

2008-009566

Klamath County, Oregon



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**RECORDING COVER SHEET**

PER ORS 205.234

07/01/2008 09:04:31 AM

Fee: \$26.00

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

Hornecker, Cowling, et al.,

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 Publication

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

Dorothy M. Schultz, Earl O. Schultz, Jr.

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

PremierWest Bank (beneficiary)

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.

717 Murphy Road, Medford, OR 97504

# 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 # 10182

Notice of Sale/Dorothy M. Schultz

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 16, 23, 30, June 6, 2008

Total Cost: \$846.60

Subscribed and sworn by *Jeanine P Day*  
before me on: June 6, 2008

*Beth Furtado*  
Notary Public of Oregon

My commission expires November 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(s): Dorothy M Schultz, an estate in fee simple as to an undivided 2/3rds interest and Earl O. Schultz, Jr., an estate in fee simple as to an undivided 1/3rd interest  
Trustee: First American Title Insurance Company of Oregon;  
Successor Trustee: Joseph E. Kellerman  
Beneficiary: PremierWest Bank, successor in interest by merger to Mid-Valley Bank (original grantee/beneficiary)

2. Property covered by the Trust Deed:

FARM UNIT "M" ACCORDING TO THE FARM UNIT PLAT, OR LOTS 9 AND 16 OF SECTION 13, TOWNSHIP 41 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, AND THE N1/2 OF LOTS 5 AND 23, AND LOTS 17 AND 22 OF SECTION 19, TOWNSHIP 41 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON

3. Trust Deed was recorded on March 28, 2001 as instrument found at volume M01, Page 12375 of the records of Klamath County, Oregon.

4. Default for which foreclosure is made is failure of Grantor(s) to pay real property taxes assessed against the property in violation of the trust deed, failure to make payments pursuant to the terms of the promissory note including the entire balance upon maturity on January 1, 2006.

5. The principal sum owing on the obligation secured by the Trust Deed is \$436,368.08 as of the 27th day of September 2007. Interest accrues at 10.4% and as of September 27, 2007, \$263,167.12 in interest had accrued and is continuing to accrue at 10.4%. There is also due and owing trustee, attorney fees and costs incurred and such sums as may be advanced by beneficiary (i.e., real property taxes).

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 8th day of July 2008, at 10:00 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 attorneys 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 15th day of February, 2008.

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

By: /s/Joseph E. Kellerman,  
Successor Trustee  
STATE OF OREGON)) ss.  
County of Jackson)

On this 15th day of February, 2008, personally appeared before me Joseph E. Kellerman, as Successor Trustee, and acknowledged said instrument to be his voluntary act and deed.  
/s/Notary Public for Oregon  
My Commission Expires: 11-19-2009  
#10182 May 16, 23, 30, June 6, 2008.