

2008-000995

Klamath County, Oregon



00038997200800009950070079

FORM No. 885—TRUSTEE'S NOTICE OF SALE

01/24/2008 08:36:46 AM

Fee: \$51.00

ON

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TRUSTEE'S NOTICE OF SALE



Reference is made to that certain trust deed made by Henry Roberson and Myjken Roberson First American Title, (Neal G. Buchanan, Attorney at Law), as grantor, to in favor of Virginia Kent, as trustee, dated May 27, 2005, recorded May 31, 2005, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. MO5 at page 39865, or as fee/file/instrument/microfilm/reception No. (indicate which), covering the following described real property situated in said county and state, to-wit:

The NW 1/4 SE 1/4 of Section 31, Township 39 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon EXCEPTING THEREFROM the Westerly 30 feet of the NW 1/4 SE 1/4 of Section 31, Township 39 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, lying North of Gerber Road and Further excepting any portion lying Southerly of Gerber Road

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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 is grantor's failure to pay when due the following sums:

1. Failure to pay the monthly payment due the end of February 2007 and each month thereafter in the sum of \$765.03 per month plus the applicable disperse fee;
2. Failure to maintain insurance and provide proof thereof as required by the terms of the Trust Deed.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

1. Principal balance in the sum of \$120,200.83 together with interest thereon at the rate of 6% per annum from March 5, 2007 until paid; and
2. All costs, fees and expenses of the Trust including evidence of Title and the Beneficiary or Trustee's attorney fees pursuant to the provisions of

WHEREFORE, notice hereby is given that the undersigned trustee will on January 15, 2008, at the hour of 10 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Deed 435 Oak Avenue,

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 said described real 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 said trust deed, to satisfy the foregoing 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 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'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 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 the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED September 6, 2007,

Neal G. Buchanan

NEAL G. BUCHANAN
Successor Trustee

State of Oregon, County of Klamath 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

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

SERVE:

NT

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Henry Roberson and Myjken
Roberson,

To

Grantor

First American Title
(Neal G. Buchanan, Attorney
at Law)

Trustee

After recording, return to (Name, Address, Zip):

Neal G. Buchanan, Attorney at Law
435 Oak Avenue
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss:I, Neal G. Buchanan

, 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 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:

NAME

ADDRESS

State of Oregon

c/o Margaret Steel

fbo State of California/Michelle R. Castro

310 E. 6th St, Suite #300
Medford, OR 97501

These 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) 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 Neal G. Buchanan
Attorney for the Trustee, 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 Klamath Falls, Oregon, on January 4, 2008. 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.



Neal G. Buchanan
NEAL G. BUCHANAN

Subscribed and sworn to before me on January 4, 2008,

Margaret John
Notary Public for Oregon

My commission expires 9-12-2010

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

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 # 9703

Notice of Sale/Henry Roberson & Myjken Roberson

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:

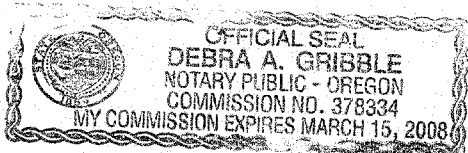
November 25, December 2, 9, 16, 2007

Total Cost: \$737.09

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: December 16, 2007

Debra A Gribble
Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Henry Roberson and Myjken Roberson, as grantor to First American Title, (Neal G. Buchanan, Attorney at Law), as trustee in favor of Virginia Kent, as beneficiary, dated May 27, 2005, recorded May 31, 2005, in the mortgage records of Klamath County, Oregon in book/reel/volume No. M05 at page 39865, or as fee/file/instrument/microfilm/reception No. _____, covering the following described real property situated in said county and state, to-wit:

The NW 1/4 SE 1/4 of Section 31, Township 39 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM the Westerly 30 feet of the NW 1/4 SE 1/4 of Section 31, Township 39 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, lying North of Gerber Road and further excepting any portion lying Southerly of Gerber Road.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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 is grantor's failure to pay when due the following sums:

1. Failure to pay the monthly payment due the end of February 2007 and each month thereafter in the sum of \$765.03 per month plus the applicable dispersal fee;
2. Failure to maintain insurance and provide proof thereof as required by the terms of the Trust Deed.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

1. Principal balance in the sum of \$120,200.83 together with interest thereon at the rate of 6% per annum from March 5, 2007 until paid; and
2. All costs, fees and expenses of the Trust including evidence of Title and the Beneficiary or Trustee's attorney fees pursuant to the provisions of the trust.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 15, 2008, at the hour of 10:00 A.M. in accord with the standard of time established by ORS 1897.110, at 435 Oak Avenue, 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 said described real 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 said trust deed, to satisfy the foregoing 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 86.735 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 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's and attorney's fees not exceeding the amounts provided by said ORS 86.733.

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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated September 6, 2007.
Neal G. Buchanan,
Successor Trustee.
#9703 November 25,
December 2, 9, 16,
2007.

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **46879 Gerber Rd. Bonanza, OR 97623**

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to Myjken Roberson at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to __, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☐ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on _____ and after personal inspection, I found the above described real property to be unoccupied.

