

M06-11828

Klamath County, Oregon

06/09/2006 03:23:39 PM

Pages 8 Fee: \$56.00

After recording, return to:

Robert A. Smejkal, P.C.

PO Box 654

Eugene, OR 97440

Affidavit of Publication

1st - 747083

STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, 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 I know from my personal knowledge that the

Legal # 8253

Notice of Sale/Kathryn E. Bice

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:

April 18, 25, May 2, 9, 2006

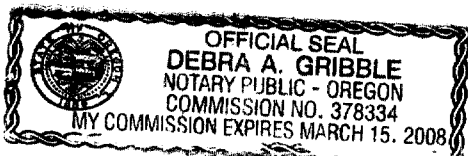
Total Cost: \$1,162.48

Subscribed and sworn

before me on: May 9, 2006

Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiaries, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured there by. A. PARTIES TO THE TRUST DEED: GRANTOR: KATHRYN E. BICE Trustee: ROBERT A. SMEJKAL, Attorney at Law Beneficiaries: GERALD V. OLMSTEAD & LINDA E. OLMSTEAD, as the Trustee of THE OLMSTEAD FAMILY TRUST & DESCRIPTION OF THE PROPERTY: See Exhibit "A" attached hereto and by this reference incorporated herein.

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

A parcel of land situated in the SW 1/4 of Section 36, Township 24 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon more particularly described as follows:

Beginning at the Southwest corner of said Section 36; thence South 89 degrees 28' 54" East along the Southerly line of said Section 36, 254.05 feet to the Westerly line of that certain parcel described in Deed Volume M74 page 13285, being the official Klamath County Records; thence North 09 degrees 34' 19" East along the Westerly line of said parcel described in Deed Volume M74

page 13285, 202.25 feet to the Northwest corner of that parcel described in Deed Volume M74 page 13285; thence South 89 degrees 25' 41" East along the Northerly line of said parcel described in Deed Volume M74 page 13285, 544.39 feet to the Southwest corner of that certain parcel described in Deed Volume M77 page 17497, being the official Klamath County Records; thence North 00 degrees 34' 19" East along the Westerly line of said parcel described in Deed Volume M77 page 17497, 254.00 feet to the Northwest corner of said parcel described in Deed Volume M77 page 17497; thence South 89 degrees 25' 41" East along the Northerly line of said parcel described in Deed Volume

M77 page 17495, 528.10 feet to the Easterly line of the SW 1/4 of the SW 1/4 of said Section 36; thence North 00 degree 19' 29" East along the Easterly line of said SW 1/4 of the SW 1/4 of Section 36, 823.43 feet to the Northeast corner of said SW 1/4 of the SW 1/4; thence North 89 degrees 34' 19" West along the Northerly line of said SW 1/4 of SW 1/4, 1332.27 feet to the Northwest corner of said SW 1/4 of the SW 1/4; thence South 00 degrees 18' 06" West along the Westerly line of said Section 36, 1317.59 feet to the point of beginning.

TOGETHER WITH an easement 60 feet in width for purposes of ingress and egress more particularly described as follows:

The Northerly 60 feet of the Southerly 400 feet of the NE 1/4 of the SW 1/4 of said Section 36 lying West of the Klamath Northern Railroad right of way.

An easement 60 feet in width for purposes of ingress and egress more particularly described as follows:

The Easterly 60 feet of the Southerly 400 feet of the NW 1/4 of the SW 1/4 of said Section 36.

C. TRUST DEED INFORMATION:

Dated: September 16, 2003 Recording Date: September 19, 2003 Recording Nos.: Volume M03, Page 69857 Recording Place: Microfilm Records of Klamath County, Oregon. D. DEFAULT: The Grantor is in default and the Beneficiaries elect to foreclose the Trust Deed for failure to pay the following: (1) monthly installments in the amount of \$725.83 each, commencing with the installment due July 22, 2005, and continuing each month thereafter; and (2) real property taxes for 2005-2006, plus interest. E. AMOUNT DUE: By reason of the default, the Beneficiaries have declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following: The principal amount of \$67,000.00, plus interest at the rate of 13% per annum from June 23, 2005, until paid; plus late fees, attorney fees incurred prior to initiating foreclosure of the Trust Deed, attorney fees and costs incurred in connection with foreclosure of the Trust Deed, and amounts, if any, advanced pursuant to

56-F

After recording, return to:
ROBERT A. SMEJKAL, P.C.
PO Box 654
Eugene, OR 97440

Re Trust Deed from Grantor:
KATHRYN E. BICE
PO Box 271
Crescent, OR 97733

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Lane) ss.

