

2007-001465

Klamath County, Oregon



00013817200700014650030037

01/29/2007 10:53:35 AM

Fee: \$31.00

RECORDING COVER SHEET

PER ORS 205.234

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS IN THIS COVER SHEET DOES NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

AFTER RECORDING RETURN TO:

name and address of the person authorized to receive the instrument after recording, as required by ORS 205.180(4) and ORS 205.238

Joseph E. Kellerman

Hornecker, Cowling, Hassen & Heysell, LLP

717 Murphy Road

Medford, OR 97504

1. NAMES OF THE TRANSACTION(S), described in the attached instrument and required by ORS 205.234(A)

NOTE: Transaction as defined by ORS 205.010 "means any action required or permitted by state law or rule federal law or regulation to be recorded including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property".

Amended Trustee's Notice of Sale

2. Grantor(s) as described in ORS 205.160.

Careen R. Powless, Aaron Powless

individually and purportedly doing

business as Industrial Property Group LLC

3. Grantee(s) as described in ORS 205.160.

4. TRUE AND ACTUAL CONSIDERATION PAID for instruments conveying or contracting to convey fee title to any real estate and all memoranda of such instruments, reference ORS 93.030.

5. UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS: for instruments conveying or contracting to convey fee title to any real estate reference ORS 93.260.

Joseph E. Kellerman, Successor Trustee

Hornecker, Cowling, Hassen & Heysell, LLP

717 Murphy Road Medford, OR 97504

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Heidi Wright,
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 I know from
my personal knowledge that the

Legal # 8866

Notice of Sale/Carreen R & Aaron Powless

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:

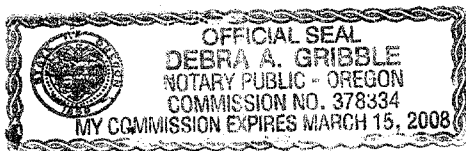
December 11, 18, 25, 2006, Jan. 1, 2007

Total Cost: \$839.08

Heidi Wright
Subscribed and sworn by Heidi Wright
before me on: January 1, 2007

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2008



AMENDED TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the Trust Deed described below is in default, and that the beneficiary has elected to foreclose the Trust Deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the Trust Deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. Grantor: Carreen R. Powless and Aaron Powless, individually and purportedly doing business as Industrial Property Group, LLC.
Trustee: Amerititle an Oregon corporation.
Successor Trustee: Joseph E. Kellerman, Hornecker, Cowling, Hassen & Heysell, LLP, 717 Murphy Road, Medford, OR 97504.
Beneficiary: Klamath Limited Partnership, an Oregon limited partnership.

2. Property covered by the Trust Deed: Lots 1 through 26, inclusive, Block 7, SECOND HOT SPRINGS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

EXCEPTING THEREFROM the Easterly 10 feet of Lots 1, 2, 3 and 4 as conveyed to the City of Klamath Falls by deeds recorded November 17, 1948 in Volume 226, pages 431 and 433, respectively.

TOGETHER WITH the vacated alley which insured thereto by operation of law.

3. Trust Deed was recorded on April 18, 2005 as instrument number M05, page 26807, Microfilm Records of Klamath County, Oregon and assigned to Klamath Limited Partnership, an Oregon limited partnership on June 6, 2005 and recorded on June 15, 2005 as instrument number M05, page 44918, Microfilm Records of Klamath County, Oregon.

4. Defaults for which foreclosure is made is the failure of Grantee to do the following:

A. Failure to make two back payments of \$4,961.78 each, plus monthly payments in the amount of \$4,961.78 for the months of June 2006 and thereafter;
B. Failure to pay real property taxes assessed against the property;
C. Failure to provide proof of required insurance pursuant to the terms of the trust deed being foreclosed herein; and
D. Failure to pay late fees in the amount of \$1,736.63 through May 2006 and in the amount of \$248.09 for each month thereafter;

5. The sum owing on the obligation secured by the Trust Deed is \$766,164.97 as of the 6th of June 2006, plus interest thereon at the rate of 6.75% from June 6, 2006 until paid, plus late fees in the amount of \$248.09

for each month from June 2006 and thereafter, plus such sums as beneficiary may advance towards payment of real property taxes, binding insurance for the property and payment of other liens that may otherwise attach thereto.

6. The Beneficiary has and does elect to sell the property to satisfy the obligation.

7. The property will be sold in the manner prescribed by law on the 6th day of February 2007, at 10:00 a.m. standard time as established by ORS 86.187.110, at the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon 97601, Klamath County, Oregon.

8. Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the Trust Deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale.

9. In construing this notice and whenever the context hereof so requires, 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 their successors in interest, the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the Trust Deed, and any collateral beneficiary, and their successors in interest.

10. The only change by this amendment is the date of the sale to assure timely service, on all persons entitled thereto. Recording information on the Notice of Default and Election to Sell is found at M06-15004, Klamath County, Oregon dated 07/26/06 at 8:31.40 a.m.

Dated this 28th day of September, 2006.
Hornecker, Cowling,
Hassen & Heyseil,
LLP. By: Joseph E.
Kellerman, Successor Trustee.
#8866 December 11,
18, 25, 2006, January
1, 2007.