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07/02/2008 08:13:48 AM

Fee: \$56.00

**AFFIDAVIT OF SERVICE AND 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 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 1/3<sup>rd</sup> interest, as Grantor, to First American Title Insurance Company of Oregon, as Trustee, in which PremierWest Bank, successor in interest by merger to Mid-Valley Bank (original grantee/beneficiary) is the beneficiary, originally recorded on March 28, 2001 as instrument found at volume M01, Page 12375 of the records of Klamath County, Oregon covering the following described real property, to wit:

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

2. I gave notice of the sale (as required by ORS 86.745) of the real property described in the attached Trustee's Amended Trustee's Notice of Sale also attached mailing true copies 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:

Earl O. Schultz, Jr.  
134 Siskiyou  
Tulelake, CA 96134

Earl O. Schultz, Jr.  
P.O. Box 846  
Tulelake, CA 97632

Earl O. Schultz, Jr.  
24566 Suty Road  
Tulelake, CA 97632

Earl Schultz, Sr.  
137 Siskiyou  
Tulelake, CA 96134

Earl O. Schultz, Jr.  
P.O. Box 622  
Tulelake, CA 96134

Dorothy Schultz  
137 Siskiyou  
Tulelake, CA 96134

Macy's Flying Service, Inc.  
P.O. Box 277  
Tulelake, CA 96134

Barbara Davis  
19015 Genevieve Road  
Redding, CA 96003

Macy's Flying Service, Inc.  
c/o Andrew C. Brandsness,  
Attorney at Law  
411 Pine Street  
Klamath Falls, OR 97601

Mary Conway  
7406 Reeder Road  
Klamath Falls, OR 97601

Evergreen Ag., Inc.  
P.O. Box 277  
Tulelake, CA 96134

Joan Ogard  
139 Michigan Avenue, Apt. B  
Klamath Falls, OR 97601

Evergreen Ag., Inc.  
c/o Andrew C. Brandsness,  
Attorney at Law  
411 Pine Street  
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 15<sup>th</sup> day of February, 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 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 Amended

Notice of Default and Election to Sell described in said Amended Notice of Sale was recorded.

5. Attached is copy of affidavit of service on Jimmie Alexander and substituted service on Theresa Alexander and all occupants of the premises. Service was made on Jimmie Alexander and all occupants on February 22, 2008 at 12:40 p.m. at 24566 Suty Road, Malin, Oregon. Thereafter, I completed service by follow up mailing on Theresa Alexander and all occupants in that I mailed a copy via first class mail and certified mail to Ms. Theresa Alexander on February 28, 2008. Also attached is a copy of the certified receipt noting that the mailed copy was signed by a Mr. Jimmie Alexander on March 1, 2008.

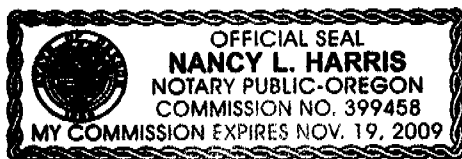
6. As used herein, the singular includes the plural, Trustee includes successor Trustee, and person includes corporation and any other legal or commercial entity.

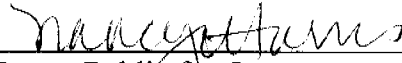
DATED this 19<sup>th</sup> day of June, 2008.

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

STATE OF OREGON       )  
                                  ) ss.  
County of Jackson     )

On this 19<sup>th</sup> day of June, 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

### **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 1/3<sup>rd</sup> 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 27<sup>th</sup> 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, Jackson 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.

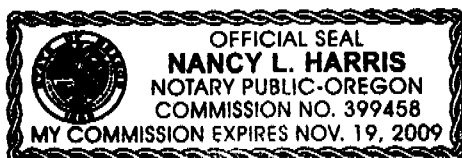
DATED this 15<sup>th</sup> day of February, 2008.

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

By: [Signature]  
Joseph E. Kellerman, Successor Trustee

STATE OF OREGON       )  
                                      ) ss.  
County of Jackson     )

On this 15<sup>th</sup> 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.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 11-19-2009

**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 **24566 Suty Rd. Malin Oregon 97632**

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

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

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

1<sup>st</sup> Attempt:

2<sup>nd</sup> Attempt:

3<sup>rd</sup> Attempt:

☐ **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 February 25, 2008 I mailed a copy of the Trustee's Notice of Sale addressed to All Known 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 Chelsa Meek

24566 Suty Rd. Malin, Oregon 97632

**ADDRESS OF SERVICE**

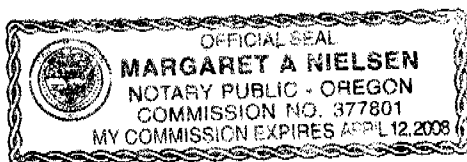
I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served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

February 22, 2008                      12:40 PM  
**DATE OF SERVICE                      TIME OF SERVICE**

☐ or non occupancy

By: Andrew Thompson  
**ANDREW THOMPSON**

Subscribed and sworn to before on this 25<sup>th</sup> day of February, 2008.



Margaret A. Nielsen  
Notary Public for Oregon

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

## Attorneys at Law

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Robert L. Cowling  
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Stephen L. Brown

B. Kent Blackhurst 1922-2007  
Ervin B. Hogan 1927-2000

\*Also admitted in California  
\*\*Also admitted in Idaho

February 28, 2008

### VIA CERTIFIED MAIL/RETURN RECEIPT and FIRST CLASS MAIL

Theresa Alexander  
24566 Suty Road  
Malin, OR 97632

Dear Ms. Alexander:

Enclosed is Trustee's Notice of Sale concerning the real property and trust deed referenced therein. A true copy of was personally served on you by substitute service on Jimmie Alexander on February 22, 2008. Because of this substitute service, we are mailing a copy to you. Should you have any questions, don't hesitate to contact the undersigned at the address listed on this letterhead.

Very truly yours,

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature <i>Jimmie Alexander</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Jimmie Alexander</i></p> <p>C. Date of Delivery <i>3-1-08</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
1. Article Addressed to:  <i>Theresa Alexander</i> <i>24566 Suty Rd</i> <i>Malin OR 97632</i>	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

2. AI 7006 0810 0000 8321 4679  
7.