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2011-005368

Klamath County, Oregon



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04/29/2011 03:43:22 PM

Fee: \$47.00

AFTER RECORDING RETURN TO:

Frank C. Rote, III, Attorney
612 NW Fifth Street
Grants Pass, OR 97526

UNTIL A CHANGE IS REQUESTED
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:
SOFCU COMMUNITY CREDIT UNION
ATTN: LORENE HAIGLER
PO BOX 1358
GRANTS PASS OR 97528

TRUSTEE'S DEED

THIS INDENTURE, Made this 27th day of April, 2011, between **Frank C. Rote, III**, hereinafter called trustee, for the true and actual consideration of One Hundred Nineteen Thousand Three Hundred Seventy-five and 41/100 Dollars, (\$119,375.41), paid to trustee by **SOFCU COMMUNITY CREDIT UNION, HIGHLAND BRANCH**, hereinafter called the second party.

WITNESSETH:

RECITALS: Philip K. Swisher and Lana A. Swisher, as grantor, executed and delivered to Amerititle, as trustee, for the benefit of **SOFCU Community Credit Union, Highland Branch**, as beneficiary, a certain trust deed dated December 3, 2004, and recorded December 13, 2004 as Document M04 Page 85369, in the Official Records of Klamath County, Oregon.

In the 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. An Appointment of Successor Trustee was recorded on December 14, 2010, as Document No. 2010-014200, Official Records of Klamath County, Oregon, wherein Frank C. Rote, III, was appointed Successor Trustee. The grantor thereafter defaulted in performance of the obligations secured by the trust deeds 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 deeds, being the beneficiary therein named, or 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 deeds by advertisement and sale to satisfy grantor's obligations was recorded on December 14, 2010, as Document No. 2010-014201, Official Records of Klamath County, Oregon, 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 7D (2) and 7D (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 (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 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. Copies of the notice of sale were 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. 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 20 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 \$119,375.41.

The undersigned trustee and/or representative thereof, on April 26, 2011, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, 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 \$119,375.41, 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 deeds, 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:

Lot 18 in Block 9 of TRACT NO. 1064 – FIRST ADDITION TO GATEWOOD, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. Tax Account No.: 3909-014DB 04500 000 Key No: 876193


TO HAVE AND TO HOLD the same unto the second party, 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; 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 above; and the word "person" includes a corporation and any other legal or commercial entity.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND

REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

IN WITNESS WHEREOF, the grantor has executed this instrument this 27th day of April, 2011.

By: 
Frank C. Rote, III, Successor Trustee

STATE OF OREGON)
) ss.
County of Josephine)

On this 27th day of April, 2011, personally appeared the above named Frank C. Rote, III, Successor Trustee, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before Me:


Notary Public for Oregon

