

2011-011436

Klamath County, Oregon

RECORDING REQUESTED BY



00108594201100114360040044

Mail Tax Statements to  
and when recorded mail to:

**CHEYNE BROTHERS LLC**  
**PO BOX 49**  
**MALIN, OR 97632**

10/13/2011 03:45:21 PM

Fee: \$52.00

Returned @ County

Space above this line for recorder's use

## TRUSTEE'S DEED UPON SALE



T.S. No: L526630 OR Unit Code: L Loan No: SHASTA NUR  
AP #1: R111658 AP #2: R109956  
Title #: 5326362

THIS INDENTURE, Made September 21, 2011, between CHRISTOPHER C. DORR, OSBA # 992526  
hereinafter called trustee, CHEYNE BROTHERS, LLC AN OREGON LIMITED LIABILITY COMPANY  
hereinafter called the second party;

Pursuant to said original/amended notice of sale, the undersigned trustee on September 21, 2011, at the hour of 10:00 A.M. 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 86.755 (2)) 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 said trust deed, sold said real property in one parcel at public auction to the said second party for the sum of \$580,000.00, Pro-tanto, said second party being the highest and best bidder at such sale and said sum being the highest and best sum bid for said property.

### WITNESSETH:

RECITALS: SHASTA NURSERY, INC. as Grantor, executed and delivered to FIRST AMERICAN TITLE INSURANCE COMPANY as Trustee, for the benefit of ROGER A. LOFTUS, THOMAS J. LOFTUS as Beneficiary.

Trust Deed Dated November 7, 2007, Recorded November 23, 2007 as Instr. No. 2007-019834 in Book ---  
Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON .

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 grantor's 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 beneficiary's 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 Recorded May 12, 2011, in said mortgage records, as Instr. No. 2011-005972 in Book --- Page --- ; to which reference now is made.

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 the trustee 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 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 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 ORS 86.750(1). The Trustee also hereby certifies that all statutory requirements of ORS 86.737 were complied with in a timely manner. If the foreclosure proceedings were stayed and released from the stay, copies of the Amended Notice of Sale in the form required by ORB 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 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 ORS 86.740 (1) (b) or (1) (c).

Grantor (Trustee) hereby certifies that any valid requests for information under (2003 or Laws ch 251) have been responded to within the time allowed by the statute.

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 trustee deed, the trustee does hereby convey unto the second party all interest that the grantor had or had the power to convey at the time the grantor executed the trust deed, together with any interest the said grantor or grantor's successors in interest acquired after the execution of said trust deed in and to the following described real property, to-wit:  
SEE ATTACHED EXHIBIT

The street or other common designation if any, of the real property described above is purported to be:  
33600 HIGHWAY 50, MALIN, OR 97632

The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

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 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.

IN WITNESS WHEREOF, the undersigned trustee has hereunto executed this document; if the undersigned is a corporation, it has caused it's corporate name to be signed thereunto by order of its Board of Directors.

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.

DATED: SEPTEMBER 30, 2011

CHRISTOPHER C. DORR, OSBA # 992526

By 

CHRISTOPHER C. DORR, ATTORNEY AT LAW

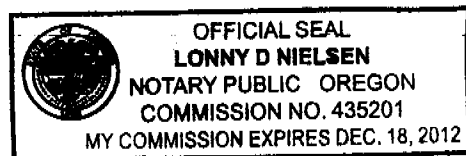
STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )SS

On 9/30/11 before me, Lonny D Nielsen, a Notary Public in and for said County and State, personally appeared CHRISTOPHER C. DORR, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the Laws of the State of Oregon that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



**Exhibit "A"**

Real property in the County of Klamath, State of Oregon, described as follows:

**PARCEL 1:**

In Township 41 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Section 14: Lots 1 and 2 and the SE1/4 SW1/4; EXCEPTING right of way for Adams Canal; FURTHER EXCEPTING all that portion of the SE1/4 SW1/4 lying Easterly of the United States Reclamation Service right of way; AND FURTHER EXCEPTING the following Parcel:

Beginning at the Northwest corner of said Government Lot 1, said point being in the centerline of the County Road; thence Easterly along the North line of said Government Lot 1 and along the centerline of the County Road a distance of 179 feet; thence Southerly parallel with the West line of said Government Lot 1 a distance of 390 feet; thence Westerly parallel with the North line of said Government Lot 1 a distance of 179 feet to the West line of said Government Lot 1; thence Northerly along the West line of said Government Lot 1 a distance of 390 feet, more or less, to the point of beginning.

**PARCEL 2:**

In Township 41 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Section 23: Lots 1, 2, 3, 4, 5 and 6, NW1/4 NW1/4; EXCEPT that portion of Lots 2 and 5 lying within the North 30 acres of said Lots 2 and 5; AND FURTHER EXCEPTING that portion of Lots 3 and 4 lying within the SE1/4 NE1/4.

Tax Parcel Number: R111658 and R109956