

2007-018174

Klamath County, Oregon



00033699200700181740110110

10/22/2007 11:14:57 AM

Fee: \$81.00

MT079558

After Recording Return To:

Stark and Hammack, P.C.  
201 W Main, Suite 1B  
Medford, Oregon 97501

**1. Name(s) of the Transaction(s):**

Affidavit of Mailing Trustee's Notice of Sale  
Notice of Default and Election to Sell and Notice of Sale  
Affidavit of Publication

**2. Direct Party (Grantor):**

Bowles, David O.  
Pettit, Cynthia C.

**3. Indirect Party (Grantee):**

General Credit Services, Inc.

**4. True and Actual Consideration Paid:**

N/A

**5. Legal Description:**

See attached document

**RECORDING COVER SHEET**

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

UNOFFICIAL COPY

6/1/AMT

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Re: Trust Deed from
David O. Bowles
Cynthia C. Pettit
5419 Blue Heron
Bonanza, OR 97623 Grantor

Eric R. Stark
201 W. Main Street, Suite 1B
Medford, OR 97501 Trustee

After Recording, Return to
Stark and Hammack, P.C.
201 W Main, Suite 1B, Medford, OR 97501

STATE OF OREGON, )
)ss.
County of Klamath )
I certify that the within instrument was received
for record on the \_\_\_ day of \_\_\_,
2007, at To \_\_\_ o'clock \_\_\_ M., and
recorded in book/reel/volume No. \_\_\_ on
page \_\_\_ and/or as fee/file/instrument/
microfilm/reception No. \_\_\_, Records
of said County.
Witness my hand and seal of County affixed.

NAME TITLE
By: \_\_\_\_\_,
Deputy

STATE OF OREGON, County of Jackson)ss:

I, ERIC R. STARK, being first duly sworn, depose and say 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 the beneficiary's successor in interest named in the
attached original notice of sale given under the terms of that certain trust deed described in the 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 named
persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

Table with 2 columns: NAME, ADDRESS. Rows include David O. Bowles, Cynthia C. Pettit, and General Credit Services, Inc. with their respective addresses in Bonanza and Medford, Oregon.

These persons include (a) the grantor in the trust deed; (b) any successor in interest to the grantor whose
interest appears of record or whose interest the trustee or the beneficiary has 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 beneficiary has actual notice of the lien or interest; and (d) any person
requesting notice as set forth in ORS 86.785.

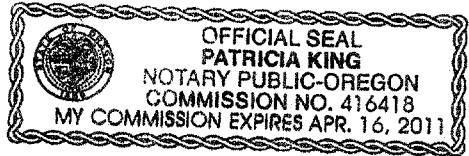
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Richard A.
Stark, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage
thereon fully prepaid, and was deposited by me in the United States post office at Medford, Oregon on June 15,
2007. 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 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.

ERIC R. STARK

Subscribed and sworn to before me on June 15, 2007.

Notary Public for Oregon
My Commission Expires: 04-16-2011





**NOTICE OF DEFAULT  
ELECTION TO SELL AND  
NOTICE OF SALE  
(ORS 86.705 to 86.795)**

The undersigned successor trustee hereby gives the notice required by the foregoing statute:

1. Grantor: DAVID O. BOWLES AND CYNTHIA C. PETTIT  
Trustee: AMERITITLE, AN OREGON CORPORATION  
Successor Trustee: ERIC R. STARK, Attorney at Law, Stark and Hammack, P.C., 201 West Main, Suite 1B, Medford, OR 9750;  
Present Beneficiary: JLK INVESTMENTS, AS TO AN UNDIVIDED 15/16, INTEREST AND ROBERT W. COX, TRUSTEE OF THE HART FAMILY TRUST AS TO AN UNDIVIDED 1/16 INTEREST.
2. JLK Investments, Inc., is the beneficiary under that certain Trust Deed dated November 6, 2006, and recorded November 13, 2006, as Volume 2006, Page 022664, Microfilm Records of Klamath County, Oregon..
3. The beneficial interest under said Trust Deed was assigned to Robert W. Cox, Trustee of the Hart Family Trust as to an undivided 1/16th interest by instrument dated November 10, 2006 and recorded November 13, 2006, as Volume 2006, page 022665, Microfilm Records of Klamath County, Oregon and re-recorded on December 4, 2006, as Volume 2006, page 024005, Microfilm Records of Klamath County, Oregon.
4. The legal description of the property secured by the Trust Deed is attached hereto as Exhibit "A" and by this reference incorporated herein.
5. The common street address of the real property is: Parcel 1 - 17723 Fishhole Creek Road, Bly, OR 97622; Parcel 2 - Land Only; and Parcel 3 -5419 Blue Heron Bonanza, Oregon 97623.
6. The default for which the foreclosure is made is as follows:  
Failure to pay the interest only payments of \$1,500.00 from March 2007 to present.

