

2016-009036

Klamath County, Oregon



00191396201600090360040047

RECORDING REQUESTED BY:

08/24/2016 03:58:58 PM

Fee: \$57.00

WHEN RECORDED MAIL DEED  
AND TAX STATEMENT TO:

Scott Cuthbertson  
2661 S. Pacific Highway  
Medford, OR 97501

TS No OR05000238-15-1

APN R890577 / R-3909-012BA-  
08200-000

Title Order No 150288738-OR-MSQ

### TRUSTEE'S DEED

Consideration Amount **\$154,501.00**

THIS INDENTURE, made **August 9, 2016**, between **Nathan F. Smith, Esq., OSB #120112** c/o Trustee Corps, hereinafter called the first party and **Scott Cuthbertson**, hereinafter called the second party;

Pursuant to said Notice of Sale, the undersigned Trustee on **August 9, 2016** at **10:00 AM** of said day, in accord with the Standard of Time established by ORS 187.110 which was the day and hour set in the 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 said Trust Deed, sold said real property in one parcel at public auction to the said second party for the sum of **\$154,501.00** 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.

#### WITNESSETH:

RECITALS: Trust Deed dated September 20, 2006, made to ROSIE HUYNH as Grantor, executed and delivered to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON as Trustee, for the benefit of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for PEOPLE'S BANK OF COMMERCE, Beneficiary of the security instrument, its successors and assigns and recorded on September 26, 2006 as Instrument No. 2006-019377 of official records in the Office of the Recorder 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 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 on **March 24, 2016** as Instrument No. **2016-003133** in the Mortgage Records of Klamath County, to which reference now is made.

After the recording of said Notice of Default, as aforesaid, 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 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 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

Returned at Counter

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 the stay, copies of the Amended Notice of Sale in the form required by ORB 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 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).

NOW THEREFORE, in consideration of the said sum is 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 Trustee 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 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:

**LOT 38, TRACT 1403, FIRST ADDITION TO KLAMATH MEADOWS EAST, ACCORDING TO THE OFFICIAL PLAT THEREOF OF FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.**

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

IN 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 or another person 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.

The Trustee also hereby certifies that all statutory requirements of ORS 86.737 were complied with in a timely manner.

Dated: August 12, 2016

  
By: Nathan F. Smith, Esq., OSB #120112  
Successor Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

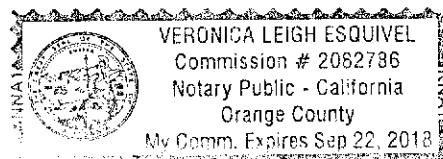
State of CALIFORNIA  
County of ORANGE

On August 12, 2016 before me, VERONICA LEIGH ESQUIVEL, Notary Public, personally appeared NATHAN F. SMITH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CALIFORNIA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
Notary Public Signature



(RESERVED FOR RECORDER USE)

GRANTOR'S NAME AND ADDRESS:

Nathan F. Smith, Esq., OSB #120112  
c/o TRUSTEE CORPS  
17100 Gillette Ave  
Irvine, CA 92614

GRANTEE'S NAME AND ADDRESS:

Scott Cuthbertson  
2661 S. Pacific Highway  
Medford, OR 97501

AFTER RECORDING RETURN TO:

Scott Cuthbertson  
2661 S. Pacific Highway  
Medford, OR 97501

UNTIL REQUESTED, SEND ALL  
TAX STATEMENTS TO:

Scott Cuthbertson  
2661 S. Pacific Highway  
Medford, OR 97501

State of \_\_\_\_\_

County of \_\_\_\_\_

I certify that the within instrument was received for record on the \_\_\_\_\_

day of \_\_\_\_\_, at \_\_\_\_\_ o'clock

\_\_\_\_\_ M, and recorded in book / reel / volume no.

\_\_\_\_\_ on page \_\_\_\_\_ or as

fee / file instrument / microfilm / reception no.

\_\_\_\_\_, Record of Mortgages

of said County.

Witness my hand and seal of County Affixed.

\_\_\_\_\_  
Name

By \_\_\_\_\_ Deputy