

2008-010116

Klamath County, Oregon



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07/15/2008 08:33:44 AM

Fee: \$36.00

FORM No. 1169—AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE—Oregon Trust Deed Series.

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AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Josephine, ss:

I, Sharon Deardorff, being first duly sworn, depose, and say and certify 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 beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy 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
Eric Artner	PO Box 609, Jacksonville, OR 97530
Ron K. Clark	840 Singler Lane, Jacksonville, OR 97530
Ron K. Clark	3639 Livingston Road, Central Point, OR 97502
Ron K. Clark	700 E. Main Street, Suite 105, Medford, OR 97504

Said 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 required by ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Patrick J. Kelly, attorney for the trustee named in said notice; each such

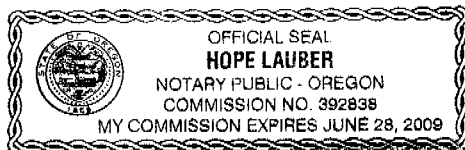
copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Grants Pass, Oregon, on March 13, 2008, ~~xxxxxxx~~ With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and 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.

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

SHARON DEARDORFF

Subscribed and sworn to before me on July 10, 2008.

Notary Public for Oregon. My commission expires 6-28-2009



AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from Artner

Grantor

TO Pacific Trust Deed Servicing Co.

Trustee

Justin Throne
Attorney at Law
280 Main Street
Klamath Falls, OR 97601

(DON'T USE THIS SPACE: RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON, } ss.
County of }

I certify that the within instrument was received for record on the day of, 19....., at o'clock M., and recorded in book/reel/volume No. on page or as fee/file/instrument/microfilm/reception No., Record of Mortgages of said County.

Witness my hand and seal of County affixed.

By Deputy

* 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.

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NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Eric Artner

_____ as grantor,
to Pacific Trust Deed Servicing Company, Inc., an Oregon Corporation as trustee,
in favor of Rogue River Mortgage, LLC as beneficiary,
dated February 1, 2007, recorded on February 15, 2007 in the Records of
Klamath County, Oregon, in ~~book~~ ~~tract~~ ~~volume~~ ~~page~~ ~~XXXXXX~~
or as ~~xxxxxxx~~ ☒ instrument ~~xxxxxxx~~ No. 2007-002810 (indicate which), covering the following
described real property situated in that county and state, to-wit:

SEE EXHIBIT "A"

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:

The October 2, 2007 monthly installment in the amount of \$3,000.00 and each month thereafter, plus buyer's fees of \$30.00, plus late charges of \$900.00.

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:

The unpaid principal balance in the amount of \$300,000.00 with interest thereon at 12% per annum from September 2, 2007 until paid, plus late charges of \$900.00.

WHEREFORE, notice is hereby given that the undersigned trustee will on June 11, 2008, at the hour of 11:00 o'clock, A M., in accord with the standard of time established by ORS 187.110, at Law office of Justin Thorne, 250 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 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 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 February 21, 2008

PATRICK J. KELLY, Successor Trustee

Trustee

717 NW 5th Street

ADDRESS

Grants Pass, OR 97526 (541) 474-1908

CITY

STATE

ZIP

PHONE

State of Oregon, County of Josephine 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.

PATRICK J. KELLY

Attorney for Trustee

SERVE:*

EXHIBIT "A"

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7,
TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON,
LYING SOUTHWESTERLY OF THE LAKE OF THE WOODS HIGHWAY 140.

SAVING AND EXCEPTING THAT PORTION CONVEYED TO STATE OF OREGON VOLUME M68, PAGE 3409,
DEED RECORDS OF KLAMATH COUNTY, OREGON.

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION
PRACTICES ACT
15 USC SECTION 1692

We are attempting to collect a debt and any information we obtain will be used for that purpose. The debt described in the Notice of Sale is assumed to be valid unless debtor disputes within 30 days and that, if disputed, debt collector will obtain and furnish to debtor the verification. If written request is made within 30 days by debtor, name of original lender will be given if different than the current creditor.

WRITTEN REQUESTS SHOULD BE ADDRESSED TO: PATRICK
J. KELLY, ATTORNEY, 717 NW 5TH STREET, GRANTS PASS,
OREGON 97526.