

## Affidavit of Publication

STATE OF OREGON,  
COUNTY OF KLAMATH

I, John T. Walker,  
being first duly sworn, depose and say  
that I am 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 # 6422

Notice of Sale/Ernst Brothers, LLC

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:  
February 20, 27, March 5, 12, 2004

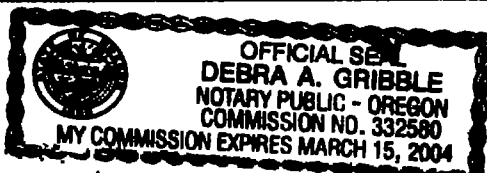
Total Cost: \$1,660.50

*John T. Walker*  
Subscribed and sworn

before me on: March 12, 2004

*Debra A. Snibbe*  
Notary Public of Oregon

My commission expires March 15, 2004



Ret to Huyske, O'Connor &amp; Jarvis

TRUSTEE'S  
NOTICE OF SALE

Reference is made to that certain trust deed made by Ernst Brothers, LLC, as grantor, to Neal Buchanan, as trustee, in favor of Howard Charles Hassett, 1994 Trust UTD 9/27/94 and the Mary Ann Hassett, 1994 Trust UTD 9/27/94, as beneficiary, dated January 26, 2000, recorded on April 24, 2000, in the Records of Klamath County, Oregon, in Volume No. M00 at page 13954 microfilm records covering the following described real property situated in that county and state, to-wit: The beneficial interest under said Trust Deed was assigned by instrument dated 12/27/01, recorded 12/27/01, in Vol. M01, page 66327, microfilm Records of Klamath County, Oregon from Howard Charles Hassett 9994 Trust dated 9/27/94, and the Mary Ann Hassett 1994 Trust dated 9/27/94 to Patrick G. Huyske, Trustee of the Huyske, Boyd & Maulding LLP, 401K Profit Sharing Plan nka the Huyske O'Connor & Jarvis, LLP 401K Profit Sharing Plan, for Patrick G. Huyske.

EXHIBIT "A"  
LEGAL DESCRIPTION

PARCEL 1: The following described real property situated in Klamath County Oregon:

A piece or parcel of land situated in the NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; and more particularly 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, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; which point of beginning is also the NE corner of that certain tract of land conveyed to Elmer 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 Northernly 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 intersection with a line which is parallel to and 192.77 feet Northeastly of, when measured at right angles to, the Northeastly 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 Northeastly right of way line a distance of 147.25 feet 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 beginning.

PARCEL 2: Beginning at a point which is South 0 degrees 06' West a distance 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 Willamette Meridian, Klamath County, Oregon; 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 parallel to and distant 192.77 feet at right angles from the Northeastly 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 degrees 06' East a distance of 211.1 feet from the North line of Byrd Avenue in Chelsea, Addition; thence South 89 degrees 49' East a distance of 210.2 feet to the place of beginning, being in the NE 1/4 NE 1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 3: All that portion of 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 a 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 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 44' 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 44' 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 44' West along the North line of Byrd Avenue in Chelsa 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 06' 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 06' 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 a Security Agreement made by Crescent Oil Group, LLC, an 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 real property to satisfy the obligations secured by the 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 in grantor's failure to pay when due the following sums: Failure to pay the balance of

principal and interest due on February 27, 2003, total now due \$451,753.88, plus accrued interest owing to February 4, 2004, in the amount of \$6,764.53 plus interest on the unpaid principal balance from and after February 4, 2004, until paid, at the rate of 15% per annum.

By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit: \$451,753.88, plus accrued interest owing to February 4, 2004, in the amount of \$6,764.53, plus interest on the unpaid principal balance from and after February 4, 2004, until paid, at the rate of 15% per annum.

**WHEREFORE,** notice is hereby given that the undersigned trustee will on July 12, 2004 at the hour of 11:00 AM in accordance with the standard of time established by ORS 187.110 at 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 real property described above which the grantor had or had power to convey at the time of the execution by grantor of the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the 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 those 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 and attorney fees not exceeding the amounts provided by 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: February 10, 2004. Darrel R. Jarvis, Successor Trustee, State of Oregon, County of Jackson) ss: Huycke, O'Connor & Jarvis, LLP, Attorneys at Law, 502 West Main Street, Suite 102, Medford, OR 97501. #6422 February 20, 27, March 5, 12, 2004.