

2008-005188

Klamath County, Oregon



00043939200800051880100106

**RECORDING COVER SHEET**

PER ORS 205.234

04/09/2008 09:54:00 AM

Fee: \$76.00

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

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".

Affidavit of Mailing Trustee's Notice of Sale ✓

Trustee's Affidavit as to Non-Occupancy ✓

Affidavit of Publication ✓

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

Fraternal Order of Eagles, Aerie 2090, an unincorporated association of Klamath Falls, Oregon

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

Crater lake Aerie #2093 Fraternal Order of Eagles

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.

76

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

State of Oregon       )  
                                  ) ss.  
County of Jackson    )

I, Joseph E. Kellerman, being first duly sworn, depose and say and certify that:

1. I am the successor trustee under that certain Trust Deed executed and delivered by Fraternal Order of Eagles, Aerie 2090, an unincorporated association of Klamath Falls, Oregon, as Grantor, to AmeriTitle, as Trustee, in which Crater Lake Aerie #2093 Fraternal Order of Eagles is the beneficiary, recorded on March 7, 2005 as instrument number M05, page 15033, Microfilm Records of Klamath County, Oregon and covering the following described real property, to wit:

See Attached Exhibit "A"

2. I gave notice of the sale (as required by ORS 86.745) of the real property described in the attached Trustee's Notice of Sale by mailing a true copy thereof by both first-class and certified mail with return receipt requested to each of the following named persons or their legal representatives at their respective last known addresses, to wit:

Fraternal Order of Eagles Aerie 2090,  
An Unincorporated Association of  
Klamath Falls Oregon  
P.O. Box 607  
Klamath Falls, OR 97601

3. Said 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 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 required by ORS 86.785.

4. Each of the notices so mailed was certified to be a true copy of the original by the undersigned, attorney and successor Trustee named in said Notice; each such copy was contained in a sealed envelope, with postage thereon fully pre-paid, and was deposited by me in the United States Post Office at Medford, Oregon on the 17<sup>th</sup> day of December, 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 the proper form to request and obtain a return receipt 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.

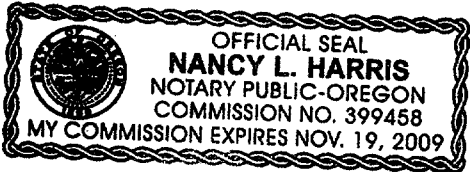
5. As used herein, the singular includes the plural, Trustee includes successor Trustee, and person includes corporation and any other legal or commercial entity.


DATED this 4<sup>th</sup> day of April, 2008.

  
\_\_\_\_\_  
Joseph E. Kellerman

STATE OF OREGON            )  
  ) ss.  
County of Jackson        )

On this 4<sup>th</sup> day of April, 2008, Joseph E. Kellerman personally appeared in the above-named matter and acknowledged the foregoing instrument to be his voluntary act and deed.



  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: 11-19-2009

After Recording Return To:  
Joseph E. Kellerman  
Hornecker, Cowling, Hassen & Heysell, L.L.P.  
717 Murphy Road  
Medford, OR 97504  
H:\USER\FILES\23078b\foreclosure\aff.mail.trustee's.not.sale 05.doc

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Beginning at a point on the Northerly line of Walnut Avenue, North 38° 56' East 268 feet from the Southeasterly corner of Block 78 in Klamath Addition to Linkville (now City of Klamath Falls) Oregon; thence North 51° 4' West 100 feet; thence North 38° 56' East 52 feet; thence South 51° 4' East 100 feet; thence South 38° 56' West 52 feet to the place of beginning; being situate in the NE1/4 of the NE1/4 of Section 32, Township 38 South, Range 9 East of the Willamette Meridian, and being what is known as Lot 10, Block 79 in KLAMATH ADDITION TO LINKVILLE, (now City of Klamath Falls), Oregon, and being situated in Klamath County, Oregon.

Tax Account No: 3809-032AA-11500-000

Key No: 763739

## 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:       Fraternal Order of Eagles, Aerie 2090, an unincorporated  
                          association of Klamath Falls, Oregon  
      Trustee:       AmeriTitle, an Oregon corporation;  
      Successor Trustee:   Joseph E. Kellerman  
      Beneficiary:   Crater Lake Aerie #2093 Fraternal Order of Eagles
2.     Property covered by the Trust Deed:  
  
          See Exhibit A attached
3.     Trust Deed was recorded on March 7, 2005, as instrument M05, page 15033,  
          Microfilm Records of Klamath County, Oregon.
4.     Default for which foreclosure is made is failure of Grantor to make monthly  
          payments as required pursuant to the terms of the promissory note for the months  
          of September 2007 and each month thereafter.
5.     The sum owing on the obligation secured by the Trust Deed is \$23,094.70 as  
          of November 19, 2007 plus interest thereafter at the rate of 7.5% per annum  
          (currently \$4.65 per diem) plus late payment charges of \$23.18 for each  
          payment made 10 days after its due date, plus all trustee's, attorneys' fees,  
          costs and expenses incurred until paid.
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 22<sup>nd</sup> day of  
          April, 2008, at 10:25 a.m. standard time as established by ORS 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.

