

2012-005065

Klamath County, Oregon



00118073201200050650030030

05/14/2012 03:35:35 PM

Fee: \$47.00

FORM No. 1175 - TRUSTEE'S DEED.

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First American Title Company

Neal G. Buchanan, Attorney at Law

Successor Trustee

435 Oak Avenue, Klamath Falls, OR

Trustee's Name and Address*

Joseph Weir Emmert and Betty Jane Emmert

14225 Springlake Road

Klamath Falls, OR 97603

Second Party's Name and Address*

After recording, return to (Name and Address):

Neal G. Buchanan

435 Oak Avenue

Klamath Falls, OR 97601

Until requested otherwise, send all tax statements to (Name and Address):

Joseph Weir Emmert and Betty Jane Emmert

14225 Springlake Road

Klamath Falls, OR 97603

*ORS 205 requires the first page of a recorded document to show the names and addresses of all parties. Use Stevens-Ness Form No. 1256, Cover Sheet for Instrument to be Recorded, if you need additional space.

2012-003723

Klamath County, Oregon

00116468201200037230030033

04/10/2012 11:22:04 AM

Fee: \$47.00

SPACE RESERVED
FOR
RECORDER'S USE

Rerecorded to correct a Scrivner's error in
the name of the Beneficiary which should
read Betty Jane Emmert original recorded
2012-003723

TRUSTEE'S DEED

THIS INDENTURE, Dated March 30, 2012

between Neal G. Buchanan, Attorney At Law, hereinafter
called trustee, and Joseph Weir Emmert and Betty Jane Emmert, hereinafter called the second party; WITNESSETH:

RECITALS: Justin Throne, as grantor, executed and delivered to First American Title Company, Neal G. Buchanan, Successor, as trustee, for the benefit of Joseph Weir Emmert & Betty Jane Emmert, as beneficiary, a certain trust deed dated December 1, 2004, recorded on December 1, 2004, in the Records of Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. M04 at page 82818, and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. _____ (indicate which). In that trust deed, the real property therein and hereinafter described was conveyed by the grantor to the trustee to secure, among other things, the performance of certain obligations of the grantor to the beneficiary. The grantor thereafter defaulted in performance of the obligations secured by the 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 the default, the owner and holder of the obligations secured by the trust deed, being the beneficiary therein named, or the beneficiary's successor in interest, declared all sums so secured immediately due and owing. A notice of default containing an election to sell the real property and to foreclose the trust deed by advertisement and sale to satisfy the asserting grantor's obligations was recorded on November 16, 2011, in the Records of Klamath County, in ☐ book ☐ reel ☒ volume No. 2011 at page 012847, and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. _____ (indicate which), to which reference now is made.

After recording the notice of default, the undersigned trustee gave notice of the time for and place of sale of the real property, as fixed by the trustee and as required by law. Copies of the notice of sale were served pursuant to ORCP 7 D. (2) and 7 D. (3), or mailed by both first class and certified mail with return receipt requested, to the last known addresses of the persons or their legal representatives, if any, named in ORS 86.740 (1) and 86.740 (2)(a), at least 120 days before the date the property was sold. A copy of the notice of sale was mailed by first class and certified mail with return receipt requested to the last known address of the fiduciary or personal representative 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 addresses 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. The trustee published a copy of the notice of sale in a newspaper of general circulation in each county in which the real property is situated once a week for four successive weeks. The last publication of the notice occurred more than twenty days prior to the date of sale. The mailing, service and publication of the notice of sale are shown by affidavits and/or proofs of service duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with the Notice of Default and Election to Sell and the notice of sale, being now referred to and incorporated in and made a part of this deed as if fully set forth herein. The undersigned trustee has no actual notice of any person, other than the persons named in those affidavits and proofs as having or claiming a lien on or interest in the real property, entitled to notice pursuant to ORS 86.740 (1)(b) or (1)(c).

The true and actual consideration for this conveyance is \$ 50,547.70 (Here comply with ORS 93.030.)

(CONTINUED)



The undersigned trustee, on March 22, 2012, at the hour of 1:00 o'clock, P. M., in accord with the standard of time established by ORS 187.110, (which was the day and hour to which the sale was postponed as permitted by ORS 86.755 (2)) (which was the day and hour set in the amended notice of sale)* and at the place so fixed for sale, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$ 50,547.70, the second party being the highest and best bidder at the sale, and that sum being the highest and best bid for the property.

NOW, THEREFORE, in consideration of that sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the 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 the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the trust deed in and to the following described real property (*legal description of property*):

Lots 1 and 2 of Block 34, City of Klamath Falls, 2nd Addition, Klamath County, State of Oregon

To Have and to Hold the same unto the second party and the second party's heirs, successors in interest and assigns forever.

In construing this instrument, where the context so requires, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, as well as any other person owing an obligation, the performance of which is secured by the trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any, "person" includes a business or other entity, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, the undersigned trustee has executed this instrument; any signature on behalf of a business or other entity is made with the authority of that 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 SECTIONS 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

* Delete words in parentheses if inapplicable.



**Neal G. Buchanan, Attorney at Law
Successor Trustee**

435 Oak Avenue, Klamath Falls, OR

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on March 30, 2012

by Neal G. Buchanan, Attorney at Law, Successor Trustee

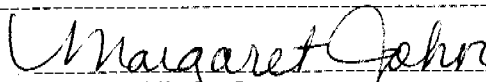
This instrument was acknowledged before me on _____

by _____

as _____

of _____





Notary Public for Oregon

My commission expires 9-12-14

Re: Trust Deed from:

Justin Throne
250 Main Street
Klamath Falls, OR 97601 Grantor

To:

First American Title Company
(Neal G. Buchanan, Attorney at Law
as Successor, 435 Oak Avenue
Klamath Falls, OR 97601 Trustee

After Recording Return To:

Neal G. Buchanan, Attorney at Law
435 Oak Avenue
Klamath Falls, OR 97601

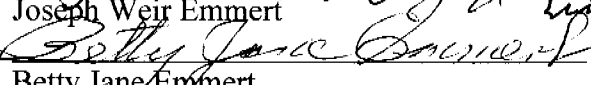
CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON, County of Klamath)ss.

THIS IS TO CERTIFY That I am the beneficiary in that certain trust deed in which Justin Throne, as grantor, conveyed to First American Title Company, as trustee, certain real property in Klamath, County, Oregon; which said trust deed was dated December 1, 2004, and recorded December 1, 2004, in the mortgage records of said county, in book/reel/volume M04 at page 82818 thereafter a notice of default with respect to said trust deed was recorded November 16, 2011, in book/reel/volume 2011 at page 012847 of said mortgage records, thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed was sold at the trustee's sale on March 22, 2012; I know of my own knowledge that at no time during the period of four months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said trust deed, or any interest therein, owned by a member of the Armed Forces of the United State of America in accordance with the "Servicemembers Civil Relief Act," and that such Grantor is not a minor, incapacitated party, protected person or a respondent as defined in ORS 125.005.

In construing this certificate the masculine includes the feminine, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.

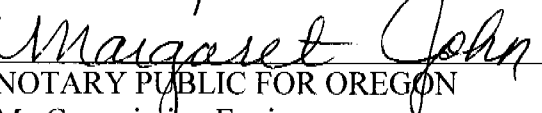

Joseph Weir Emmert


Betty Jane Emmert

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on April 2, 2012, by Joseph Weir Emmert and Betty Jane Emmert.




NOTARY PUBLIC FOR OREGON
My Commission Expires:

CERTIFICATE OF NON-MILITARY SERVICE