

EOB

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Patrick Kelly, Attorney

717 NW 5th Street

Grants Pass, OR 97526

Trustee's Name and Address

Robert B and Doris Allsup

PO Box 2053

Harbor, OR 97415

Second Party's Name and Address

After recording, return to (Name, Address, Zip):

Patrick Kelly, Attorney

717 NW 5th Street

Grants Pass, OR 97526

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

Robert B. and Doris Allsup

PO Box 2053

Harbor, OR 97415

2012-011544

Klamath County, Oregon



00125879201200115440030037

10/17/2012 09:56:33 AM

Fee: \$52.00

SPACE RESERVED

FOR

RECORDER'S USE

No. \_\_\_\_\_, Records of this County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy.

## TRUSTEE'S DEED

THIS INDENTURE, Dated October 1, 2012, between Patrick Kelly, hereinaftercalled **successor** Robert B and Doris Allsup, husband and wife, hereinafter called the second party; WITNESSETH:RECITALS: DWH Development LLC or assigns, as grantor, executed anddelivered to Curry County Title Inc., as trustee, for the benefitof Robert B and Doris Allsup, husband and wife, as beneficiary, a certain trust deeddated August 9, 2007, recorded on August 17, 2007, in the Records ofKlamath County, Oregon, in ☒ book 2007-014562 page XXXXXX, and/or as☒ ~~file~~ ☒ instrument ☒ ~~reception~~ No. 2007-014562 (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 March 29, 2012, in the Records of Klamath County, in ☒ book 2012-003286 page XXXXXX, and/or as ☒ ~~file~~ ☒ instrument ☒ ~~reception~~ No. 2012-003286 (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 \$ 630,742.90. (Here comply with ORS 93.030.)  
**Six Hundred Thirty Thousand Seven Hundred Forty-Two Dollars and 90/xx**

(OVER)



The undersigned trustee, on **September 25, 2012**, at the hour of **1:30** 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 **\$630,742.90**, 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, to-wit:

**Lot 35, Block 1, LAKEWOODS SUBDIVISION UNIT NO. 3, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.**

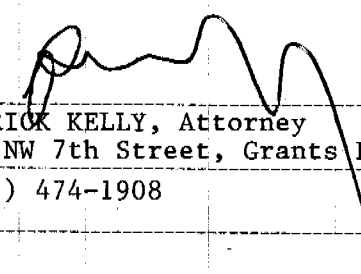
\*The Affidavit of Mailing of Notice to Grantor Pursuant to ORS 86.737, Affidavit of Mailing Notice of New Time, Date and Place of Sale for Postponed Trustee Sale, Affidavit and Proof of Service of New Time, Date and Place of Sale for Postponed Trustee Sale were duly recorded in the records of Klamath County, 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, and whenever the context so requires, the singular includes the plural; "grantor" includes any successor in interest to the grantor, as well as each and every other person owing an obligation, the performance of which is secured by the trust deed; "trustee" includes any successor trustee; "beneficiary" includes any successor in interest of the beneficiary first named above; and "person" includes a 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 its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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. 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.

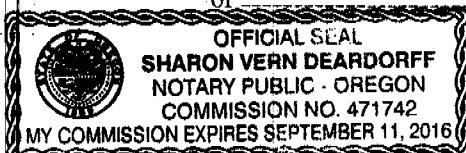
  
 PATRICK KELLY, Attorney  
 717 NW 7th Street, Grants Pass, OR 97526  
 (541) 474-1908

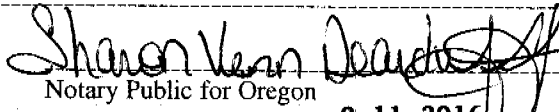
\* Delete words in parentheses if inapplicable.

STATE OF OREGON, County of **Josephine**

This instrument was acknowledged before me on **October 8, 2012**  
 by **Patrick Kelly**

This instrument was acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_  
 as \_\_\_\_\_  
 of \_\_\_\_\_



  
 Notary Public for Oregon  
 My commission expires **9-11-2016**

## CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON                    )  
  ) ss  
County of Josephine                )

THIS IS TO CERTIFY That I am the present Trustee of that certain Trust Deed in which **DWH Development LLC or assigns**, as Grantor, conveyed to **Curry County Title Inc.**, as Trustee, certain real property in **Klamath** County, Oregon, which Trust Deed was dated **August 9, 2007**, and recorded **August 17, 2007**, in the mortgage records of said county, as Document Number **#2007-014562**, thereafter a notice of sale with respect to said Trust Deed was recorded **March 29, 2012**, of said mortgage records, as Document Number **#2012-003286**, thereafter the 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 **September 25, 2012**; to the best of my knowledge and belief, I reasonably believe at no time during the period of three 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 person in the military service as defined in Article 1 of the "Soldiers' and Sailors' Civil Relief Act of 1940," as amended.

In construing this certificate 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.

  
\_\_\_\_\_  
PATRICK KELLY, Attorney

STATE OF OREGON                    )  
  ) ss  
County of Josephine                )

This instrument was acknowledged before me on the 8th day of October, 2012, by Patrick Kelly, Attorney.

  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

My commission expires: 9-11-2016