Failure to pay late fees from March 2007 to present.

7. The sum owing on the obligations secured by the Trust Deed is the following:  
Principal balance in the sum of \$150,000.00 with interest at the rate of 12 % per annum from March 2007 to Present, plus late fees, trustees fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the Trust Deed.
8. The beneficiary elects to sell the property to satisfy the obligation secured by the Trust Deed.
9. The time of the sale is at 10:00 am based on the standard of time established by ORS 187.110. The date and place of sale is on October 26, 2007 on the Steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, OR 97601.
10. Pursuant to ORS 86.753, the Grantor, the Grantor's Successor in interest to all or any part of the Trust property, any Beneficiary under a subordinate Trust Deed, or any person having a subordinate lien or encumbrance of record on the property may have the proceeding dismissed and the Trust Deed reinstated by payment of the entire amount then due, together with costs, trustee's and attorney's fees, and by curing any other default complained of in the Notice of Default, at any time prior to five (5) days before the date last set for the sale.
11. No action has been instituted to recover the debt or any part of it then remaining secured by the Trust Deed, or, if such action has been instituted the action has been dismissed.

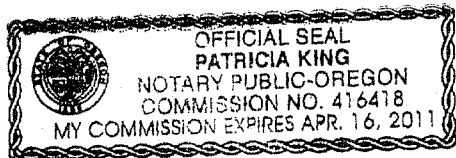
DATED this 14 day of June, 2007.

\_\_\_\_\_  
 ERIC R. STARK  
 Successor Trustee

STATE OF OREGON     )  
                                   ) ss  
 County of Jackson    )

Before me, a Notary Public, personally appeared ERIC R. STARK, known to me to be the person who executed the foregoing instrument, and acknowledged to me that he signed the same as his free and voluntary act and deed.

WITNESS my hand and seal this 13<sup>th</sup> day of June, 2007.



Patricia King  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 04-16-2011

EXHIBIT "A"  
LEGAL DESCRIPTION

1

A parcel of land situated in the E1/2 NW1/4 of Section 7, Township 37 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at the Section corner common to Sections 1 and 12, Township 37 South, Range 14 East of the Willamette Meridian, and Sections 6 and 7, Township 37 South, Range 15 East of the Willamette Meridian, Klamath County, Oregon; thence South 00° 39' 20" West a distance of 658.03 feet to a 1/2 inch iron pin; thence North 89° 38' 38" East a distance of 1319.57 feet to a 1/2 inch iron pin; thence North 00° 05' 43" West a distance of 247.60 feet a 1/2 inch iron pin on the Southerly right of way line of State Highway No. 140 and the true point of beginning of this description; thence South 00° 05' 43" East a distance of 1563 feet, more or less; thence North 89° 37' 09" East a distance of 649 feet to a 1/2 inch iron pin; thence North 1179 feet, more or less, to a 1/2 inch iron pin on the Southerly right of way line of State Highway No. 140; thence Northwesterly along the Southerly right of way line of said State Highway No. 140 to the true point of beginning.

2

A parcel of land situated in the NE1/4 SW1/4 and SE1/4 NW1/4 of Section 7, Township 37 South, Range 15 East of the Willamette Meridian, Klamath County, Oregon, more particularly as follows:

Beginning at the West corner of said Section 7; thence North along the West section line of said Section 7 a distance of 658 feet to a point; thence North 89° 37' 09" East a distance of 1337 feet to the true point of beginning for this description; thence continuing North 89° 37' 09" East 1320 feet, more or less, to a 1/2 inch iron pin; thence South 00° 10' 42.5" East a distance of 1315 feet, more or less to a 5/8 inch iron pin; thence South 89° 37' 04" West a distance of 1322 feet, more or less; thence North 00° 05' 43" West a distance of 1315 feet more or less to the true point of beginning.

PARCEL 3

Lot 12 in Block 50 of KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

JLK INVESTMENTS

vs

DAVID D BOWLES  
 AND CYNTHIA C PETTIT

**PROOF OF SERVICE**

STATE OF OREGON )  
 )  
 County of KLAMATH ) SS.

