

WTC90178

2011-011557

Klamath County, Oregon



00108718201100115570070078

10/14/2011 01:53:19 PM

Fee: \$72.00

AFTER RECORDING RETURN TO:

**RECONTRUST COMPANY, NA
400 NATIONAL WAY SV35
SIMI VALLEY, CA 93065**

TRUSTEE'S DEED

AFFIDAVIT OF NON MILITARY SERVICE

ORDER NO: 110181310

GRANTOR: RICHARD C BOWMAN

GRANTEE: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

DEED OF TRUST: 2007-005479

FILE NO. 11-0029014

LOAN# N/A

67 AM

After recording return to:

RECONTRUST COMPANY, N.A.
400 National way
SIMI VALLEY, CA 93065

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

Same as above

TRUSTEE'S DEED

T.S. No. 11 -0029014

Consideration: \$205,617.18

THIS INDENTURE, made September 30, 2011 between RECONTRUST COMPANY, N.A. hereinafter called Trustee, and FEDERAL NATIONAL MORTGAGE ASSOCIATION hereinafter called the second party;

WITNESSETH

RECITALS: RICHARD C BOWMAN, as grantor, executed and delivered to: FIDELITY NATIONAL TITLE INSURANCE CO, as Trustee, for the benefit of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as beneficiary, a certain Trust Deed dated 03/08/2007, duly recorded on 03/26/2007 in the mortgage records of Klamath County, or as Recorder's fee/file/instrument/microfilm/reception No. 2007-005479. .

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 in the mortgage records of said county on 04/12/2011, thereof or as fee/file/instrument/microfilm/reception No. 2011-004713 to which reference is now made.

After the recording of said notice of default, as aforesaid, RECONTRUST COMPANY, N.A., the undersigned Trustee gave notice to the grantor(s) and occupant(s) as required by and in accordance with Sections 20 and 21 of Chapter 19, Oregon Laws 2008, (amending and/or supplementing ORS 86.705 to 86.795) by mailing said notice by both first class and certified mail with return receipt requested. The mailing of said notices is shown by an affidavit of mailing recorded prior to sale date. In addition, 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

TRUSTEE'S DEED

T.S. No. 11 -0029014

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, 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). If the foreclosure proceedings were stayed and released from 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 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 proof of service duly recorded prior to the date of sale in the records of said county, 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).

Pursuant to the said notice of sale, the undersigned Trustee on 09/27/2011, at the hour of 10:00 AM, of said day, in accordance with the standard of time established by ORS 187.110, 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 Trustee by said Trust Deed, sold said real property in one parcel at public auction to the said second party for the sum of \$205,617.18, 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. The true and actual consideration paid for this transfer is the sum of \$205,617.18.

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 the grantor's execution of said 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 LEGAL DESCRIPTION

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

In constructing this instrument and wherever 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

TRUSTEE'S DEED

T.S. No. 11 -0029014

beneficiary first named above, and the word "person" includes corporation and any other legal or commercial entity.

BY WITNESS WHEREOF, the undersigned Trustee has hereunto executed this document, if the undersigned is a corporation, it has caused its corporate name to be signed and its seal affixed hereto by an officer duly authorized 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.

RECONTRUST COMPANY, N.A.

OCT 04 2011

LUCY MANSOURIAN

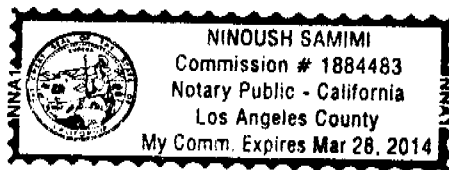
Assistant Vice President

State of California

County of Ventura

Subscribed and sworn to (or affirmed) before me on this day of OCT 04 2011,
20 , by Lucy Mansourian, ~~personally known to me~~ or proved to me on the basis of
satisfactory evidence to be the person(s) who appeared before me.

(seal)



Signature

NINOUSH SAMIMI

E. The land referred to in this Guarantee is described as follows:

Lots 6, 7 and 9 in Block 6, ARROWHEAD VILLAGE, AND the following described property in said ARROWHEAD VILLAGE as conveyed to Lysiane J. Gehrum by Deed recorded September 6, 1994 in Volume M94, page 27939, Microfilm Records of Klamath County, Oregon.

Beginning at a point on the Westerly side of Rocky Point Road, said point being described as the Southeasterly corner of Lot 9, Block 6 of Arrowhead Village Subdivision as platted on August 31, 1962, and filed with the County Clerk of Klamath County, Oregon; thence North 17° 11' 30" East 148.43 feet to a point described as the Northeasterly corner of Lot 9, Block 6 of Arrowhead Village Subdivision; thence 10 feet Easterly to a point described as the Northwesterly corner of Lot 10, Block 6 of Arrowhead Village Subdivision; thence South 17° 11' 30" West for 143.1 feet to a point described as the Southwesterly corner of Lot 10, Block 6 of Arrowhead Village Subdivision; thence West along the Westerly side of Rocky Point Road for 10 feet to the point of beginning.

F. As of the effective date, the land covered by this Guarantee is subject to the following Exceptions:

1. A 10 foot power line right of way, as shown on dedicated plat.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Timber Fire Patrol.
3. Covenants, conditions and restrictions, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, imposed by instrument, subject to the terms and provisions thereof, recorded in Volume M67, page 8359, and amended by instrument recorded in Volume M70, page 7024, Microfilm Records of Klamath County, Oregon.
4. Reservations as contained in plat dedication, to wit:

"We do also hereby grant public easements over all lots for future sewer or utilities as needed for public health and welfare along property lines where feasible. Further, that the sale of the lots shown hereon is subject to the following restriction: that the waste and sewage from any dwelling or other structure of any lot shall be taken care of and disposed of by a method approved by the County Health Department."

