

2012-004466

Klamath County, Oregon



00117366201200044660040046

**RECORDING COVER SHEET**

ORS 205.234

04/30/2012 03:35:55 PM

Fee: \$52.00

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any error in this cover sheet DOES NOT affect the transaction(s) contained in the instrument itself.

**1. AFTER RECORDING, RETURN TO:**

Required by ORS 205.180(4) & 205.238

Boivin, Uerlings & Dilaconi, P.C.

Attn: James R. Uerlings

803 Main Street, Suite 201

Klamath Falls, OR 97601

**2. TITLE(S) FOR THE TRANSACTION(S):**

Required by ORS 205.234(1)(a)

Trustee's Deed

**3. DIRECT PARTY / GRANTOR(S):**

**Name(s) and Address(es)**

Required by ORS 205.234(1)(b)

James R. Uerlings, Successor Trustee

803 Main Street

Klamath Falls, OR 97601

**4. INDIRECT PARTY / GRANTEE(S):**

**Name(s) and Address(es)**

Required by ORS 205.234(1)(b)

South Valley Bank & Trust

PO Box 5210

803 Main Street

Klamath Falls, OR 97601

**5. UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO:**

**Name(s) and Address(es)**

For an instrument conveying or contracting to convey fee title, the information required by ORS 93.260

South Valley Bank & Trust

PO Box 5210

803 Main Street

Klamath Falls, OR 97601

**6. TRUE AND ACTUAL CONSIDERATION PAID:**

\$130,000.00

## TRUSTEE'S DEED

**Trustee:** James R. Uerlings, Successor Trustee  
Boivin, Uerlings & Dilaconi, P.C.  
803 Main Street, Ste 201  
Klamath Falls, OR 97601

**Grantee:** South Valley Bank & Trust  
PO Box 5210  
803 Main Street  
Klamath Falls, OR 97601

**After recording, return & send tax statements to:**  
South Valley Bank & Trust  
PO Box 5210  
803 Main Street  
Klamath Falls, OR 97601

**Consideration:** \$130,000.00

**THIS INDENTURE**, made on April 24, 2012, between **James R. Uerlings, Successor Trustee**, hereinafter called Trustee, and **South Valley Bank & Trust**, hereinafter called the Grantee; and, the true and actual consideration paid for this transfer is the sum of \$130,000.00:

### W I T N E S S E T H:

**RECITALS:** Ernst Brothers, LLC, as Grantor, executed and delivered to EARNCO, as Trustee, for the benefit of South Valley Bank & Trust, as Beneficiary, a certain Trust Deed dated **December 30, 2002**, duly recorded on **January 15, 2003**, under Volume M03, Page 2790, records 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 its 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 its 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 **December 1, 2011**, as Instrument **2011-013350**, to which reference is now 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 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. 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 thirty (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 (20) 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). Trustee hereby certifies that any valid requests for information under Oregon law have been responded to within the time allowed by statute.

Pursuant to said Notice of Sale, the undersigned Trustee on **April 24, 2012**, at the hour of **11:00 AM, PT**, of said day, in accord 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 him by said Trust Deed, sold said real property in one parcel at public auction to the Grantee for the sum of **\$130,000.00**, Grantee being the highest and best 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 Grantee 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 Grantee 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 Grantor's successors-in-interest, acquired after the execution of said Trust Deed in and to the following described real property, to-wit:

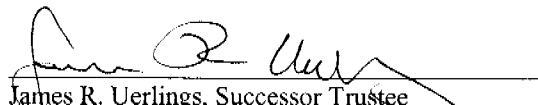
See Exhibit A, attached hereto and incorporated by this reference.

**TO HAVE AND TO HOLD** the same unto Grantee, Grantee's 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, the singular includes the plural; the word "grantor" includes any successor-in-interest to the grantor, as well as any other person(s) 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, if any; and, the word "person" includes corporation and any other legal or commercial entity.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTION 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

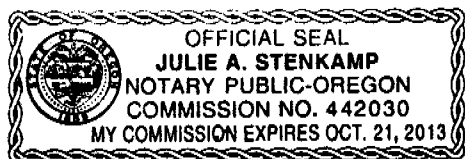
**IN WITNESS WHEREOF**, the undersigned Trustee has hereunto executed this document this 30 day of April, 2012.

  
James R. Uerlings, Successor Trustee

STATE OF OREGON, County of Klamath) ss.

On April 30, 2012, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared James R. Uerlings, to me known to be the Successor Trustee, who has executed the foregoing instrument and acknowledged he executed the same freely and voluntarily, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on this, the day and year last hereinabove written.



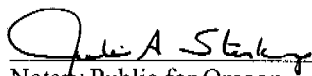
  
Notary Public for Oregon  
My Commission Expires: 10/21/2013

EXHIBIT A

**Property Address:**

150 MOUNTAIN VIEW DRIVE  
GILCHRIST, OREGON 97737

**Legal Description:**

Lot 3 of TRACT 1318 - GILCHRIST TOWNSITE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

EXCEPTING THEREFROM: Beginning at a 5/8 inch iron rod marking the Southeast corner of Lot 4 TRACT 1318 - GILCHRIST TOWNSITE as shown on the original plat thereof, thence North 75°15'28" West, 169.29 feet to a 5/8 inch iron rod; thence North 14°49'53" East, 84.00 feet to a 5/8 inch iron rod marking the adjusted Northwest Lot Corner of Lot 4, of said Tract 1318 - Gilchrist Townsite, from which a 5/8 inch iron rod marking the original Northwest corner of Lot 4, Tract 1318 - Gilchrist Townsite as shown on the original plat thereof bears South 14°49'53" West, 20.00 feet; thence South 75°15'28" East, 170.34 feet to a 5/8 inch iron rod marking the Westerly right-of-way of Manzanita Street from which a 5/8 inch iron rod marking the original Northeast corner of Lot 4, Tract 1318 - Gilchrist Townsite as shown on the original plat thereof bears South 15°32'50" West, 20.00 feet; thence South 15°32'50" West, 84.01 feet along the said Westerly right-of-way of Manzanita Street to the point of beginning.