

2006-019584

Klamath County, Oregon

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601



09/28/2006 03:36:01 PM

Fee: \$26.00

2006-019980

Klamath County, Oregon



10/04/2006 11:30:38 AM

Fee: \$36.00

This instrument is being re-recorded to add  
attachments to #2006-019584.

MTCT4980

AFFIDAVIT OF MAILING NOTICE OF SALE TO GRANTOR,  
SUCCESSOR IN INTEREST TO GRANTOR AND PERSON REQUESTING NOTICE

STATE OF OREGON )  
 ) ss:  
County of Klamath )

I, William P. Brandsness, being first duly sworn, depose, 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 his successor in interest named in the attached original notice of sale given under the terms of that certain trust 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:

10 Bears of Chiloquin, Inc.  
c/o Wayne Maynard, its registered agent  
325 A Street  
Springfield, OR 97477

Rapids Properties, Inc.  
c/o Nevada Agency & Trust Company,  
its Registered Agent  
50 West Liberty, Suite 880  
Reno, NV 89501

Rapids Properties  
Attn: Wayne Maynard  
its Authorized Representative  
325 A Street  
Springfield, OR 97477

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) and any person, including the Department of Revenue or an 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.

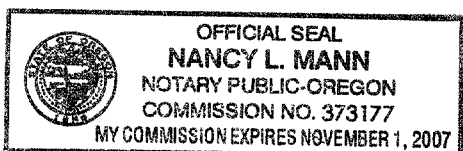
Each of the notices so mailed was certified to be a true copy of the original notice of sale by the trustee Andrew C. Brandsness; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on June 2, 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 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.

William P. Brandsness

STATE OF OREGON, County of Klamath )

Personally appeared before me this 2 day of June, 2006, William P. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed.



Nancy L. Mann  
Notary Public for Oregon  
My Commission expires: 11-1-07

34-1/2  
200  
2/2

**NOTICE OF DEFAULT  
AND ELECTION TO SELL AND OF SALE**

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

10 Bears of Chiloquin, Inc., an Oregon corporation, Grantor; AmeriTitle, Trustee; and Taylor A. Day and Lisa I. Day, husband and wife, Beneficiary, Memorandum of which recorded in Official/Microfilm Records, Volume M04, Page 30782, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 33551 Highway 97 North, Chiloquin, OR 97624 ("Property"):

See Exhibit "A" attached hereto and incorporated herein by reference.

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Failed to make the monthly payment due March 17, 2006 and the 17<sup>th</sup> day of each month thereafter; failed to make the April 2006 and May 2006 payments due on the first position deed of trust; failed to pay 2005-2006 Klamath County Real Property Taxes; failed to provide Beneficiary proof of insurance.

By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

Principal in the amount of \$759,363.50 plus interest at the rate of 8% per annum from April 10, 2006; unpaid interest of \$4,763.75; \$7,998.04 reimbursement to Beneficiary for payment of April 2006 and May 2006 payments on the first position deed of trust; 2005-2006 Klamath County Real Property Taxes in the total amount of \$4,998.01 plus interest, plus trustee's fees, attorney's fees, foreclosure costs and any further sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on October 17, 2006, at the hour of 10:00 a.m. o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Offices of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described 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 the Trust Deed, to satisfy the 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 sum 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 each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: May 30, 2006.



Andrew C. Brandsness, Successor Trustee  
411 Pine Street  
Klamath Falls, OR 97601

STATE OF OREGON     )  
                                  ) ss.  
County of Klamath    )

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.

\_\_\_\_\_  
Andrew C. Brandsness, Successor Trustee

### Affidavit of Service

I, Jeff A. Haxton, hereby certify that I made service of the following documents, namely: Notice of Default and Election to Sell and of Sale with Exhibits upon the individuals and other legal entities named below by delivering or leaving true copies of the aforementioned documents as follows:

**Personal Service** to \_\_\_\_\_.

**Office Service** by leaving said documents during normal working hours at the office of Wayne Maynard who maintains said office for the conduct of his/her business, with the person who is apparently in charge, namely: Lori Allen, who is authorized to accept,

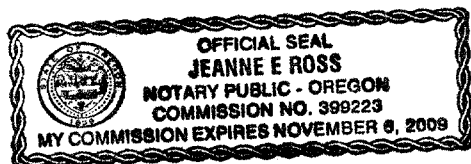
At 325 "A" St, Springfield, OR, on the 6th day of June, 2006, at 3:50 o'clock PM.

I further certify that I am a competent person over 18 years of age, resident of the State of Oregon, and that I am not a party to, nor an officer, director or employee of, nor attorney for any party, corporate or otherwise; that each of the above individual(s) and/or other legal entities served by me is/are identical to that which is designated for service.

Process Server: \_\_\_\_\_

Jeff A. Haxton

Subscribed and sworn to before me this 7th day of June, 2006.



Jeanne E Ross  
Notary Public for Oregon

**B & J /BARRISTERS' AIDE, INC.**  
P.O. Box 88  
Eugene, Oregon 97440  
(541) 687-0747

EXHIBIT "A"  
LEGAL DESCRIPTION

PARCEL 1:

All of Government Lots 2, 3, 9, 14, 40 and 41 in Section 21, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying East of Highway 97 and Northwesterly of the Williamson River.

PARCEL 2:

A part of Lots 33 and 32, Section 16, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying East of U.S. Highway Number 97 and being more particularly described as follows:

Beginning at the quarter section corner on the South boundary of Section 16, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon; thence North along the center section line of Section 16 a distance of 1320.0 feet to the Northwest corner of Lot 33, which corner is marked with a 3/4 inch iron pipe; thence East along the North boundary of Lot 33 a distance of 323.30 feet more or less to a point on the Easterly right of way boundary of U.S. Highway Number 97, which point is marked with a 3/4 inch iron pipe; thence South 2° 22' West along said right of way boundary a distance of 333.30 feet to a 3/4 inch iron pipe marking the true point of beginning of this description; thence North 62° 07' East a distance of 395.00 feet to the center of an existing water well; thence continuing North 62° 07' East 234.30 feet to a 3/4 inch iron pipe which bears South 40.00 feet distant from the North boundary of Lot 33; thence East parallel with aforesaid boundary, 454.20 feet to the East boundary of Lot 33; thence South along same, 95.00 feet; thence in Lot 32, East 107.27 feet; thence South 32° 20' East 381.50 feet; thence South 9° 30' West 205.30 feet to a 2 inch iron pipe on the South boundary of Lot 32; thence West along the South boundary of Lots 32 and 33 a distance of 1301.30 feet more or less to the Easterly right of way boundary of U.S. Highway Number 97; thence North 2° 22' East along same, 326.00 feet to the true point of beginning.

Saving and excepting that portion acquired by the State of Oregon in Stipulated Final Judgment filed in Circuit Court Case 90-493CV, and recorded in M-91, page 4868, Records of Klamath County, Oregon.

PARCEL 3:

Government Lots 38 and 39 of Section 16, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying East of Highway 97.

Saving and excepting that portion acquired by the State of Oregon in Stipulated Final Judgment filed in Circuit Court Case 90-493CV, and recorded in M-91, page 4868, Records of Klamath County, Oregon.