

2019-001162

Klamath County, Oregon

02/08/2019 08:40:01 AM

Fee: \$92.00

**TRUSTEE'S DEED UPON SALE**

**From:**

Zieve, Brodnax & Steele, LLP, as Successor Trustee;  
Grantor,

**To:**

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Hilldale Trust  
Purchaser at Sale, Grantee

True and Accurate Consideration Paid \$368,720.00 at Trustee's Sale

**AFTER RECORDING RETURN AND SEND NEW TAX STATEMENTS TO:**

Fay Servicing, LLC  
425 S. Financial Pl., Suite 2000  
Chicago, IL 60605

**Information regarding Foreclosed Trust Deed**

**SOUTH VALLEY BANK & TRUST**  
Beneficiary under Original Trust Deed

**Property Information**  
Purported Street Address:  
3635 COUGAR BUTTE LANE  
KLAMATH FALLS, Oregon 97601

**ALLEN N CHIURA** Grantor under Original Trust Deed    The Tax Assessor's Account ID for the real property is purported to be: R-3809-015D0-00104-000 / R883852

**AMERITITLE**

Trustee under Original Trust Deed

**Original trust deed recorded:**

4/20/2005, in Book M05, Page 27866,

**TS NO. 15-33992**

**TRUSTEE'S DEED UPON SALE**

THIS INDENTURE, made 1/28/2019, between Zieve, Brodnax & Steele, LLP, as Successor Trustee (hereinafter called trustee), and Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Hilldale Trust hereinafter called the Purchaser at Sale:

REFERENCE IS MADE to that certain Deed of Trust (hereafter referred to as the Trust Deed) made by: ALLEN N CHIURA, as the Grantor, Zieve, Brodnax & Steele, LLP, as the Trustee and, SOUTH VALLEY BANK & TRUST, as the Beneficiary dated 4/15/2005 and recorded on 4/20/2005, in Book M05, Page 27866,, in the mortgage records of Klamath County, Oregon.

In said Trust Deed the real property herein 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 obligations was recorded in the mortgage records of said county on 9/14/2018 as Recording No. 2018-011206, to which reference now is made.

After the recording of said Notice of Default, Zieve, Brodnax & Steele, LLP the 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 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 pursuant to ORCP 7D(2) and 7D(3) or otherwise was posted pursuant to ORS 86.750(1) 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 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 act 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 act 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).

Pursuant to said Notice of Default, Notice of Sale, and proclamation(s) of postponement (if any), the undersigned trustee on 1/28/2019, at the hour of 1:00 PM, of said day, in accord with the standard of time established by ORS 187.110, 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 Purchaser at Sale for the sum of \$368,720.00 paid by the Purchaser at sale, 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 \$368,720.00 such sum being bid and paid by the Purchaser at Sale.

NOW THEREFORE, in consideration of the said sum so paid by the Purchaser at Sale, 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 Purchaser at Sale all interest which the grantor had or had the power to convey at the time of the 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 deed in and to the following described real property located in Klamath, county, OR to-wit:

Parcel 1 of Land Partition 59-04, said Land Partition being a replat of Parcel 3 of Land Partition 39-97, Land Partition 39-97 being a portion of Parcel 2 of "Minor Land Partition 9-90", said Land Partition 59-04 being situated in the NE1/4 of the SE1/4 of Section 15, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

TOGETHER WITH an easement for ingress and egress over and across Parcel 2 of Land Partition 59-04 as created by Land Partition 39-97 and as delineated on the face of Land Partition 59-04.

Tax Parcel Number: R-3809-015D0-00104-000 / R883852

To have and to hold the same unto the Purchaser at Sale, his heirs, successors-in-interest and assigns forever.

In constructing 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.

IN WITNESS WHEREOF, the undersigned trustee has hereunto set his hand;

Dated: 2/6/19

Zieve, Brodnax &amp; Steele, LLP

By: 

Bradford Ellis Klein, OSB#165784

Zieve, Brodnax &amp; Steele, LLP

Authorized to sign on behalf of the 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 2/6/2019 before me, A.J. Buckelew Notary Public personally appeared, Bradford Ellis Klein who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) 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.

  
A.J. Buckelew

(Seal)

