

Apple 8092

2011-006193

Klamath County, Oregon



00102056201100061930040042

05/17/2011 03:04:23 PM

Fee: \$52.00

After Recording Return to:
SHAPIRO & SUTHERLAND, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
10-105164 FNMA

TRUSTEE'S DEED

THIS INDENTURE, Made this 12th day of May, 2011, between Kelly D. Sutherland, hereinafter called trustee, and EverHome Mortgage Company, hereinafter called the second party;

WITNESSETH:

RECITALS: John McClellan and Cheryl McClellan, as tenants by the entirety, as grantor, executed and delivered to First American Title Insurance Company 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 January 23, 2007, duly recorded on January 29, 2007, in the mortgage records of Klamath County, Oregon, in Book 2007, at Page 001510. 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 October 1, 2010, in Book 2010, Page 011655 thereof.

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

CONSIDERATION AMOUNT:\$119,310.82

529mt

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 February 7, 2011, 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 \$119,310.82, 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 \$119,310.82.

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:

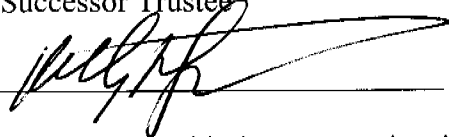
See complete Legal Description attached hereto as Exhibit "A"

Commonly known as: 4655 Austin Street, 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 12th day of May, 2011, by Kelly D. Sutherland, Successor Trustee.


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

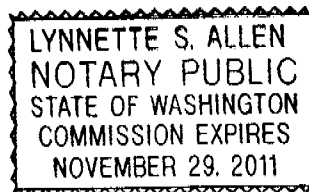


EXHIBIT A

LEGAL DESCRIPTION:

PARCEL 1:

THE WEST 174 FEET OF THE FOLLOWING DESCRIBED TRACT, TO WIT:

BEGINNING AT A POINT SOUTH 0° 06' EAST A DISTANCE OF 131.4 FEET FROM THE NORTHWEST CORNER OF LOT 10 IN THE RESUBDIVISION OF TRACTS 25 TO 32 OF ALTAMONT RANCH TRACTS LOCATED IN SECTION 15, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, AND RUNNING THENCE AT RIGHT ANGLES NORTH 89° 54' EAST A DISTANCE OF 542.4 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF SAID LOT 10; THENCE SOUTH 00° 06' EAST ALONG THE EASTERLY LINE OF SAID LOT 10 TO A POINT WHICH MARKS THE NORTHEASTERLY CORNER OF THE LAND HERETOFORE DEEDED TO G.H. STILES AND RECORDED IN BOOK 107, PAGE 354, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE WESTERLY ALONG THE NORTH BOUNDARY OF SAID STILES TRACT TO A POINT ON THE WESTERLY BOUNDARY OF SAID LOT 10; THENCE NORTH 0° 06' WEST ALONG THE WESTERLY BOUNDARY OF SAID LOT 10 TO THE POINT OF BEGINNING.

PARCEL 2:

BEGINNING AT A POINT ON THE LINE BETWEEN TRACTS 9 AND 10 OF THE SUBDIVISION OF TRACTS 25 TO 32, INCLUSIVE, OF ALTAMONT RANCH TRACTS, A PLATTED SUBDIVISION OF KLAMATH COUNTY, OREGON, WHICH IS SOUTH 0° 06' EAST A DISTANCE OF 131.4 FEET FROM THE NORTHEAST CORNER OF SAID TRACT 9, AND WHICH POINT OF BEGINNING IS THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN A DEED RECORDED IN VOLUME 132, PAGE 535, DEED RECORDS OF KLAMATH COUNTY; THENCE SOUTH 0° 06' EAST ALONG THE LINE BETWEEN SAID TRACTS 9 AND 10, A DISTANCE OF 160.6 FEET, TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN A DEED RECORDED IN VOLUME 117, PAGE 92, DEED RECORDS KLAMATH COUNTY; THENCE NORTH 88° 46' WEST 48.69 FEET; THENCE NORTH 1° 40' WEST 159.54 FEET; THENCE NORTH 89° 54' EAST 53.05 FEET TO THE POINT OF BEGINNING; BEING A PORTION OF TRACT 9 OF THE SUBDIVISION OF TRACTS 25 TO 32, INCLUSIVE, OF ALTAMONT RANCH TRACTS.

PARCEL 3:

A STRIP OR PARCEL OF LAND TEN FEET WIDE AND 159.54 FEET LONG OFF THE EAST SIDE OF A TRACT OR PARCEL OF LAND LYING IN TRACT 9, RESUBDIVISION OF TRACTS 25 TO 32 INCLUSIVE, OF ALTAMONT RANCH TRACTS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED IN A DEED RECORDED IN VOLUME 186, PAGE 201, DEED RECORDS OF KLAMATH COUNTY, OREGON, SAID STRIP ABUTTING UPON THE WEST LINE OF A TRACT OWNED BY THE SAID GRANTOR AND DESCRIBED IN A DEED RECORDED IN VOLUME 169, PAGE 123, DEED RECORDS OF KLAMATH COUNTY, OREGON.