

BE, NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



James R. Uerlings  
803 Main Street, Ste 201  
Klamath Falls, OR 97601

Trustee's Name and Address

South Valley Bank & Trust  
803 Main Street  
Klamath Falls, OR 97601

Second Party's Name and Address

After recording, return to (Name, Address, Zip):  
James R. Uerlings  
803 Main Street, Ste 201  
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements to (Name, Address, Zip):

South Valley Bank & Trust  
PO Box 5210  
Klamath Falls, OR 97601

2011-004871

Klamath County, Oregon



00100508201100048710040043

SPACE RESE: 04/15/2011 03:42:26 PM

Fee: \$52.00

FOR NO. \_\_\_\_\_, RECORDS OF THIS COUNTY.

RECORDER'S USE

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy.

## TRUSTEE'S DEED

THIS INDENTURE, Dated April 15, 2011, between

James R. Uerlings, hereinafter

called trustee, and South Valley Bank &amp; Trust,

hereinafter called the second party; WITNESSETH:

RECITALS: Ernst Brothers, LLC, as grantor, executed and  
delivered to EARNCO, as trustee, for the benefit

of South Valley Bank & Trust, as beneficiary, a certain trust deed  
dated December 30, 2002, recorded on January 15, 2003, in the Records of

Klamath County, Oregon, in ☒ book ☐ reel ☐ volume No. M03 at page 2790, and/or as  
☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. \_\_\_\_\_ (indicate which). In that trust deed, the real property therein  
and hereinafter described was conveyed by the grantor to the trustee to secure, among other things, the performance of certain obligations  
of the grantor to the beneficiary. The grantor thereafter defaulted in performance of the obligations secured by the 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 the default, the owner and holder of the obligations secured by the trust deed, being the beneficiary therein  
named, or the beneficiary's successor in interest, 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 the asserting grantor's  
obligations was recorded on November 18, 2010, in the Records of Klamath County,  
in ☐ book ☐ reel ☐ volume No. \_\_\_\_\_ at page \_\_\_\_\_, and/or as ☐ fee ☒ file instrument ☐ microfilm ☐ reception No.  
2010-013422 (indicate which), to which reference now is made.

After recording the notice of default, the undersigned trustee gave notice of the time for and place of sale of the real property,  
as fixed by the trustee and as required by law. Copies of the notice of sale were served pursuant to ORCP 7 D. (2) and 7 D. (3),  
or mailed by both first class and certified mail with return receipt requested, to the last known addresses of the persons or their legal  
representatives, if any, named in ORS 86.740 (1) and 86.740 (2)(a), at least 120 days before the date the property was sold. A copy  
of the notice of sale was mailed by first class and certified mail with return receipt requested to the last known address of the fiduciary  
or personal representative 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. Copies of the notice of sale were served in accordance with ORS 86.750(1) upon occupants  
of the property described in the trust deed at least 120 days before the date the property was sold. 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 addresses 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. The 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 successive weeks. The last publication of the notice occurred more than twenty days  
prior to the date of sale. The mailing, service and publication of the notice of sale are shown by affidavits and/or proofs of service  
duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with the Notice of Default and  
Election to Sell and the notice of sale, being now referred to and incorporated in and made a part of this deed as if fully set forth  
herein. The undersigned trustee has no actual notice of any person, other than the persons named in those affidavits and proofs as  
having or claiming a lien on or interest in the real property, entitled to notice pursuant to ORS 86.740 (1)(b) or (1)(c).

The true and actual consideration for this conveyance is \$ other \_\_\_\_\_. (Here comply with ORS 93.030.)  
Foreclosure of referenced Trust Deed

(OVER)



The undersigned trustee, on April 6, 2011, at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, (~~which was the day and hour to which the sale was postponed as permitted by ORS 86.755(2)~~) (~~which was the day and hour set in the amended notice of sale~~)\* and at the place so fixed for sale, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$ 150,000.00, the second party being the highest and best bidder at the sale, and that sum being the highest and best bid for the property.

NOW, THEREFORE, in consideration of that sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the trust deed, the 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 grantor's successors in interest acquired after the execution of the trust deed in and to the following described real property, to-wit:


3817 Hwy 97 N, Klamath Falls, Oregon 97601, more particularly described on Exhibit 1, attached hereto and incorporated by this reference.

TO HAVE AND TO HOLD the same unto the second party and the 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; "grantor" includes any successor in interest to the grantor, as well as each and every other person owing an obligation, the performance of which is secured by the trust deed; "trustee" includes any successor trustee; "beneficiary" includes any successor in interest of the beneficiary first named above; and "person" includes a corporation and any other legal or commercial entity.

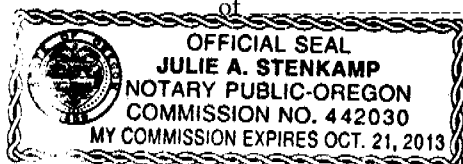
IN WITNESS WHEREOF, the undersigned trustee has hereunto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

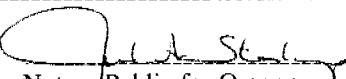
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT 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.

  
James R. Uerlings, Trustee

\* Delete words in parentheses if inapplicable.

