

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Larry L. Wells, Business Manager,
being first duly sworn, despose 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#3828

Trustee's Notice of Sale

Alice Ann Rodgers

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:

January 20, 27, 2001

February 2, 13, 2001

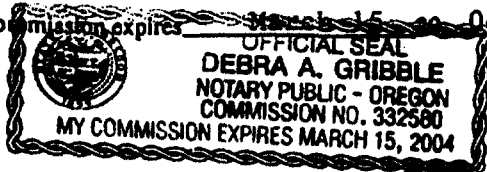
Total Cost: \$715.50

Subscribed and sworn before me this 13th
day of February 20 01

Debra A. Gribble

Notary Public of Oregon

My commission expires March 15, 2004



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Rogers Family Limited Partnership consisting of Alice Ann Rodgers, I.F. Rodgers and Lorraine G. Rodgers, as grantor, to First American Title Insurance Co., as trustee, in favor of Al Bruner, as beneficiary, dated February 17, 2000, recorded February 17, 2000, in the mortgage records of Klamath County, Oregon, in volume No. MOO at page 5062, or as instrument/ (indicate which), covering the following described real property situated in said county and state, to-wit:

DESCRIPTION OF PROPERTY

PARCEL ONE:
Township 40 South,
Range 11 East of
the Willamette Meridian

Section 4: S 1/2 E 1/2
SW 1/4; S 1/2 W 1/2 SE
1/4; SE 1/4 SE 1/4, Gov-
ernment Lot 20; W 1/2
SW 1/4;

Section 5: Government
Lots 17, and 18, N 1/2
SE 1/4; SE 1/4 SE 1/4

Section 9: N 1/2 NE 1/4;
SW 1/4 NE 1/4; NE 1/4
NE 1/4 SE 1/4; S 1/2
NE 1/4 SE 1/4; N 1/2
NE 1/4 SE 1/4 SE 1/4;
NW 1/4 SE 1/4; SE 1/4;
S 1/2 SE 1/4 SE 1/4

Section 10: W 1/2 SW 1/4

Section 15: W 1/2 NE 1/4;
NW 1/4; N 1/2 SW 1/4;
NW 1/4 SE 1/4

Township 40 South,
Range 11 East of
the Willamette Meridian

Section 8: S 1/2 NE 1/4;
and the NE 1/4 NE 1/4

Section 9: SW 1/4 NW
1/4; SW 1/4; W 1/2 SE
1/4

Section 16: NW 1/4; E

1/2 SW 1/4; E 1/2
Reserving therefrom a
right of way for road
and utility purposes 30
feet on each side of the
centerline of that exist-
ing road running North-
westerly 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 exist-
ing road that runs
through the Northwest
quarter of the North-
west quarter.

Both the benefici-
ary and the trustee
have elected to sell the
said real property to
satisfy the obligations
secured by said trust
deed and a notice of de-
fault has been recorded
pursuant to Oregon Re-
vised Statutes
86.735(3); the default
for which the foreclo-
sure is made is gran-
tor's failure to pay
when due the following
sums:

The 1999-2000 real prop-
erty taxes of \$1,249.16
plus, the first 1/3 of the
2000-2001 real property
taxes of \$331.28.

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 follow-
ing, to-wit:

The unpaid principal
balance of \$526,492.07
with interest thereon at
12% per annum from
February 17, 2000 until
paid.

WHEREFORE,
notice hereby is given
that the undersigned
trustee will on June
12, 2001 at the hour of
1:30 o'clock A.M., in
accord with the stand-
ard of time estab-
lished by ORS 187.110,
Law Office of
Richard Fairclough,
80 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 pow-
er 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 ex-
ecution of said trust
deed, to satisfy the
foregoing obligations
thereby secured and
the costs and expenses
of sale, including a rea-
sonable charge by the
trustee. Notice is fur-
ther given that any per-
son 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 rein-
stated by payment to
the beneficiary of the
entire amount then due
(other than such por-
tion of the principal as
would not then be due
had no default oc-
curred) and by curing
any other default com-
plained of therein that
is capable of being
cured by tendering the
performance required
under the obligation or
trust deed, and in addi-
tion to paying said
sums or tendering the
performance required
under the obligation or
trust deed, and in addi-
tion to paying said sums
or tendering the perfor-
mance necessary to
cure the default, by
paying all costs and ex-
penses actually in-
curred 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 in-
cludes the plural, the
word "grantor" includes
any successor in inter-
est to the grantor, as
well as any other per-
son owing an obligation,
the performance of
which is secured by

27646

said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED January 31, 2001

PATRICK J. KELLY

Trustee
State of Oregon, County of Josephine 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.

Patrick J. Kelly

Attorney for said Trustee

#3828 February 20, 27, 2001

March 2, 13, 2001

pw

OC



TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

27647

STATE OF OREGON,

County of Josephine

} ss.

I, Patrick J. Kelly

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* as grantor to First American Title Insurance Co. as trustee, in which Al Bruner is beneficiary, recorded on February 17, 2000, ~~xxx~~, in the mortgage records of Klamath County, Oregon, in ~~book/reel~~ volume No. M00, at page 5062 or as fee/file/instrument/~~microfilm/reception~~ ~~xxxxxx~~ (indicate which), covering the following described real property situated in said county:

SEE EXHIBIT "A"

*and Lorraine G. Rodgers.

I hereby certify that on 2/12/2001, 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.

PATRICK KELLY

Trustee



Subscribed and sworn to before me

Sharon Deardorff

Notary Public for Oregon

My commission expires

9-11-2004

TRUSTEE'S AFFIDAVIT
AS TO NON-OCCUPANCYRE: Trust Deed from
Rodgers

Grantor

to
First American Title Insurance Co.

Trustee

AFTER RECORDING RETURN TO
PATRICK J. KELLY
ATTORNEY AT LAW
717 NW 5th ST.
GRANTS PASS, OR 97526

(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

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.

State of Oregon, County of Klamath

Recorded 06/11/01, at 4:01 p. m.

In Vol. M01 Page 27645

Linda Smith,

County Clerk Fee \$ 36⁰⁰

By: Faircloth, Richard