

Boivin, Werling & Lilacon, PC

Return to Court

2008-009329

Klamath County, Oregon



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06/25/2008 03:01:44 PM

Fee: \$21.00

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 # 10192

Notice of Sale/Thomas L. & Lois Potter

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:

May 19, 26, June 2, 9, 2008

Total Cost: \$913.17

Subscribed and sworn by Jeanine P Day
before me on: June 9, 2008

Beth Furtado
Notary Public of Oregon

My commission expires November 15, 2008



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Thomas L. Potter and Lois Potter, as grantor, to Amerititle, an Oregon corporation, as trustee, in favor of Armand R. LaBorde, Trustee for the Armand R. LaBorde Revocable Living Trust dated April 3, 1997, as beneficiary, dated August 4, 2006, recorded on August 25, 2006, in the Records of Klamath County, Oregon, in book/reel/volume No. 2006 at page 017150, covering the following described real property situated in that county and state, to-wit:

See Exhibit A, attached hereto and incorporated by this reference.

EXHIBIT A

Real property in the County of Klamath, State of Oregon, commonly known as 29200 Highway 140 W., Klamath Falls, more particularly described as follows: All that portion of the SW 1/4 SE 1/4 of Section 10, Township 36 South, Range 6 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying Southwesterly of the Oregon State Secondary Highway designated as Lake O' the Woods Highway No. 270. Tax Parcel No. R315698

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 in grantor's failure to pay when due the following sums: 1) Failure to make first payment of \$50,000 due on August 25, 2007 and all payments thereafter; 2) Failure to pay Klamath County real property taxes in the amount of \$8,070.20 plus interest and penalties accruing after April 7, 2008; and 3) Failure to provide proof of insurance on the property.

By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit: 1) Principal in the amount of \$240,000 plus interest from July 12, 2006 until paid; 2) Klamath County real property taxes in the amount of \$8,070.20 plus interest and penalties accruing after April 7, 2008; 3) beneficiary's attorney fees, trustee fees, and all costs of foreclosure as permitted under ORS Chapter 86; and, 4) any property taxes or insurance premiums advanced by beneficiary to protect this interest.

WHEREFORE, notice is hereby given that the undersigned trustee will on September 15, 2008, at the hour of 11:30 A.M., in accord with the standard of time established by ORS 187.110, at the front steps of the Klamath County Circuit Court, 316 Main Street 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 real property described above which the grantor had or had power to convey at the time of the execution by grantor of the 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 foregoing obligations thereby secured and the costs and expenses of the 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 to 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 those 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 and attorney fees not exceeding the amounts provided by 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated April 17, 2008.
James R. Uerlings,
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.
Valerie B. Hedrick,
Attorney for Trustee
#10192 May 19, 26, June 2, 9, 2008.