

'02 APR 9 AM 8:27

# Affidavit of Publication

Vol M02 Page 20701

State of Oregon, County of Klamath  
Recorded 04/09/2002 8:274 m.  
Vol M02, Pg 20701-20701A  
Linda Smith, County Clerk  
Fee \$ 26.00 # of Pgs 2

## 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 # 4644

Notice of Sale/Ernst Bros.

a printed copy of which is hereto annexed,  
was published in the entire issue of said  
newspaper for: ( 4 )  
Four

Insertion(s) in the following issues:  
March 1, 8, 15, 22, 2002

Total Cost: \$1,633.50

[Signature]  
Subscribed and sworn

before me on: March 22, 2002

[Signature]  
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 Ernst  
Brothers, LLC, as  
grantor, to Neal Bu-  
chanan, as trustee,  
in favor of Howard  
Charles Hassett 1994  
Trust UTD 9/27/94 &  
Mary Ann Hassett  
1994 Trust UTD  
9/27/94\*\*, as benefi-  
ciary, dated Janu-  
ary 26, 2000, record-  
ed April 24, 2000 in  
the mortgage re-  
cords of Klamath

County, Oregon, in  
volume No. M00 at  
page 13954, as mi-  
crofilm/record cov-  
ering the following  
described real prop-  
erty situated in said  
county and state, to-  
wit: SEE EXHIBIT  
"A" ATTACHED  
HERETO.

\*\*By assignment of  
Trust Deed, Assign-  
ment of Rents, Se-  
curity Agreement  
and Fixture Filing,  
the Beneficiary's in-  
terest in the above  
described Trust  
Deed was assigned  
to Patrick G.  
Huycke, Trustee of  
the Huycke, Boyd &  
Maulding, LLP 401K  
Profit Sharing Plan,  
fbo Patrick G.  
Huycke. The as-  
signment is dated  
December 27, 2001  
and was recorded  
December 27, 2001,  
in Vol. M01 at Page  
66327 of the Micro-  
film Records of Klamath County, Ore-  
gon.

### EXHIBIT "A" LEGAL DESCRIPTION

PARCEL 1: The fol-  
lowing described real  
property situated  
in Klamath County,  
Oregon: A piece or  
parcel of land situat-  
ed in the NE 1/4 of  
Section 19, Township  
38 South, Range 9  
East of the Willam-  
ette Meridian, Klamath County, Ore-

gon and more par-  
ticularly described  
as follows:

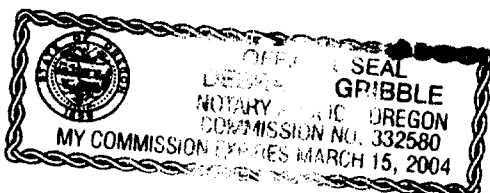
Beginning at an iron  
pipe which is South  
0 degrees 06' West  
323.4 feet and North  
89 degrees 49' West  
234.2 feet from the  
NE Section Corner  
of Section 19, Town-  
ship 38 South, Range  
9 East of the Will-  
amette Meridian,  
Klamath County,  
Oregon which point  
of beginning is also  
the NE corner of  
that certain tract of  
land conveyed to El-  
mer W. and Flora  
M. Zigler on page  
238 Deed Volume 278  
of the records of  
Klamath County,  
Oregon; thence  
North 89 degrees 49'  
West along the  
Northerly boundary  
of said tract of land  
conveyed on page

238 Deed Volume  
278, a distance of  
334.8 feet to an iron  
pipe set at its inter-  
section with a line  
which is parallel to  
and 192.77 feet  
Northeasterly of,  
when measured at  
right angles to, the  
Northeasterly right  
of way line of the  
Dalles-California  
Highway (No. US97)  
as the same is now  
located across said  
Section 19; thence  
North 38 degrees 52'  
West parallel to and  
192.77 feet distant  
from said Northeast-  
erly highway right  
of way line a dis-  
tance of 147.25 to an  
iron pipe; thence  
South 89 degrees 49'  
East a distance of  
427.3 feet to an iron  
pipe; thence South 0  
degrees 06' West a  
distance of 114.35  
feet more or less, to  
the point of begin-  
ning.  
PARCEL 2  
Beginning at a point  
which is South 0 de-  
grees 06' West a dis-  
tance of 477.4 feet and  
North 89 degrees 49'  
West a distance of

234.2 feet from the  
Northeast corner of  
Section 19, Township  
38 South, Range 9  
East of the Willam-  
ette Meridian, Klamath County, Ore-  
gon; thence North 0  
degrees 06' East a  
distance of 154 feet  
to a point; thence  
North 89 degrees 49'  
West a distance of  
336 feet, more or  
less, to a point on a  
line which is paral-  
lel to and distant  
192.77 feet at right  
angles from the  
Northeasterly right  
of way line of the

