

2019-004494

Klamath County, Oregon

04/29/2019 11:01:00 AM

Fee: \$117.00

AFTER RECORDING RETURN TO:

Hershner Hunter, LLP
Attn: Lisa M. Summers
P.O. Box 1475
Eugene, OR 97440

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE SENT
TO THE FOLLOWING ADDRESS:
UMPQUA BANK
PO Box 230727
Tigard, OR 97281

TRUE AND ACTUAL CONSIDERATION:
\$140,000.00

TRUSTEE'S DEED

TRUSTEE: NANCY K. CARY, Successor Trustee, PO Box 1475, Eugene, OR 97440

GRANTEE: UMPQUA BANK, PO Box 230727, Tigard, OR 97281

RECITALS:

A. DAN LAWLER AND CAREY HOBBS-LAWLER, Grantor, executed and delivered to FIRST AMERICAN TITLE OF KLAMATH FALLS, Trustee for the benefit of UMPQUA BANK, SUCCESSOR BY MERGER TO STERLING SAVINGS BANK DBA STERLING BANK, Beneficiary, a Trust Deed dated March 14, 2013 and recorded on April 4, 2013, in the Official Records of Klamath County, Oregon as Recording No. 2013-003592 (the Trust Deed). In the Trust Deed, the following described real property (the Real Property) was conveyed by the Grantor to the Trustee to secure the performance of certain obligations to the Beneficiary:

PARCEL 1

All of Lot 52 of FAIR ACRES SUBDIVISION NUMBER ONE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

SAVING AND EXCEPTING THEREFROM the following described parcel as set out in Deed from Melvin Floyd Brewster et ux, to Hiram S. Brewster, as grantee; said deed dated June 13, 1945 and recorded September 4, 1945 in Book 179 at page 438 of Deed Records of Klamath County, Oregon, to wit: A strip of land 14 feet 2 inches off the North side of Lot 52, and a strip of land 45 feet, 10 inches of the South side of Lot 53, both of said strips extended by parallel lines from the East side line of Kane street to the Northwest line of the Enterprise Irrigation District Canal and all of said lands being and lying in FAIR ACRES SUBDIVISION NUMBER ONE. Also Excepting therefrom the Westerly 5 feet thereof conveyed to Klamath County for road purposes in Volume 349 at page 474, Deed Records of Klamath County, Oregon.

PARCEL 2

All that portion of Lot 53 of FAIR ACRES SUBDIVISION NUMBER ONE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, lying Southeasterly of the

Enterprise Irrigation District Canal.

Thereafter the Grantor defaulted in performance of the obligations secured by the Trust Deed. The default still existed at the time of sale by the Trustee to the Grantee.

B. Sterling Savings Bank dba Sterling Bank originated the loan evidenced by the promissory note and trust deed. Umpqua Bank is the successor in interest by Merger to Sterling Savings Bank dba Sterling Bank and has been the holder of the promissory note (since the origination of the loan) and has been the true beneficiary of the trust deed pursuant to Oregon case law. To avoid confusion, an Assignment of Trust Deed from Mortgage Electronic Registration Systems, Inc. (MERS) was recorded on November 5, 2018, in the Official Records of Klamath County, Oregon as Recording No. 2018-013483.

C. Nancy K. Cary was appointed Successor Trustee of the Trust Deed. The appointment was recorded on November 5, 2018 in the Official Records of Klamath County, Oregon as Recording No. 2018-013484.

D. The Beneficiary declared the Grantor of the Trust Deed to be in default. The reasons for the declaration of default, the Beneficiary's election to declare all sums due to it immediately due and the Beneficiary's election to foreclose the Trust Deed by advertisement and sale to satisfy the Grantor's obligations was recorded on November 5, 2018 in the Official Records of Klamath County, Oregon as Recording No. 2018-013486.

