18, 2011 by Steven L. Naito, OSB No. 803215, Successor Trustee.



  
NOTARY PUBLIC FOR OREGON  
My commission expires: 5/27/2012

**Exhibit "A"**

Real property in the County of Klamath, State of Oregon, described as follows:

TOWNSHIP 38 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 36: THE SOUTHEAST QUARTER OF NORTHEAST QUARTER AND ALL OF SOUTHEAST  
QUARTER, ALSO THE SOUTHWEST QUARTER OF NORTHEAST QUARTER

TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 31: THE SOUTHWEST QUARTER OF NORTHWEST QUARTER AND WEST HALF OF SOUTHWEST  
QUARTER

TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 6: THE NORTH HALF OF NORTH HALF AND (THE SOUTHWEST QUARTER OF NORTHWEST  
QUARTER)

TOWNSHIP 39 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN  
SECTION 1: A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SECTION  
DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SECTION; THENCE WEST  
ALONG THE NORTH BOUNDARY OF THE SECTION TO THE NORTH-SOUTH CENTER LINE OF SAID  
SECTION; THENCE SOUTH TO THE INTERSECTION OF THE NORTH-SOUTH CENTER LINE OF THE  
SECTION WITH THE NORTHERLY BOUNDARY OF STATE HIGHWAY 140; THENCE FOLLOWING THE  
NORTHERLY BOUNDARY OF HIGHWAY 140 SOUTHEASTERLY TO ITS INTERSECTION WITH THE SOUTH  
BOUNDARY OF THE NORTH HALF OF NORTHEAST QUARTER OF SAID SECTION 1; THENCE EAST ON  
THE SOUTH BOUNDARY OF THE NORTH HALF OF NORTHEAST QUARTER OF SECTION 1 TO ITS  
INTERSECTION WITH THE EAST BOUNDARY OF SECTION 1; THENCE NORTH TO THE POINT OF  
BEGINNING.

SECTION 1: ALSO THE EASTERLY 40 FEET OF THE SOUTHWEST QUARTER OF NORTHEAST QUARTER  
THAT LIES NORTHERLY OF HIGHWAY 140

SECTION 1: ALSO A PORTION OF THE SOUTHWEST QUARTER OF NORTHEAST QUARTER, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8 INCH IRON PIN ON THE NORTH LINE  
OF SAID SOUTHWEST QUARTER OF NORTHEAST QUARTER FROM WHICH THE NORTHEAST 1/16  
CORNER OF SAID SECTION 1 BEARS SOUTH 89° 31' 34" EAST 40.00 FEET; THENCE SOUTH 00° 08' 01"  
EAST PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF NORTHEAST QUARTER, 432.41  
FEET TO A 5/8 INCH IRON PIN ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID STATE  
HIGHWAY 140; THENCE NORTH 56° 11' 22" WEST ALONG SAID RIGHT OF WAY LINE, 146.70" EAST,  
GENERALLY ALONG SAID EXISTING FENCE, 358.95 FEET TO A 5/8 INCH IRON PIN ON THE NORTH LINE  
OF SAID SOUTHWEST QUARTER OF NORTHEAST QUARTER; THENCE SOUTH 89° 31' 34" EAST 46.50  
FEET TO THE POINT OF BEGINNING.

(SECTION 1: THAT PORTION OF THE SOUTHEAST QUARTER OF NORTHEAST QUARTER LYING  
NORTHEASTERLY OF HIGHWAY 140)

SAVING AND EXCEPTING THE FOLLOWING PARCEL:

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 38 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 39 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, AND THE NORTHEAST QUARTER OF NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, ALL IN KLAMATH COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH-SOUTH CENTERLINE OF SECTION 36 FROM WHICH THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF NORTHEAST QUARTER OF SAID SECTION BEARS NORTH 00° 11' 27" EAST 427.59 FEET; THENCE SOUTH 89° 58' 12" EAST 619.61 FEET; THENCE SOUTH 27° 18' 39" EAST 3530.91 FEET; THENCE SOUTH 62° 41' 21" WEST 250.36 FEET; THENCE SOUTH 27° 18' 39" EAST 1811.20 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER NORTHWEST QUARTER OF SECTION 6; THENCE ALONG SAID SOUTH LINE SOUTH 89° 28' 21" WEST 199.91 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF NORTHEAST QUARTER OF SECTION 1 NORTH 89° 29' 44" WEST 1330.62 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF NORTHEAST QUARTER; THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF NORTHEAST QUARTER OF SECTION 1 SOUTH 00° 06' 44" EAST 458.90 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 140; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH 56° 12' 28" WEST 194.88 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 11° 59' 09" EAST 364.18 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF NORTHEAST QUARTER OF SECTION 1; THENCE ALONG SAID SOUTH LINE SOUTH 89° 56' 08" WEST 516.20 FEET TO THE SAID NORTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 140; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH 50° 28' 23" WEST 199.25 FEET; THENCE NORTH 59° 17' 52" WEST 439.78 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE NORTH 36° 42' 45" WEST 329.35 FEET TO THE NORTH-SOUTH CENTER SECTION LINE OF SECTION 1; THENCE ALONG SAID CENTER SECTION LINE NORTH 00° 04' 15" EAST 722.87 FEET TO THE ¼ CORNER COMMON TO SECTION 1 AND SECTION 36, THENCE ALONG THE CENTER SECTION LINE OF SECTION 36 NORTH 00° 11' 27" EAST 3508.58 FEET TO THE POINT OF BEGINNING.

NOTE: PROPERTY IN PARENTHESIS ( ) HAS SINCE BEEN RECONVEYED BY 2007-5375, RECORDS OF KLAMATH COUNTY, OREGON

Tax Parcel Number: R428344 and R534979 and R420299 and R420315 and R492292