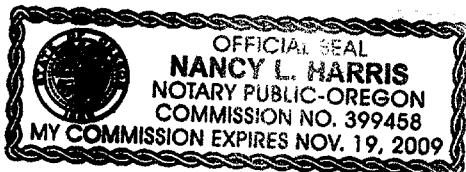
DATED this 4<sup>th</sup> day of December, 2007.

HORNECKER, COWLING,  
HASSEN & HEYSELL, L.L.P.

By: \_\_\_\_\_  
Joseph E. Kellerman, Successor Trustee

STATE OF OREGON       )  
                                  ) ss.  
County of Jackson     )

On this 4<sup>th</sup> day of December, 2007, personally appeared before me Joseph E. Kellerman, as Successor Trustee, and acknowledged said instrument to be his voluntary act and deed.



Mickey Harris  
Notary Public for Oregon  
My Commission Expires: 11-19-2009

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

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Tax Account No: 3809-032AA-11500-000

Key No: 763739

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON           )  
  ) ss.  
County of Jackson        )

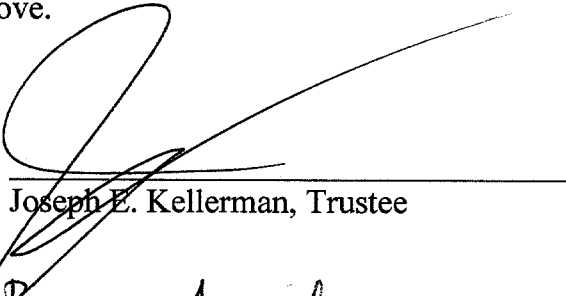
I, JOSEPH E. KELLERMAN, being first duly sworn, depose, say and certify that:

I am the successor trustee in that certain trust deed executed and delivered by Fraternal Order of Eagles, Aerie 2090, an unincorporated association of Klamath Falls, Oregon, as Grantor, AmeriTitle, as Trustee, in which Crater Lake Aerie #2093 Fraternal Order of Eagles is the beneficiary recorded on March 7, 2005 as Instrument No. M05, page 15033, Microfilm Records of Klamath County, Oregon covering the following described real property situated in said county:

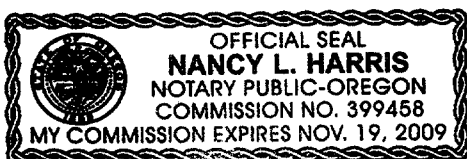
See Attached Exhibit "A"

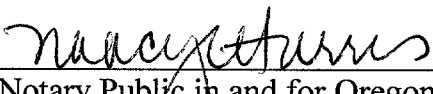
I hereby certify that on the 17<sup>th</sup> of December, 2007, the above described real property was not occupied by the following person or persons named in subsection 1 of Section 86.750, Oregon Revised Statutes: Fraternal Order of Eagles, Aerie 2090, an unincorporated association of Klamath Falls, Oregon.

The word "Trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

  
\_\_\_\_\_  
Joseph E. Kellerman, Trustee

Subscribed and sworn to before me this 17 day of April, 2008.



  
\_\_\_\_\_  
Notary Public in and for Oregon

My Commission Expires: 11-19-2009



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

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Tax Account No: 3809-032AA-11500-000

Key No: 763739

# 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 # 9915

Notice of Sale/Fraternal Order of Eagles

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:

March 1, 8, 15, 22, 2008

Total Cost: \$884.09

Subscribed and sworn by Jeanine P Day  
before me on: March 22, 2008

Beth Furtado  
Notary Public of Oregon

My commission expires Nov 15, 2008



### 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: Fraternal Order of Eagles, Aerie 2090, an unincorporated association of Klamath Falls, Oregon  
Trustee: AmeriTitle, an Oregon corporation;  
Successor Trustee: Joseph E. Kellerman  
Beneficiary: Crater Lake Aerie #2093 Fraternal Order of Eagles

2. Property covered by the Trust Deed: See Exhibit A attached

### EXHIBIT "A" LEGAL DESCRIPTION

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Tax Account No: 3809-032AA-11500-000  
Key No: 762739

3. Trust Deed was recorded on March 7, 2005, as instrument M05, page 15033, Microfilm Records of Klamath County, Oregon.

4. Default for which foreclosure is made is failure of Grantor to make monthly payments as required pursuant to the terms of the promissory note for the months of September 2007 and each month thereafter.

5. The sum owing on the obligation secured by the Trust Deed is \$23,094.70 as of November 19, 2007 plus interest thereafter at the rate of 7.5% per annum (currently \$4.65 per diem) plus late payment charges of \$23.18 for each payment made 10 days after its due date, plus all trustee's, attorneys' fees, costs and expenses incurred until paid.

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 22nd day of April, 2008, at 10:25 a.m. standard time as established by ORS 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 their 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.

DATED this 4th day of December, 2007.

HORNECKER, COWLING,  
HASSEN & HEYSELL, L.L.P.  
By: Joseph E. Kellerman,  
Successor Trustee

STATE OF OREGON)) ss.  
County of Jackson)

On this 4th day of December, 2007, personally appeared before me Joseph E. Kellerman, as Successor Trustee, and acknowledged said instrument to be his voluntary act and deed.

Nancy L. Harris,  
Notary Public for Oregon  
My Commission Expires:  
November 19, 2009  
#9915 March 1, 8, 15, 22, 2008.