E. After recording the Notice of Default and Election to Sell, the Trustee gave notice of the time and place set for sale of the Real Property through the Danger Notice under ORS 86.756 to all persons entitled to receive the Danger Notice by both first class mail and certified mail, return receipt requested. The Affidavit of Mailing the Danger Notice was recorded in the Official Records of Klamath County, Oregon as Recording No. 2019-003361, prior to the day the Trustee conducted the sale.

F. After recording the Notice of Default and Election to Sell, the Trustee gave notice of the time and place set for sale of the Real Property. Notice of the sale was given as follows:

1. To all persons entitled to receive such notice by mailing the notice to them at their last known addresses by both first class mail and certified mail, return receipt requested. The notice was mailed to them more than 120 days before the Trustee conducted the sale. An Affidavit of Mailing of such notice was recorded in the Official Records of Klamath County, Oregon as Recording No. 2019-003361, prior to the day the Trustee conducted the sale. An Affidavit of Mailing Notice of Postponement was recorded in the Official Records of Klamath County, Oregon as Recording No. 2019-003662, prior to the day the Trustee conducted the sale.

2. To the occupants of the Real Property by personal or substituted service, or posting and mailing, more than 120 days prior to the day the Trustee conducted the sale. A Proof of Service was recorded in the Official records of Klamath County, Oregon as Recording No. 2019-003361, prior to the day the Trustee conducted the sale.

3. By publishing such notice in the Herald & News, a newspaper of general circulation in Klamath County, Oregon, once a week for four successive weeks. The last publication was more than 20 days prior to the day the Trustee conducted the sale. An Affidavit of Publication of such notice was recorded in the Official Records of Klamath County, Oregon as Recording No. 2019-003361, prior to the day the Trustee conducted the sale.

G. On the date of the Notice of Sale, the Trustee did not have actual notice of any person claiming an interest which was subsequent to the Trustee's interest in the Real Property, except for those persons named in the affidavits referred to in Recitals D. and E. of this deed. The Trustee hereby certifies that any valid requests for information under ORS 86.786 have been responded to within the time allowed by the statute. The Trustee also hereby certifies that the Beneficiary complied with ORS 86.748(1) and that an affidavit of compliance was recorded in the Official Records of Klamath County, Oregon as Recording No. 2019-003361 and Recording No. 2019-003662 at least five days prior to the day the Trustee conducted the sale.

H. On April 25, 2019, at 11:00 a.m. at the front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, the Trustee sold the Real Property in one parcel at public auction to the highest bidder for cash (Umpqua Bank). The price bid was paid at the time of sale.

I. At no time during the period of time between the recording of the Notice of Default and Election to Sell and the date of the sale, was the real property described in and covered by the Trust Deed, or any interest therein owned by a person in the military service of the United States of America, a minor or an incapacitated person.

J. The true and actual consideration paid for this transfer is \$140,000.00.

K. In construing this instrument, whenever the context requires, the following shall apply:

1. References to a specific gender shall include the masculine, feminine and neuter genders.
2. Reference to the singular shall include the plural and vice versa.
3. References to the Trustee shall include any Successor Trustee.

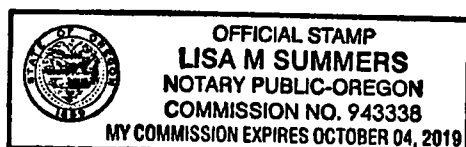
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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.

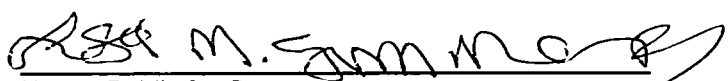
In consideration of the sum paid by the Grantee in cash, the receipt of which is hereby acknowledged, the Trustee hereby conveys to the Grantee all interest which the Grantor had or had the power to convey at the time of Grantor's execution of the Trust Deed in and to the Real Property described herein, together with any interest the Grantor or the Grantor's successors in interest acquired after the execution of the Trust Deed.

Dated: April 29, 2019.

STATE OF OREGON)
) ss.
COUNTY OF LANE)

Nancy K. Cary, Successor Trustee




Notary Public for Oregon
My Commission Expires: 10/4/2019 (TS #30057.31006)