I hereby certify that on the 22 day of June, 2007, at the hour of 1800  
 I served OCCUPANTS (DAVID BOWLES, CYNTHIA PETTIT) by

- DAVID Personal Service (personally and in person)
- CYN Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the within named)
- Office Service (by serving the person apparently in charge)
- By posting (said residence)

A certified/true copy of:

- |  |                                   |                            |
|--|-----------------------------------|----------------------------|
| <u>      </u> Summons  | <u>      </u> Writ of Garnishment | <u>      </u> Small Claims |
| <u>      </u> Motion   | <u>      </u> Order               | <u>      </u> Affidavit    |
| <u>      </u> Complaint  | <u>      </u> Citation            | <u>      </u> Subpoena     |
| <u>      </u> Petition   | <u>      </u> Notice              | <u>      </u> Decree       |
| <u>  X  </u> Other: <u>NOTICE OF DEFAULT AND ELECTION TO SELL AND NOTICE OF SALE</u> |                                   |                            |

Together with a copy of \_\_\_\_\_

To DAVID BOWLES At 5419 BLUE HERON  
BONANZA, OR.

NOT FOUND: I certify that I received the within document for service on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 and after due and diligent search and inquiry, I have been unable to locate \_\_\_\_\_  
 within the county of \_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

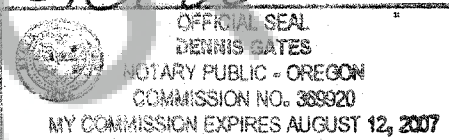
ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF KLAMATH

I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the action.

*Dave Davis*

Subscribed to and sworn to before me this  
25 day of June, 2007

DAVE DAVIS (#16)  
 Cleveland Process Serving, LLC.  
 (541) 665-5162



Papers Received From STARK & HAMMACK, ATTY'S AT LAW  
201 W MAIN SUITE 1B  
MEDFORD  
OR 97501-  
  
541-773-2213  
ATTN: PATTY/ERIC

Remit to: CPS, LLC.	Service Fee	\$ 50.00
P.O. Box 5358	Mileage	\$ 25.00
Central Point, OR 97502	Rush/Emergency	\$
Date: <u>07-01-2007</u>	Incorrect Add.	\$
CPS File No. <u>0252-K</u>		\$
Client No.	Amount Paid	\$ 0.00
	TOTAL DUE	\$ 75.00



# Affidavit of Publication

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 # 9517  
Notice of Sale/David O Bowles & Cynthia C Pettit

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

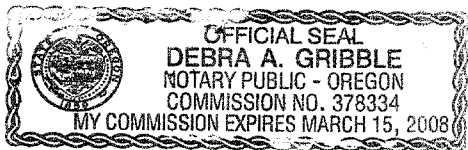
Insertion(s) in the following issues:  
August 17, 24, 31, September 7, 2007

Total Cost: \$276.15

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: September 7, 2007

*Debra A Gribble*  
Notary Public of Oregon

My commission expires March 15, 2008



MTC79558  
NOTICE OF  
DEFAULT  
ELECTION TO  
SELL AND NOTICE  
OF SALE  
(ORS 86.705 to  
86.795)

The undersigned successor trustee hereby gives the notice required by the foregoing statute:

1. Grantor: DAVID O. BOWLES AND CYNTHIA C. PETTIT

Trustee: AMERITILE, AN OREGON CORPORATION

Successor Trustee: ERIC R. STARK,

Attorney at Law, Stark and Hammack, P.C., 201 West Main, Suite 1B, Medford, OR 97501

Present Beneficiary: JLK INVESTMENTS, AS TO AN UNDIVIDED 15/16, INTEREST AND ROBERT W. COX, TRUSTEE OF THE HART FAMILY TRUST AS TO AN UNDIVIDED 1/16 INTEREST.

2. JLK Investments, Inc., is the beneficiary under that certain Trust Deed dated November 6, 2006, and recorded November 13, 2006, as Volume 2006, Page 022664, Microfilm Records of Klamath County, Oregon.

3. The beneficial interest under said Trust Deed was assigned to Robert W. Cox, Trustee of the Hart Family Trust as to an undivided 1/16th interest by instrument dated November 10, 2006 and recorded November 13, 2006, as Volume 2006, page 022665, Microfilm Records of Klamath County, Oregon and recorded on December 4, 2006, as Volume 2006, page 024005, Microfilm Records of Klamath County, Oregon.

4. The legal description of the property secured by the Trust Deed is attached hereto as Exhibit "A" and by this reference incorporated herein.

**EXHIBIT "A"**  
**Legal Description**

1 A parcel of land situated in the E 1/2 NW 1/4 of Section 7, Township 37 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

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2 A parcel of land situated in the NE 1/4 SW 1/4 and SE 1/4 NW 1/4 of Section 7, Township 37 South, Range 15 East of the Willamette Meridian, Klamath County, Oregon, more particularly as follows:

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PARCEL 3  
Lot 12 in Block 50 of KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

5. The common street address of the real property is: Parcel 1 - 17723 Fishhole Creek Road, Bly, OR 97622; Parcel 2 - Land Only; and Parcel 3 - 5419 Blue Heron, Bonanza, Oregon 97623.

