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K54619

TRUSTEE'S NOTICE OF SALE

Vol M00 Page 2826

Reference is made to that certain trust deed made by Rodgers Family Limited Partnership consisting of Alice Ann Rodgers, I.F. Rodgers and Lorraine G. Rodgers, as grantor, to First American Title Insurance Company, as trustee, in favor of Herbrand Logging, Inc., as beneficiary, dated May 31, 1999, recorded May 31, 1999, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M99 at page 20345, or *** as fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real property situated in said county and state, to-wit:

See attached "Exhibit "A"

***and rerecorded June 22, 1999, in Book M99 at page 24444 of Records of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payment due 6/21/99 - \$69,019.35
 Monthly payment due 7/21/99 - \$69,019.35
 Monthly payment due 8/21/99 - \$69,019.35
 Monthly payment due 9/21/99 - \$69,019.35

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

Principal amount of	400,000.00
Interest from 5/21/99 to 10/6/99	17,885.36
	<u>\$417,885.36</u>

WHEREFORE, notice hereby is given that the undersigned trustee will on February 17, 2000, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Klamath County Government Center, 305 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED October 8, 1999

JERRY M. MOLATORE

Trustee

State of Oregon, County of Klamath ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

JERRY M. MOLATORE Attorney for said Trustee

SERVE:

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

oc
B16

EXHIBIT "A"

DESCRIPTION OF PROPERTY

PARCEL ONE:

Township 40 South, Range 11 East of the Willamette Meridian

Section 4: S $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$; Government Lot 20; W $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 5: Government Lots 17 and 18, N $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 9: N $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 10: W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 15: W $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$

Township 40 South, Range 11 East of the Willamette Meridian

Section 8: S $\frac{1}{2}$ NE $\frac{1}{4}$; and the NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 9: SW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 16: NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; E $\frac{1}{2}$

Reserving therefrom a right of way for road and utility purposes 30 feet on each side of the centerline of that existing road running Northwesterly through the West half of Section 9 and the East half of Section 8

And further reserving therefrom a right of way for ingress and egress, road and utility purposes over that existing road that runs through the Northwest quarter of the Northwest quarter.

2828

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath, ss:I, Jerry M. Molatore, being first duly sworn, depose, and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

NAME

ADDRESS

Rodgers Family Limited Partnership consisting
of Alice Ann Rodgers, I.F. Rodgers and
Lorraine G. Rodgers

20909 S. Poe Valley Road
Klamath Falls, OR 97603

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by.....

Jerry M. Molatore, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on October 8, 1999. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Jerry M. Molatore

Subscribed and sworn to before me on October 8, 1999.

Judith A. Hurley
Notary Public for Oregon. My commission expires 1-10-2003

AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE

RE: Trust Deed from
Rodgers Family Limited Partner-
ship consisting of Alice Ann
Rodgers, I.F. Rodgers and
Lorraine G. Rodgers

Grantor

TO
Herbrand Logging, Inc.

Trustee

AFTER RECORDING RETURN TO

Jerry M. Molatore
426 Main Street
Klamath Falls, OR 97601

(DON'T USE THIS
SPACE: RESERVED
FOR RECORDING
LABEL IN COUN-
TIES WHERE
USED.)

STATE OF OREGON,

County of } ss.

I certify that the within instrument was received for record on the day of 19....., 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

TITLE

By Deputy

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.

OC

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

2829

STATE OF OREGON,

County of Klamath

} ss.

I, JERRY M. MOLATORE

being first duly sworn, depose, say and certify that:

I am the SUCCESSOR trustee in that certain trust deed executed and delivered by Rodgers Family Limited Partnership consisting of Alice Ann Rodgers, I.F. Rodgers and Lorraine G. Rodgers as grantor to First American Title Insurance Company as trustee, in which Herbrand Logging, Inc. is beneficiary, recorded on May 31, 1999, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M99, at page 20345 or as fee/file/instrument/microfilm/reception No. *** (indicate which), covering the following described real property situated in said county:

See attached Exhibit "A"

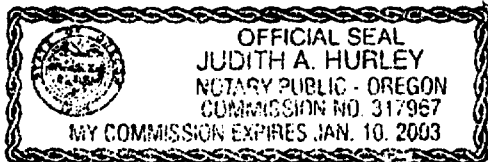
***and rerecorded June 22, 1999, in Book M99 at page 2444 of Records of Klamath County, Oregon.

I hereby certify that on October 6, 1999, the above described real property was not occupied.

The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.

