

NR. 891874

2011-009567

Klamath County, Oregon



00106290201100095670040041

08/19/2011 11:28:26 AM

Fee: \$52.00



(Reserved for Recording Purposes)

### TRUSTEE'S DEED

Account Number	County Tax Account Number
0003038791	R587289

THIS INDENTURE, Made on August 16, 2011, between Stephen J. Scholz, hereinafter called trustee, and the State of Oregon, by and through the Director of the Oregon Department of Veterans' Affairs, hereinafter called the second party;

#### WITNESSETH:

RECITALS: Robert G. Colville and Amy L. Colville, as grantor, executed and delivered to AmeriTitle, as trustee, for the benefit of the State of Oregon, by and through the Director of the Oregon Department of Veterans' Affairs, as beneficiary, a certain Trust Deed dated October 17, 2005, in the mortgage records of Klamath County, Oregon, M05, page 68136. In said Trust Deed the real property located at 10711 Spring Lake Road, Klamath Falls, Oregon 97603, 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. Stephen J. Scholz was appointed Successor Trustee by document recorded March 8, 2011, 2011-003311.

The true and actual consideration paid for this transfer is the sum of \$198,879.03

#### AFTER RECORDING RETURN TO:

FORECLOSURE UNIT  
OREGON DEPARTMENT OF VETERANS' AFFAIRS  
700 SUMMER ST NE  
SALEM OR 97301-1285

Until a change is requested, all tax statements shall be sent to the following address:

TAX UNIT  
OREGON DEPARTMENT OF VETERANS' AFFAIRS  
700 SUMMER ST NE  
SALEM OR 97301-1285

529mf

2131-W (01/00)

### TRUSTEE'S DEED (Continued)

ODVA Account Number 0003038791	County Tax Account Number R587289
-----------------------------------	--------------------------------------

By reason of said default, the owner and holder of the obligation 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 March 8, 2011, 2011-003312, to which reference is now made.

After the recording of said Notice of Default, as aforesaid, the undersigned trustee gave notice to 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 representatives, if any, named in subsections (1) and (2)(a) of Section 86.740 Oregon Revised Statutes, 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 or any person named in Subsection (1) of ORS 86.740, promptly after the 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 subsection (1) of Section 86.750 Oregon Revised Statutes. If the foreclosure proceedings were stayed and released from the stay, copies of an Amended Notice of Sale in the form required by subsection (6) of Section 86.755 Oregon Revised Statutes were mailed by registered or certified mail to the last-known address of those persons listed in ORS 86.740 and 86.750(1) within 30 days after the release of 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 of service duly recorded prior to the date of sale in the official records of said county, said affidavits and 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 subsections (1)(b) or (1)(c) of ORS 86.740.

Pursuant to said Notice of Sale, the undersigned trustee on August 16, 2011, at the hour of 10:00 o'clock, a.m. of said day, Standard of Time as established by Section 187.110, Oregon Revised Statutes, (*which was the day and hour to which said sale was postponed for reasons and as expressly permitted by subsection 2 of Section 86.755 Oregon Revised Statutes,*) 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 said real property in one parcel at public auction to the said second party for the sum of \$198,879.03, he being the highest bidder at such sale and said sum being the highest and best sum bid for said 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 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:

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

That portion of the SE1/4 SE1/4 of Section 34, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point in the South line of said Section 34, 640 feet West of the Southeast corner of said Section; thence North 20° 40' West 31.5 feet; thence North 2° 50' East 754 feet; thence North 50° 49' West 175 feet; thence South 88° 47' West 285.8 feet; thence North 38° 35' West 394.2 feet; thence West 38 feet to a point in the West boundary of said SE1/4 NE1/4 of said Section, at a point 1195 feet North of the Southwest corner of the SE1/4 SE1/4 of said Section; thence South 1195 feet; thence East 680 feet to the point of beginning.

EXCEPTING THEREFROM one acre in the Southeast corner of said tract heretofore deeded to the Klamath Irrigation District.

AND EXCEPTING THEREFROM that portion thereof conveyed to Gustav Alfred Jacobson by Warranty Deed dated March 7, 1968, recorded March 21, 1969 in Volume M69, page 2060, Microfilm Records of Klamath County, Oregon.

AND EXCEPTING THEREFROM that portion thereof conveyed to Klamath Irrigation District, a corporation, by Warranty Deed dated March 7, 1969, recorded March 25, 1969 in Volume M69, page 2156, Microfilm Records of Klamath County, Oregon.

AND FURTHER EXCEPTING THEREFROM those portions thereof lying within the boundaries of Midland Road and Spring Lake Road.

**TRUSTEE'S DEED (Continued)**

ODVA Account Number 0003038791	County Tax Account Number R587289
-----------------------------------	--------------------------------------

**LEGAL DESCRIPTION:**

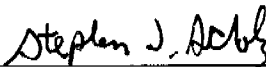
SEE ATTACHED PRIOR PAGE.

TO HAVE AND TO HOLD the same unto the second party, his heirs, successors-in-interest, and assigns forever.

"In construing this instrument and whatever 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, and the word "beneficiary" includes any successor in interest of the beneficiary first-named above."

"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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."

IN WITNESS WHEREOF, the undersigned trustee has hereunto set his hand;



Stephen J. Scholz  
Successor Trustee

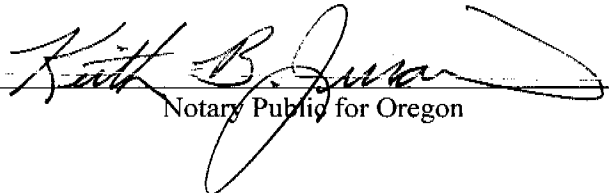
STATE OF OREGON                    )  
  ) ss.  
County of Marion                    )

On August 16, 2011

this instrument was acknowledged before me by the above-named Stephen J. Scholz, who personally appeared, and, being first duly sworn, did say that he is authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.



Before me: \_\_\_\_\_

  
Notary Public for Oregon

THIS DOCUMENT HAS CREATED AN INTEREST IN:

OREGON DEPARTMENT OF VETERANS' AFFAIRS (ODVA)  
700 SUMMER ST NE  
SALEM OR 97301-1285