6. The default for which the foreclosure is made is as follows:

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7. The sum owing on the obligations secured by the Trust Deed is the following:

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8. The beneficiary elects to sell the property to satisfy the obligation secured by the Trust Deed.

9. The time of the sale is at 10:00 a.m. based on the standard of time established by ORS 187.110. The date and place of sale is on October 26, 2007 on the Steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, OR 97601.

10. Pursuant to ORS 86.753, the Grantor, the Grantor's Successor in interest to all or any part of the Trust property, any Beneficiary under a subordinate Trust Deed, or any person having a subordinate lien or encumbrance of record on the property may have the proceeding dismissed and the Trust Deed reinstated by payment of the entire amount then due, together with costs, trustee's and attorney's fees, and by curing any other default complained of in the Notice of Default, at any time prior to five (5) days before the date last set for the sale.

11. No action has been instituted to recover the debt or any part of it then remaining secured by the Trust Deed, or, if such action has been instituted the action has been dismissed.

Dated this 13th day of June, 2007.

Eric R. Stark,  
Successor Trustee.  
201 W Main, Ste 1B,  
Medford, OR 97501.  
(541) 773-2213.  
#9517 August 17, 24,  
31, September 7,  
2007.

Unofficial Copy

MTC 79558

## TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

<b>Grantor Name and Address:</b> David O. Bowles Cynthia C. Pettit 5419 Blue Heron Bonanza, Oregon 97623	<b>Trustee Name and Address:</b> Eric R. Stark 201 West Main, Suite 1B Medford, OR 97501
<b>After Recording Return To:</b> STARK AND HAMMACK, P.C. 201 West Main Street, Suite 1B Medford, Oregon 97501	<b>Beneficiary Name and Address:</b> JLK Investments, Inc. Robert W. Cox, Trustee of the Hart Family Trust 502 W. Main Street, Suite 100 Medford, OR 97501

STATE OF OREGON                    )  
   ) ss.  
 COUNTY OF JACKSON                )

I Eric R. Stark being first duly sworn depose and say;

That I am the Successor Trustee in that certain Trust Deed executed and delivered by David O. Bowles and Cynthia C. Pettit, as Grantors, and Lawyer's Title, as original Trustee, in favor of JLK Investments, Inc., and Robert W. Cox, Trustee of the Hart Family Trust, beneficiaries, dated November 10, 2006, recorded on November 13, 2006 in the Official Records of Klamath County Oregon. Document No.: 2006-022664, covering the following real property situated in the above mentioned county and state attached as Exhibit "A", and by this reference incorporated herein.

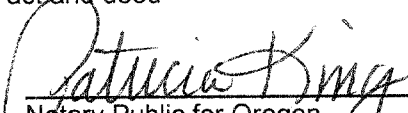
I hereby certify that on June 22, 2007, that Parcels 1 and 2 of the above described real property were not occupied.

  
 ERIC R. STARK, Successor Trustee

STATE OF OREGON                )  
   ) ss.  
 County of Jackson                )

This instrument was acknowledged before me this 22<sup>nd</sup> day of June, 2007, by Eric R. Stark, and he acknowledged the above instrument to be his voluntary act and deed



  
 Notary Public for Oregon  
 My Commission Expires: 04-16-2011

20 AMT

EXHIBIT "A"  
LEGAL DESCRIPTION

PARCEL 1

A parcel of land situated in the E1/2 NW1/4 of Section 7, Township 37 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

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PARCEL 2

A parcel of land situated in the NE1/4 SW1/4 and SE1/4 NW1/4 of Section 7, Township 37 South, Range 15 East of the Willamette Meridian, Klamath County, Oregon, more particularly as follows:

Beginning at the West corner of said Section 7; thence North along the West section line of said Section 7 a distance of 658 feet to a point; thence North  $89^{\circ} 37' 09''$  East a distance of 1337 feet to the true point of beginning for this description; thence continuing North  $89^{\circ} 37' 09''$  East 1320 feet, more or less, to a 1/2 inch iron pin; thence South  $00^{\circ} 10' 42.5''$  East a distance of 1315 feet, more or less to a 5/8 inch iron pin; thence South  $89^{\circ} 37' 04''$  West a distance of 1322 feet, more or less; thence North  $00^{\circ} 05' 43''$  West a distance of 1315 feet more or less to the true point of beginning.

PARCEL 3

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