☐ **SUBSTITUTE SERVICE MAILER:** That on the __ day of __, 2007 I mailed a copy of the Trustee's Notice of Sale addressed to and all other occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed _____

46879 Gerber Rd. Bonanza, OR 97623


ADDRESS OF SERVICE

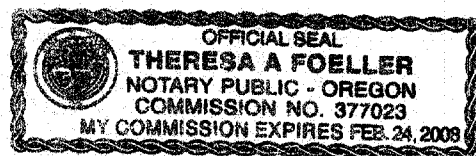
I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

September 26, 2007 5:44pm
DATE OF SERVICE TIME OF SERVICE
☐ or non occupancy

By: 
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 27th day of September, 2007.


Notary Public for Oregon



INSTRUCTIONS FOR SERVICE OF TRUSTEE'S
NOTICE OF SALE UPON OCCUPANT PURSUANT
TO ORS 86.750 (1) AND PROOF OF SERVICE
(120-Day Notice)

RE: Trust Deed from

Henry Roberson and Myjken
Roberson

To

Grantor

First American Title (Neal
G. Buchanan, Attorney at Law)

Trustee

After recording, return to (Name, Address, Zip):

Neal G. Buchanan, Attorney at
Law,
435 Oak Avenue,
Klamath Falls OR. 97601

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON,

County of Klamath

ss.

I, the undersigned, being first duly sworn, depose and say:

I am the Trustee or attorney for the Trustee in the trust deed described in the attached Trustee's Notice of Sale.

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3) upon the occupant of the property described in the Notice of Sale.

The name of the person to be served, if known, and the property address of the property described in the trust deed are as follows:

Name of person to be served
(If unknown, so state)

Property Address

Henry Roberson and
Myjken Roberson
and parties in possession

46879 Gerber Rd
Bonanza OR. 97623

If the occupant is indicated as "unknown," or if you find the property at this address to be occupied by someone other than the person named, then you are to serve the person or persons whom you find to be occupying the property.

Service should be made by September 17, 2007, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, and the property appears occupied, persist in attempting to make service until it has been accomplished.

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

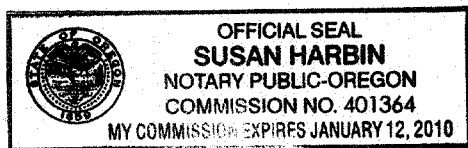
Neal G. Buchanan
(ATTORNEY FOR) TRUSTEE

SIGNED AND SWORN TO before me on September 7, 2007

Susan Harbin

Notary Public for Oregon

My commission expires 1-12-2010



I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state where-
in the service hereinafter set forth was made, and that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor a succes-
sor to either, nor an officer, director, employee of, or attorney for, the beneficiary or trustee, or successor of either, corporate or otherwise.
I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities named below by delivering true copies of the
Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, as follows:

Personal Service Upon Individual(s)

Upon _____, by delivering such true copy to him/her, personally and in person,
at _____, on _____, at _____ o'clock ____M.
Upon _____, by delivering such true copy to him/her, personally and in person,
at _____, on _____, at _____ o'clock ____M.

Substituted Service Upon Individual(s)

Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____,
to _____, who is a person 14 years
of age or older and a member of the household of the person served on _____, at _____ o'clock ____M.
Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____,
to _____, who is a person 14 years
of age or older and a member of the household of the person served on _____, at _____ o'clock ____M.

Office Service Upon Individual(s)

Upon _____, at the office which he/she maintains for the conduct of
business at _____,
by leaving such true copy with _____, the person who
is apparently in charge, on _____, during normal working hours, at _____ o'clock, ____M.

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

Upon _____, by
(NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.)
(a) delivering such true copy, personally and in person, to _____ who is a/the
_____ (Specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof; OR
(b) leaving such true copy with _____, the person who is apparently in charge of the
office of _____, who is a/the _____
(Specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof;
at _____, on _____, at _____ o'clock ____M.

EACH OF THE PERSONS, FIRMS AND CORPORATIONS SERVED BY ME IS THE IDENTICAL PERSON, FIRM OR CORPORATION NAMED IN
THE TRUSTEE'S INSTRUCTIONS TO ME IN CONNECTION HEREWITH.

SIGNED AND SWORN TO before me on _____

Notary Public for Oregon

My commission expires _____

NT

**AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE**

RE: Trust Deed from

Henry Roberson and Myjken
Roberson

To

Grantor

First American Title
(Neal G. Buchanan, Attorney
at Law)

Trustee

After recording, return to (Name, Address, Zip):

Neal G. Buchanan, Attorney at Law
435 Oak Avenue
Klamath Falls OR. 97601STATE OF OREGON, County of Klamath) ss:I, Neal G. Buchanan,

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 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:

NAME

Henry Roberson and Myjken Roberson

ADDRESS

46879 Gerber Road
Bonanza OR. 97623United States of America
Internal Revenue ServiceDistrict Director
Atten: Chief, Special Procedure
915 Second Avenue M/S W 245
Seattle WA. 98174
803 Main Street, Suite 201
Klamath Falls, Oregon 97601

Barbara DiIaconi, Attorney At Law

These 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) 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 Neal G. Buchanan
Attorney for the Trustee, 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 Klamath Falls, Oregon, on September 7, 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.



NEAL G. BUCHANAN

Subscribed and sworn to before me on September 7, 2007,Susan Harbin
Notary Public for OregonMy commission expires 1-12-2010

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.