I, ROBERT A. SMEJKAL, being first duly sworn, depose and say that:

At all times hereinafter mentioned, I was and am a resident of the State of Oregon, a competent person over the age of eighteen years, and not the Beneficiaries nor the Beneficiaries' successor in interest named in the attached original Trustee's Notice of Sale given under the terms of that certain Deed described in the Trustee's Notice of Sale.

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

Name	Address
KATHRYN E. BICE	PO Box 271 Crescent, OR 97733

These persons include: (a) the Grantors in the Trust Deed; (b) any successor in interest to the Grantors whose interest appears of record or of whose interest the Trustee or the Beneficiaries have 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 Beneficiaries have actual notice of the lien or interest; and (d) any person requesting notice as set forth in ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original Trustee's Notice of Sale by ROBERT A. SMEJKAL, Attorney for the Trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Eugene, Oregon, on **January 20, 2006**. 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the Trustee's Notice of Sale was recorded.

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




ROBERT A. SMEJKAL

STATE OF OREGON, County of Lane) ss.

SUBSCRIBED AND SWORN to before me this 20th day of January, 2006, by ROBERT A. SMEJKAL.





NOTARY PUBLIC FOR OREGON
My Commission Expires: 4/3/07

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiaries, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby.

A. PARTIES TO THE TRUST DEED:

Grantor: KATHRYN E. BICE
Trustee: ROBERT A. SMEJKAL, Attorney at Law
Beneficiaries: GERALD V. OLMSTEAD & LINDA E. OLMSTEAD, as the Trustee of
THE OLMSTEAD FAMILY TRUST

B. DESCRIPTION OF THE PROPERTY: See Exhibit "A" attached hereto and by this reference incorporated herein.

C. TRUST DEED INFORMATION:

Dated: September 16, 2003
Recording Date: September 19, 2003
Recording Nos.: Volume M03, Page 69857
Recording Place: Microfilm Records of Klamath County, Oregon.

D. DEFAULT: The Grantor is in default and the Beneficiaries elect to foreclose the Trust Deed for failure to pay the following: (1) monthly installments in the amount of \$725.83 each, commencing with the installment due July 22, 2005, and continuing each month thereafter; and (2) real property taxes for 2005-2006, plus interest.

E. AMOUNT DUE: By reason of the default, the Beneficiaries have declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following: The principal amount of \$67,000.00, plus interest at the rate of 13% per annum from June 23, 2005, until paid; plus late fees, attorney fees incurred prior to initiating foreclosure of the Trust Deed, attorney fees and costs incurred in connection with foreclosure of the Trust Deed, and amounts, if any, advanced pursuant to the terms of the Trust Deed and/or applicable law.

F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiaries and Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor or successor in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of the Trustee's attorney.

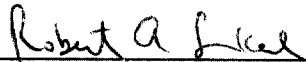
G. DATE, TIME AND PLACE OF SALE:

Date & Time: June 16, 2006, at 1:30 o'clock p.m.
Place: Inside the front entrance of the Klamath County Courthouse,
316 Main Street, Klamath Falls, Oregon

H. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee of the entire amount then due (other than a 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 by tendering the performance necessary to cure the default, by paying all costs and expenses to the Trustee actually incurred by Beneficiaries and Trustee in enforcing the obligation and Trust Deed, together with Trustee's fees and attorney's fees.

- I. NOTICE:** The Federal Fair Debt Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.
- J. MISCELLANEOUS:** 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 "Beneficiaries" include their respective successors in interest, if any.

DATED this 20th day of January, 2006.



ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane) 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.

Attorney for said Trustee

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

A parcel of land situated in the SW1/4 of Section 36, Township 24 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Section 36; thence South 89°28'54" East along the Southerly line of said Section 36, 254.05 feet to the Westerly line of that certain parcel described in Deed Volume M74 page 13285, being the official Klamath County Records; thence North 00°34'19" East along the Westerly line of said parcel described in Deed Volume M74 page 13285, 202.25 feet to the Northwest corner of that parcel described in Deed Volume M74 page 13285; thence South 89°25'41" East along the Northerly line of said parcel described in Deed Volume M74 page 13285, 546.69 feet to the Southwest corner of that certain parcel described in Deed Volume M77 page 17497, being the official Klamath County Records; thence North 00°34'19" East along the Westerly line of said parcel described in Deed Volume M77 page 17497, 295.00 feet to the Northwest corner of said parcel described in Deed Volume M77 page 17497; thence South 89°25'41" East along the Northerly line of said parcel described in Deed Volume M77 page 17495, 528.10 feet to the Easterly line of the SW1/4 of the SW1/4 of said Section 36; thence North 00°19'29" East along the Easterly line of said SW1/4 of the SW1/4 of Section 36, 823.43 feet to the Northeast corner of said SW1/4 of the SW1/4; thence North 89°34'19" West along the Northerly line of said SW1/4 of SW1/4, 1332.27 feet to the Northwest corner of said SW1/4 of the SW1/4; thence South 00°16'06" West along the Westerly line of said Section 36, 1317.59 feet to the point of beginning.

