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2012-004673

Klamath County, Oregon



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05/03/2012 03:17:51 PM

Fee: \$52.00

After Recording Return to:
SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255
Vancouver, WA 98683
11-106592 FNMA

TRUSTEE'S DEED

THIS INDENTURE, Made this 2nd day of May, 2012, between Kelly D. Sutherland, whose address is 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683, hereinafter called trustec, and EverBank, whose address is 8100 Nations Way, Jacksonville, Florida 32256, hereinafter called the second party;

WITNESSETH:

RECITALS: Howard J. Tompkins and Cynthia F. Tompkins, tenants in the entirety, as grantor, executed and delivered to Sharper Lending, as trustee, for the benefit of Mortgage Electronic Registration Systems, Inc., as nominee for First Horizon Home Loans, a division of First Tennessee Bank N.A., as beneficiary, a certain trust deed dated July 6, 2007, duly recorded on July 20, 2007, in the mortgage records of Klamath County, Oregon, in Volume 2007-012880, Microfilm Records. 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 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.

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 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 November 16, 2011, in Volume 2011, Page 012858 thereof.

SEND FUTURE TAX STATEMENTS TO:
EverBank
ATTN: REO Department
8100 Nations Way
Jacksonville, Florida 32256

CONSIDERATION AMOUNT:\$332,630.51

52AM

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 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 representative, 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 persons; 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 86.750(1). 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. 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, 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). The Trustee hereby certifies that any valid requests for information under ORS 86.757 have been responded to within the time allowed by statute. The Trustee also hereby certifies that all statutory requirements of ORS 86.737 were complied with in a timely manner.

Pursuant to said notice of sale, the undersigned trustee on March 22, 2012, at the hour of 10:00 AM PT, 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 86.775(2) (which was the day and hour set in the amended Notice of Sale) 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 real property in one parcel at public auction to the said second party for the sum of \$332,630.51, he 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 \$332,630.51.

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 has 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:

See complete Legal Description attached hereto as Exhibit "A"

Commonly known as: 27119 Rocky Point Road, Klamath Falls, OR 97601

TO HAVE AND TO HOLD the same unto the second party, his 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 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, 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.

KELLY D. SUTHERLAND,

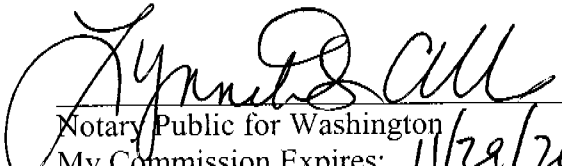
Successor Trustee

By: 

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.

STATE OF WASHINGTON)
) SS.
County of Clark)

The foregoing instrument was acknowledged before me this 2nd day of May, 2012, by Kelly D. Sutherland, Successor Trustee.


Notary Public for Washington
My Commission Expires: 11/29/2015

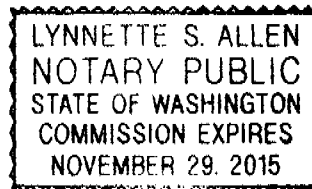


EXHIBIT "A"

A parcel of land lying in Tract "A" of HARRIMAN PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, in Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the point of intersection of the West line of Lot 8 of HARRIMAN PARK, Klamath County, Oregon with the Southerly line of the Westside Highway, also known as the Klamath Falls-Rocky Point Highway, a County Road formerly designated as State Highway 421; thence Southwesterly along the Southerly line of said Highway a distance of 200 feet; thence Southwesterly along a line parallel to the West line of said Lot 8 of HARRIMAN PARK a distance of 110.5 feet, more or less to a point; thence Northeasterly on a line parallel to said South line of said Westside Highway to the Southwest corner of said Lot 8 of HARRIMAN PARK; thence North along said West line of HARRIMAN PARK a distance of 110.5 feet, more or less to the point of beginning.