STATE OF OREGON, County of Klamath ss.  
This instrument was acknowledged before me on April 19, 2011,  
by James R. Uerlings, Trustee  
This instrument was acknowledged before me on \_\_\_\_\_,  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_



  
Notary Public for Oregon  
My commission expires 10/21/2013

**EXHIBIT 1**  
**LEGAL DESCRIPTION**

**TRACT 1:**

A piece or parcel of land situated in the NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and more particularly described as follows:

Beginning at an iron pipe which is South 0° 06' West 323.4 feet and North 89° 49' West 234.2 feet from the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, which point of beginning is also the Northeast corner of that certain tract of land conveyed to Elmer W. and Flora M. Zigler on page 238, Deed Volume 278 of the Records of Klamath County, Oregon; thence North 89° 49' West along the Northerly boundary of said tract of land conveyed on page 238 Deed Volume 278, a distance of 334.8 feet to an iron pipe set at its intersection with a line which is parallel to and 192.77 feet Northeasterly of, when measured at right angles to, the Northeasterly right of way line of the Dalles-California Highway (No. US 97) as the same is now located across said Section 19; thence North 38° 52' West parallel to and 192.77 feet distant from said Northeasterly highway right of way line a distance of 147.25 feet to an iron pipe; thence South 89° 49' East a distance of 427.3 feet to an iron pipe; thence South 0° 06' West a distance of 114.35 feet more or less, to the point of beginning.

**TRACT 2:**

Beginning at a point which is South 0° 06' West a distance of 477.4 feet and North 89° 49' West a distance of 234.2 feet from the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 0° 06' East a distance of 154 feet to a point; thence North 89° 49' West a distance of 336 feet, more or less, to a point on a line which is parallel to and distant 192.77 feet at right angles from the Northeasterly right of way line of the Dalles-California Highway; thence South 38° 52' East a distance of 200 feet, more or less, to a point which is North 0° 06' East a distance of 211.1 feet from the North line of Byrd Avenue in Chelsea Addition; thence South 89° 49' East a distance of 210.2 feet to the place of beginning, being in the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

TOGETHER WITH an easement for ingress and egress as granted by instrument recorded September 26, 1986 in Volume M86, page 17486, Microfilm Records of Klamath County, Oregon.

**TRACT 3:**

All that portion of the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the section corner common to Sections 17, 18, 19 and 20, said Township and Range; thence South 0° 06' West along the East line of said Section 19, a distance of 388.5 feet to a point; thence North 89° 49' West a distance of 174.2 feet to a point; thence South 0° 06' West a distance of 300.0 feet to a point on the North line of Byrd Avenue; thence West along said North line a distance of 60 feet to a point; thence North 0° 06' East a distance of 479.45 feet to a point; thence North 89° 44' West a distance of 427.3 feet to a point; thence North 38° 46' West a distance of 268.15 feet to a point on the North line of said Section 19; thence South 89° 44' East along said North line a distance of 833.95 feet to the point of beginning.

(Legal description continued)

EXCEPTING THEREFROM a tract of land situated in the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the section corner common to Sections 17, 18, 19 and 20, said Township and Range; thence South 0° 06' West along the East line of said Section 19, a distance of 388.5 feet to a point; thence North 89° 49' West a distance of 174.2 feet to a point; thence South 0° 06' West a distance of 89 feet to the True Point of Beginning of this description; thence continuing South 0° 06' West a distance of 211 feet to a point on the North line of Byrd Avenue; thence West along said North line a distance of 60 feet to a point; thence North 0° 06' East a distance of 211 feet to a point; thence South 89° 49' East 60 feet to the point of beginning.

AND EXCEPTING THEREFROM an Easterly portion thereof conveyed to The State of Oregon, by and through its Department of Transportation, by Warranty Deed recorded May 5, 2003 in Volume M03, page 29566, Microfilm Records of Klamath County, Oregon, being more particularly described as follows:

A parcel of land lying in the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and being a portion of that property designated as Parcel 3 and described in that deed to Ernst Brothers LLC, recorded in Book M00, page 13950, Microfilm Records of Klamath County, Oregon, the said parcel being that portion of said property described as follows:

Beginning at the Northeast corner of Section 19; thence Southerly along the East line of Section 19, a distance of 118.415 meters to the Northerly line of that property described in that deed to Alvin M. Hamlin, Trustee and Merry Anne Hamlin, Trustee, recorded in Book M96, page 5936, Microfilm Records of Klamath County, Oregon; thence Westerly along said Northerly line, a distance of 40.300 meters; thence Northerly on a line parallel with and 40.300 meters Westerly of the East line of Section 19, a distance of 32.433 meters; thence Easterly on a line parallel with and 86 meters Southerly of the North line of Section 19, a distance of 5.800 meters; thence Northerly on a line parallel with and 34.500 meters Westerly of the East line of Section 29, a distance of 86 meters to the North line of Section 19; thence Easterly along the North line of Section 19, 34.500 meters to the point of beginning.

#### **TRACT 4:**

Beginning at a point on the Northeasterly right of way line of State Highway No. 97 which lies South 0° 06' West along the East section line a distance of 688.5 feet and North 89° 49' West along the North line of Byrd Avenue in Chelsea Addition, a distance of 521.6 feet and North 38° 52' West along the Northeasterly right of way line of State Highway No. 97 (Note: State Highway bearing of this line shows North 39° 7 1/2' West) a distance of 130.55 feet from the iron axle which marks the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, running thence; continuing North 38° 52' West along the Northeasterly right of way line of State Highway No. 97, a distance of 250 feet to a point; thence North 51° 08' East a distance of 192.77 feet to a point; thence South 38° 52' East a distance of 250 feet to a point; thence South 51° 08' West a distance of 192.77 feet, more or less to the point of beginning, in the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

TOGETHER WITH an easement for ingress and egress as granted by instrument recorded September 26, 1986 in Volume M86, page 17486, Microfilm Records of Klamath County, Oregon.