TOGETHER WITH an easement 60 feet in width for purposes of ingress and egress more particularly described as follows:

The Northerly 60 feet of the Southerly 400 feet of the NE1/4 of the SW1/4 of said Section 36 lying West of the Klamath Northern Railroad right of way.

An Easement 60 feet in width for purposes of ingress and egress more particularly described as follows:

The Easterly 60 feet of the Southerly 400 feet of the NW 1/4 of the SW 1/4 of said Section 36.

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

State of Oregon)
County of Klamath)

Court Case No.
Sheriff's Case No. 06-00233

Received for Service 01/23/06

I hereby certify that I received for service on
OCCUPANTS, ALL
the within:

TRUSTEES NOTICE OF SALE
EXHIBIT A

OCCUPANTS, ALL
was served by leaving a true copy with
JOHNSON, KAREN
a person over the age of fourteen years who resides
at the place of abode of the within named located at
135036 RIVERVIEW
CRESCENT
at 10:50 hours. , OR, on 02/02/06,

All search and service was made within Klamath County, State of Oregon.

Timothy M. Evinger, Sheriff
Klamath County, Oregon

By 
FRANK, DARREN

A THIRD PERSON BY THE NAME OF: KATHRYN BREE WAS ALSO LISTED

Copy to:

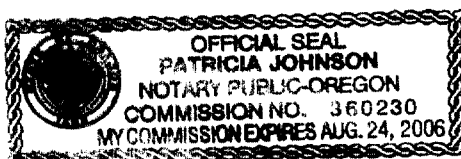
SMEJKAL, ROBERT
PO BOX 654
EUGENE

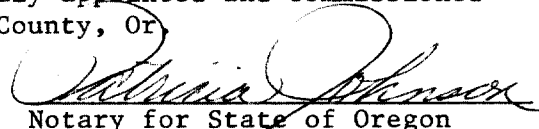
OR 97440

STATE OF OREGON

COUNTY OF KLAMATH

This instrument was acknowledged before me on MAR 15 2006
by Patricia Johnson, as a duly appointed and commissioned
Deputy of Timothy M. Evinger, Sheriff of Klamath County, Or.




Notary for State of Oregon
My Commission Expires: 08-24-06.

After recording, return to:
ROBERT A. SMEJKAL, P.C.
PO Box 654
Eugene, OR 97440

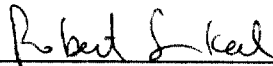
Re: Trust Deed from Grantor:
KATHRYN E. BICE
PO Box 271
Crescent, OR 97733

NOTICE OF SUBSTITUTED SERVICE

TO: KATHRYN E. BICE
135036 Riverview Street
Crescent, OR 97733

You are hereby notified that you have been served with a Trustee's Notice of Sale, a true copy of which is attached hereto and enclosed herewith.

Service was made by delivering a true copy of the Trustee's Notice of Sale at your dwelling or usual place of abode, to-wit: 135036 Riverview Street, Crescent, Oregon 97733, to KAREN JOHNSON, who is a person fourteen years of age or older and a member of your household, on February 2, 2006 at 10:50 a.m.



Robert A. Smejkal
PO Box 654, Eugene, OR 97440
Telephone: (541) 345-3330


AFFIDAVIT OF MAILING NOTICE OF SUBSTITUTED SERVICE

STATE OF OREGON, County of Lane) ss.

I, Robert A. Smejkal, being first duly sworn, depose, say and certify that:

I mailed an exact and complete copy of this Notice of Substituted Service ("Notice") together with a true copy of the Trustee's Notice of Sale referred to herein and attached hereto, which Trustee's Notice of Sale was certified to be an exact and complete copy of the original thereof by Robert A. Smejkal, attorney for the Trustee, to the persons and to the addresses first appearing on this Notice.

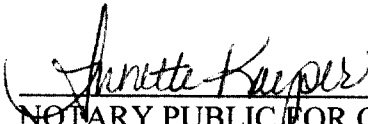
The true copy of this Notice and a true copy of the Trustee's Notice of Sale were placed in a sealed envelope with first class postage thereon fully prepaid, and deposited by me in the United States Post Office at Eugene, Oregon, on February 10, 2006, addressed as aforesaid.



Robert A. Smejkal

SUBSCRIBED AND SWORN to before me on February 10, 2006, by Robert A. Smejkal.





NOTARY PUBLIC FOR OREGON
My Commission Expires: 4/3/07