Dalles-California  
Highway; thence  
South 38 degrees 52'  
East a distance of  
200 feet, more or  
less, to a point  
which is North 0 de-  
grees 06' East a dis-  
tance of 211.1 feet  
from the North line  
of Byrd Avenue in  
Chelsea Addition;  
thence South 89 de-  
grees 49' East a dis-  
tance of 210.2 feet to  
the place of begin-  
ning, being in the  
NE 1/4 NE 1/4 of  
Section 19, Township  
38 South, Range 9  
East of the Willam-  
ette Meridian, Klamath County, Ore-  
gon.

PARCEL 3  
All that portion of  
the NE 1/4 NE 1/4  
of Section 19, Town-  
ship 38 South, Range  
9 East of the Will-  
amette Meridian,  
Klamath County,  
Oregon, more par-  
ticularly described  
as follows:  
Beginning at a sec-  
tion corner common  
to Sections 17, 18, 19,  
and 20, said Town-  
ship and Range;  
thence South 0 de-  
grees 06' West along  
the East line of said  
Section 19, a dis-  
tance of 388.5 feet to  
a point; thence  
North 89 degrees 49'  
West a distance of  
174.2 feet to a point;  
thence South 0 de-



degrees 06' West a distance of 300.0 feet to a point on the North line of Byrd Avenue; thence West along said North line a distance of 60 feet to a point; thence North 0 degrees 06' East a distance of 479.45 feet to a point; thence North 89 degrees 44' West a distance of 427.3 feet to a point; thence North 38 degrees 46' West a distance of 268.15 feet to a point on the North line of said Section 19; thence South 89 degrees 44' East along said North line a distance of 833.95 feet to the point of beginning.

**EXCEPTING THEREFROM** a tract of land situated in the NE 1/4 NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at the section corner common to Sections 17, 18, 19 and 20, said Township and Range; thence South 0 degrees 06' West along the East line of said Section 19, a distance of 388.5 feet to a point; thence North 89 degrees 49' West a distance of 174.2 feet to a point; thence South 0 degrees 06' West a distance of 89 feet to the True Point of Beginning of this description; thence continuing South 0 degrees 06' West a distance of 211 feet to a point on the North line of Byrd Avenue; thence West along said North line a distance of 60 feet to a point; thence North 0 degrees 06' East a distance of 211 feet to a point; thence South 89 degrees 49' East 60 feet to the point of beginning.

#### PARCEL 4

Beginning at a point on the Northeastly right of way line of State Highway No. 97 which lies South 0 degrees 06' West along the East section line a distance of 688.5 feet and North 89 degrees 49' West along the North line of Byrd Avenue in Chelsea Addition, a distance of 521.6 feet and North 38 degrees 52' West along the Northeastly right of way line of State Highway No. 97 (Note: State Highway bearing of this line shows North 39 degrees 7 1/2' West) a distance of 130.55 feet from the iron axle which marks the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, running thence; continuing North 38 degrees 52' West along the Northeastly right of way line of State Highway No. 97, a distance of 250 feet to a point; thence North 51 degrees 08' East a distance of 192.77 feet to a point; thence South 38 degrees 52' East a distance of 250 feet to a point; thence South 51 degrees 08' West a distance of 192.77 feet, more or less to the point of beginning, in the NE 1/4 NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon. All inventory, equipment, accounts, contract rights and name associated with the above described real property and products of such personal property shall also be sold pursuant to this Notice of Default and Election to Sell, the beneficiary being granted a security interest in such

personal property pursuant to the Security Agreement by Crescent Group, LLC, a Oregon limited liability company, as assignee of Crescent Oil Company, Inc., dated January 26, 2000.

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: Failure to pay installments of principal and interest due on the 26th day of each month in the amount of \$5,002.48 for the months of September, October, November and December, 2001, and January, 2002, total now due \$25,012.40; failure to pay real property taxes for the 2000-2001 and 2001-2002 real property tax fiscal years, total now due \$16,142.86, plus interest.

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: \$544,724.62, plus accrued interest owing to January 25, 2002, in the amount of \$12,652.67, plus interest on the unpaid principal balance thereafter at the rate of 9% per annum, until paid.

**WHEREFORE**, notice hereby is given that the undersigned trustee will on July 15, 2002, at the hour of 11 o'clock, AM, in accord with the standard of time estab-

lished by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 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: February 20, 2002. Patrick G. Huycke, Successor Trustee, 502 West Main Street, Suite 102, Medford, OR 97501. #4644, March 1, 8, 15, 22, 2002.