JERRY M. MOLATORE Successor Trustee

Subscribed and sworn to before me October 20, 1999



Judith A. Hurley
Notary Public for Oregon

My commission expires 1-10-2003

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

RE: Trust Deed from Rodgers Family Limited Partnership consisting of Alice Ann Rodgers, I.F. Rodgers and Lorraine G. Rodgers

to

First American Title Insurance Company

Trustee

AFTER RECORDING RETURN TO

JERRY M. MOLATORE
426 Main Street
Klamath Falls, OR 97601

(DON'T USE THIS
SPACE: RESERVED
FOR RECORDING
LABEL IN COUNTIES
WHERE USED.)

STATE OF OREGON,

County of

} ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, 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

TITLE

By _____ Deputy

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Larry L. Wells, Business Manager,
being first duly sworn, depose and say
that I am the principal clerk of the
publisher of the Herald and News
a newspaper in general circulation, as
defined by Chapter 193 ORS, printed and
published at Klamath Falls in the
aforesaid county and state; that the

Legal 2780

Trustee's Notice.....

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for four

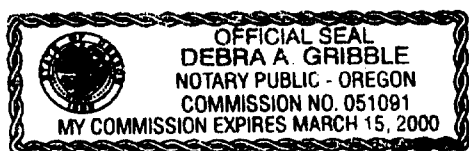
(4) insertion(s) in the following issues:
December 5, 12, 19, 26, 1999

Total Cost: \$770.60

Subscribed and sworn before me this 26th
day of December 1999

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15 2000



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Rodgers Family Limited Partnership consisting of Alice Ann Rodgers, I. F. Rodgers and Lorraine G. Rodgers, as grantor, to First American Title Insurance Company, as trustee, in favor of Herbrand Logging, Inc., as beneficiary, dated May 31, 1999, recorded May 31, 1999, in the mortgage records of Klamath County, Oregon, in Vol. M99 at page 20345, or ** *, covering the following described real property situated in said county and state, to-wit:

PARCEL ONE:

T. 40 S., R. 11 E., Willamette Meridian

Section 4: S1/2E1/2SW1/4; S1/2W1/2SE1/4; SE1/4SE1/4; Government Lot 20: W1/2SW1/4;

Section 5: Government Lots 17 and 18, N1/2SE1/4; SE1/4SE1/4;

Section 9: N/12NE1/4; SW1/4NE1/4; NE1/4NE1/4SE1/4; S1/2NE1/4SE1/4; N1/2NE1/4SE1/4SE1/4; NW1/4SE1/4SE1/4; S1/2SE1/4SE1/4;

Section 10: W1/2SW1/4;

Section 15: W1/2NE1/4; NW1/4; N1/2SW1/4; NW1/4SE1/4;

T. 40 S., R. 11 E., Willamette Meridian

Section 8: S1/2NE1/4; and the NE1/4NE1/4;

Section 9: SW1/4NW1/4; SW1/4; W1/2SE1/4;

Section 16: NW1/4; E1/2SW1/4; E1/2.

Reserving therefrom a right of way for road and utility purposes 30

feet on each side of the centerline of that existing road running Northwesterly through the West half of Section 9 and the East half of Section 8.

And further reserving therefrom a right of way for ingress and egress, road and utility purposes over that existing road that runs through the Northwest quarter of the Northwest quarter of the Northwest quarter.

*** and rerecorded June 22, 1999, in Book M99 at page 24444 of Records of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payment due 6/21/99 - \$69,019.35
Monthly payment due 7/21/99 - \$69,019.35
Monthly payment due 8/21/99 - \$69,019.35
Monthly payment due 9/21/99 - \$69,019.35

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

Principal amount of \$400,000.00
Interest from 5/21/99 to 10/6/99 \$17,885.36
TOTAL \$417,885.36

WHEREFORE, notice is given that the undersigned trustee will on February 17, 2000, at the hour of 10:00 o'clock, A.M., in accord

with the standard time established by ORS 187.110, at Klamath County Government Center, 305 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction the highest bidder for cash the interest in the said described real property which the grantor had or has power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligation thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed stated by payment of the beneficiary of the entire amount then due (other than such portion of the principal would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation of said trust deed, and in addition to paying said sum or tendering the performance necessary to cure the default, paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided said ORS 86.753. In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation

the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED October 8, 1999

JERRY M. MOLATORE
Trustee

State of Oregon, County of Klamath ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

JERRY M. MOLATORE
Attorney for said Trustee
#2780 December 5, 12, 19, 26, 1999

2831

State of Oregon, County of Klamath
Recorded 1/28/00, at 10:45 A.M.
In Vol. M00 Page 2826
Linda Smith,
County Clerk Fee \$ 46.00