5. Agreement for Joint Water Well Use and Grant of Easement, subject to the terms and provisions thereof;
Dated: May 12, 1982
Recorded: May 20, 1982
Volume: M82, page 6328, Microfilm Records of Klamath County, Oregon.
Affects: Well on Lot 9 and easements 10 feet wide from said well to Lots 3, 4, 5, 6, and 7

Modification thereof, subject to the terms and provisions thereof;

Dated: December 3, 1982
Recorded: December 6, 1982
Volume: M82, page 17193, Microfilm Records of Klamath County, Oregon.

(Exception #5 Continued)

Modification thereof, subject to the terms and provisions thereof;

Dated: Not dated
Recorded: September 28, 1994
Volume: M94, page 30397, Microfilm Records of Klamath County, Oregon.

6. An easement created by instrument, subject to the terms and provisions thereof,
Dated: June 11, 1999
Recorded: June 14, 1999
Volume: M99, page 23341, Microfilm Records of Klamath County, Oregon
In favor of: State of Oregon through its Department of Environmental Quality
For: To enter and inspect, including by excavation, the on-site sewage disposal system on Lot 7 serving Lot 6.
7. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;
Dated: March 8, 2007
Recorded: March 26, 2007
Volume: 2007-005479, Microfilm Records of Klamath County, Oregon
Amount: \$193,000.00
Grantor: Richard C. Bowman
Trustee: Fidelity National Title Insurance Company
Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS) is a separate corporation that is acting solely as a nominee for America's Wholesale Lender

Limitations affecting the lien or charge of the Trust Deed above arising by reason that not all of the vested owners of the property executed said Trust Deed.

WARNING: ORS 86.735 requires, among other provisions, that any assignment of the trust deed to be foreclosed and any appointment of successor trustee shall be recorded for a foreclosure by advertisement and sale. Oregon law may not recognize Mortgage Electronic Registration Systems, Inc. (MERS) as a beneficiary of a trust deed, with the result that the recording of all trust deed assignments by the lender for whom MERS is nominee and by the lender's successors and assigns may be necessary; and, in addition, that the recording of an appointment of a successor trustee by the lender or the appropriate successor to or assignee of the lender may be necessary.

Recordation of an affidavit of mailing with respect to the notice to grantor and recital in trustee's deed as required under section 20, Chapter 19 Oregon Laws 2008 as amended under Chapter 229 Oregon Laws 2009.

Requirement for recordation of an affidavit describing how beneficiary complied with the provisions of ORS 86.737 Section 3(3)(a) and (b), as amended by Oregon Laws 2010, Chapter 40 (H.B. 3610).

Attention is directed to The Protecting Tenants at Foreclosure Act of 2009, Sections 701 to 704, Article VII, U.S. Public Law 111-22; AND Chapter 510 and Section 1 Chapter 883, Oregon Laws 2009 pertaining to tenant's rights.



After Recording Return to:
ReconTrust Company N.A.
1800 Tapo Canyon Rd
Simi Valley, CA 93063
TS# 11-0029014

AFFIDAVIT OF NON-MILITARY SERVICE

Lucy Mansourian being first duly sworn deposes and says:

That the undersigned Affiant, is over the age of eighteen years and competent to make this affidavit, and says

RICHARD C BOWMAN,

not and neither is, in the military service of the United States, within the meaning of the Service Members Civil Relief Act, as amended; that neither person is a member of the United States Marine Corps, Women's Reserve, or Women's Army Auxiliary Corps or Women's Army Corps (WACS), or Women's Coast Guard Reserve (SPARS), or being educated under the supervision of the United States preliminary to induction into the Military Service or under orders to report for induction under the Selective Training and Service Act of 1940, as amended, or as a member of the Enlisted Reserve Corps under orders to report for military service of an American Citizen serving with the forces of any nation allied with the United States in the prosecution of a war, or in the Federal Service or active duty as a member of the Army of the United States, or the United States Navy of the Marine Corps, or the Coast Guard, or as an officer of the Public Health Service within the purview of the Service Members Civil Relief Act of 1940, as amended.

That this affidavit is made for the purpose of enabling, without leave of court first obtained, the Trustee to sell certain property to be sold under the terms of a deed of trust pursuant to the power of sale contained therein.

DATED: OCT 04 2011

BANK OF AMERICA, N.A. SUCCESSOR BY MERGER
TO BAC HOME LOANS SERVICING LP

By: 

OCT 04 2011

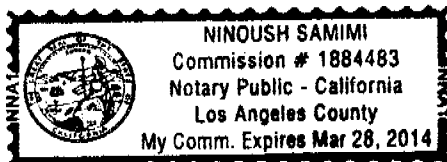
Lucy Mansourian
Assistant Vice President

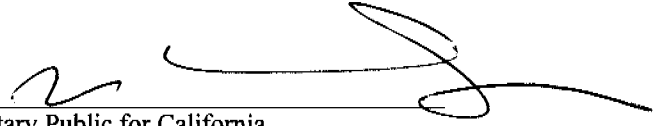
STATE OF CALIFORNIA)

ss

COUNTY OF VENTURA)

Subscribed and sworn to (or affirmed) before me on this _____ day of OCT 04 2011, 20____, by **Lucy Mansourian**, ~~personally known to me~~ or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.




Notary Public for California
My commission expires: MAR 28 2014

NINOUSH SAMIMI