

NCR 89480

2011-008402

Klamath County, Oregon

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

MAIL TAX STATEMENTS:  
Steven E. and Sherry E. McManus  
P. O. Box 931  
Merrill, OR 97633



00104836201100084020040048

07/19/2011 11:13:32 AM

Fee: \$52.00

- TRUSTEE'S DEED -

THIS INDENTURE, Dated July 14, 2011, between Michael P. Rudd, hereinafter called trustee, and Steven E. McManus and Sherry E. McManus, or the survivor thereof, hereinafter called the second party;

WITNESSETH:

RECITALS: Daniel I. Phelps, as grantor, executed and delivered to AmeriTitle, as trustee, for the benefit of Steven E. McManus and Sherry E. McManus, or the survivor thereof, as beneficiary, a certain trust deed dated July 11, 2007, duly recorded on July 18, 2007, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. 2007, at page 012725. 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 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 real property and to foreclose the trust deed by advertisement and sale to satisfy the asserting grantor's obligations was recorded on February 24, 2011, in the Records of Klamath County, in Volume 2011, Page 002480, to which reference now is made.

After the recording of notice of default, the undersigned trustee gave notice of the time for and place of sale of said 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 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 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 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 said 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 \$558,594.91.

The undersigned trustee, on July 7, 2011, at the hour of 10:00 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 said trust deed, sold the real property in one parcel at public auction to the second party for the sum of

524MCF

\$558,594.91, the second party being the highest and best bidder at the sale, and that sum being the highest and best sum bid for the property.

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 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 said 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 and the second party's 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 persons 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.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

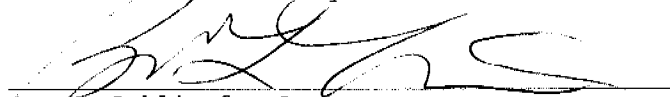
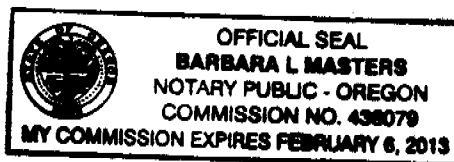
DATED: July 14, 2011



Michael P. Rudd, Successor Trustee

STATE OF OREGON       )  
                                  ) ss.  
County of Klamath    )

Personally appeared before me this 14<sup>th</sup> day of July, 2011, Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed.

  
Notary Public for Oregon  
My Commission expires: 2-6-13

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1**

The SE1/4 of the SE1/4 of Section 23, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon

**PARCEL 2**

All that portion of the SW1/4 of the SW1/4, the SE1/4 of the SW1/4 of Section 24, and the NE1/4 of the NW1/4 Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, lying Northerly of the Railroad right of way line of the Great Northern Railway Co., as the same is now located and surveyed.

**PARCEL 3**

Beginning at the SW corner of Section 24, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence East along the South line of said Section 24, 1582.80 feet to a point on the Southwesterly right of way of the Great Northern Railway Co.; thence North 48° 13' 28" West along said right of way 1767.06 feet to a point on the Southerly right of way of a drain ditch; thence South 57° 33' 07" West along said right of way to the drain ditch 321.55 feet to a point on the West line of said Section 24, and thence South 0° 21' 44" East 1004.74 feet to the point of beginning.

**PARCEL 4**

The NE1/4 of the NE1/4 of Section 26, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, SAVING AND EXCEPTING those portions conveyed to the United States of America by Deed recorded July 10, 1916, in Volume 45, page 626, Deed Records of Klamath County, Oregon.

**PARCEL 5**

That portion of the SW1/4 of the SW1/4 of Section 24, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, lying South of the right of way of the Great Northern Railway Co. and North of the USBR 1-C-1 drainage ditch.

EXCEPTING FROM said Parcels the USBR 1-C Drain, the USBR 1-C-1 Drain, and that portion of the USBR A-4B Lateral lying Southerly and Westerly of the Burlington Northern Railroad right of way.

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

**AFFIDAVIT OF NON-MILITARY SERVICE**

STATE OF OREGON            )  
                                      ) ss.  
County of Klamath        )

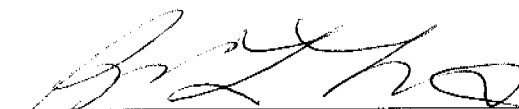
THIS IS TO CERTIFY That I am the attorney for the beneficiary/beneficiary's successor in interest in that certain trust deed in which Daniel I. Phelps, as grantor, conveyed to AmeriTitle as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated July 11, 2007, and recorded in the mortgage records of said county, in book/volume 2007 at page 012725; thereafter a notice of default with respect to said trust deed was recorded February 24, 2011, in Volume 2011, Page 002480 of said mortgage records; thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed was sold at the trustee's sale on July 7, 2011; I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said trust deed, or any interest therein, owned by a person in the military service as defined in Article I of the Servicemembers' Civil Relief Act, as amended.

In construing this certificate the masculine includes the feminine, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.



Michael P. Rudd

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of July, 2011.



Notary Public for Oregon

My Commission expires: 2-6-13

