

2019-009363

Klamath County, Oregon



00245466201900093630040041

08/16/2019 11:41:10 AM

Fee: \$97.00

Grantor's Name and Address:

Scott D. MacArthur, Successor Trustee
125 S. 6th Street
Klamath Falls, OR 97601

Grantee's Name and Address:

Daniel C. Scheall, Trustee
P.O. Box 1962
Newport, OR 97635

After recording return to:

Daniel C. Scheall, Trustee
P.O. Box 1962
Newport, OR 97635

Until a change is requested all tax statements shall be sent to
the following address:
Same

TRUSTEE'S DEED

THIS INDENTURE, Made this 16th day of August, 2019, between Scott D. MacArthur, hereinafter called trustee, and DANIEL C. SCHEALL, Sr., Trustee Scheall Family Trust, dated June 2, 1992, hereinafter called the second party;

WITNESSETH:

RECITALS: JOHN W. CLAYTON and LISA G. CLAYTON, as grantor, executed and delivered to DANIEL C. SCHEALL, SR., as trustee, for the benefit of DANIEL C. SCHEALL, Sr., Trustee Scheall Family Trust, dated June 2, 1992, as beneficiary, under a certain trust deed dated May 1, 2013, duly recorded on May 1, 2013, as instrument No. 2013-004627 of the Mortgage records 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:

Failure to make payment in the amount of \$473.15 per month beginning August 2016 through the present.

Failure to make payment of the 2014-2015 real property taxes in the amount of \$167.02, plus interest

Failure to make payment of the 2015-2016 real property taxes in the amount of \$182.72, plus interest.

Failure to make payment of the 2016-2017 real property taxes in the amount of \$182.74, plus interest.

Failure to make payment of the 2017-2018 real property taxes in the amount of \$141.71, plus interest.

Failure to make payment of the 2018-2019 real property taxes in the amount of \$144.74, plus interest.

By reason of said default, the beneficiary declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: \$31,214.72 as of September 1, 2016, plus costs incurred and interest.

Returned at Counter

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 in the mortgage records of said county on April 4, 2019, at Volume No. 2019, at page 003639 et seq, 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) 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 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 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 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).

Pursuant to said notice of sale, the undersigned trustee on August 16, 2019 at the hour of 11:00 o'clock, A.M., of said day, in accord with the standard of time established by ORS 187.110, 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 trustee by said trust deed, sold said real property in one parcel at public auction to the said second party for the sum of \$37,377.06, 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. The true and actual consideration paid for this transfer is the sum of \$37,377.06, receipt of which is hereby acknowledged.

NOW THEREFORE, in consideration of the said sum so 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 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 said trust deed, together with any interest the said grantor or his successors in interest acquired after the execution of said trust deed in and to the following described real property, to-wit:

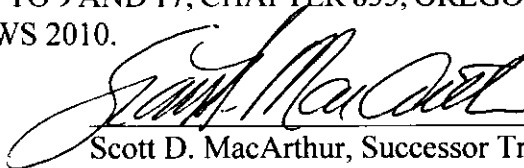
The Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 and the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 6, Township 41 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

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.

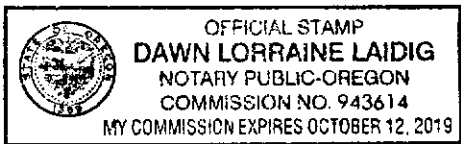
IN WITNESS WHEREOF, the undersigned trustee has hereunto executed this document; if the undersigned is a corporation, it has caused its corporate name to be signed and its seal affixed hereto by an officer duly authorized thereunto by order of its Board of Directors.

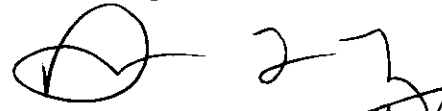
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2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


Scott D. MacArthur, Successor Trustee

STATE OF OREGON)
) ss.
County of Klamath)

This instrument was acknowledged before me on August 16, 2019,
by Scott D. MacArthur.




Notary Public for Oregon
My commission expires July 19

AFFIDAVIT OF NON-MILITARY SERVICE/COMPETENCY

Trust Deed from John W. Clayton and Lisa G. Clayton

TO

Daniell C. Scheall, Trustee, Beneficiary

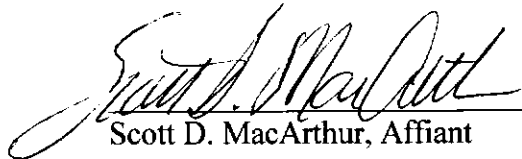
After recording return to: Successor trustee
Scott D. MacArthur,
125 S. 6th Street
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, being first duly sworn, depose, and say and certify that:

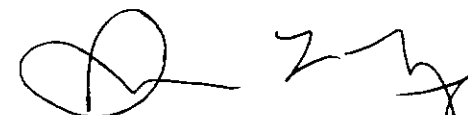
That the Grantor, was served by both Regular Mail and Certified Mail, Return Receipt requested on April 5, 2019. No residence exists on the real property and a Affidavit of non-occupancy was recorded on August 1, 2019.

That to the best knowledge of Beneficiary and Beneficiary's counsel, John W. Clayton and Lisa G. Clayton, were not at that time nor are they now in the Military Services of the United States of America and believed to be competent.


Scott D. MacArthur, Affiant

SUBSCRIBED AND SWORN to before me this 16th day of August, 2019, by Scott D. MacArthur.




Notary Public for Oregon
My Commission Expires: 10/12/19