

MT081768

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED INSTRUMENT
FOR RECORDING. ANY ERRORS IN THIS COVER SHEET
DO NOT AFFECT THE TRANSACTION(S) CONTAINED
IN THE INSTRUMENT ITSELF.

2008-011347

Klamath County, Oregon



00051288200800113470100100

08/11/2008 11:11:46 AM

Fee: \$76.00

After Recording Return To:

Michael R. Silvey, Esq.
Successor Trustee
Foster, Pepper LLP
601 SW 2nd Avenue, Suite 1800
Portland, Oregon 97204

1. Name(s) of the Transaction(s):

X Affidavit of Mailing Trustee's Notice of Sale
X Affidavit of Posting
X Affidavit of Publication

2. Direct Party (Grantor):

Hardip Singh Sandhu

3. Indirect Party (Grantee):

N/A

4. True and Actual Consideration Paid:

N/A

5. Legal Description:

See attached document

76 ALTT

After recording return to:

Michael R. Silvey, Esq.
Successor Trustee
Foster, Pepper LLP
601 SW 2nd Avenue, Suite 1800
Portland, OR 97204

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) ss.
County of Multnomah)

I, LILLIAN ERWIN, 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 made by **HARDIP SINGH SANDHU dba Ray's Market**, as Grantor, to **AMERITITLE**, as Trustee, in favor of **BLX CAPITAL, LLC**, as Beneficiary, dated June 25, 2007, recorded June 27, 2007, in the microfilm records of Klamath County, Oregon, in Volume 2007, page 011554 ("Trust Deed"). BLX Capital LLC is now known as CIENA Capital Funding, LLC. The Trust Deed covers the real property described in the attached 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:

- ✓ Hardip Singh Sandhu
dba Ray's Market
4237 Greensprings Dr.
Klamath Falls, OR 97601
- ✓ Hardip Singh Sandhu
420 Alamo
Weed, CA 96094-9374
- ✓ Jaswinder K. Shergill
16451 Tee Pl.
Weed, CA 96094-9374
- ✓ EDF Resource Capital, Inc.
c/o Corporation Service Company, Registered Agent
285 Liberty St., NE
Salem OR 97301

- ✓ U. S. Small Business Administration
Fresno Commercial Loan Service Center
2719 North Air Fresno Drive, Suite 107
Fresno, CA 93727-1547
- ✓ State of Oregon
Tax Warrant Nos. 99713 and 98965
Employment Department
c/o Department of Justice
1162 Court Street, NE
Salem, OR 97301
- ✓ Stewart Property Management Services, Inc.
c/o William P. Brandsness, Registered Agent
411 Pine St.
Klamath Falls, OR 97601
- ✓ Klamath County Tobacco and Candy, Inc.
c/o Richard Mauro, Registered Agent
2508 Lindley Way
Klamath Falls, OR 97601

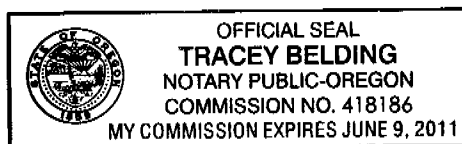
The above persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record of the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

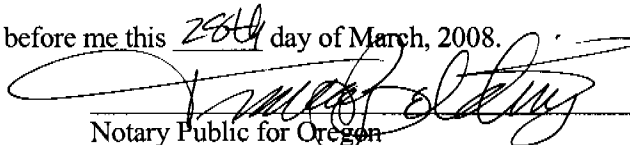
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Michael R. Silvey, attorney for the trustee named in the notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Portland, Oregon on March 28, 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 a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of the notice(s) was/were mailed after the notice of default and election to sell described in the 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.


LILLIAN ERWIN

SUBSCRIBED AND SWORN to before me this 28th day of March, 2008.




Notary Public for Oregon
My Commission Expires: JUNE 9, 2011

After recording return to:

Michael R. Silvey, Esq.
Successor Trustee
Foster, Pepper LLP
601 SW 2nd Avenue, Suite 1800
Portland, OR 97204

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) ss.
County of Multnomah)

I, LILLIAN ERWIN, 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 made by **HARDIP SINGH SANDHU dba Ray's Market**, as Grantor, to **AMERITITLE**, as Trustee, in favor of **BLX CAPITAL, LLC**, as Beneficiary, dated June 25, 2007, recorded June 27, 2007, in the microfilm records of Klamath County, Oregon, in Volume 2007, page 011554 ("Trust Deed"). BLX Capital LLC is now known as CIENA Capital Funding, LLC. The Trust Deed covers the real property described in the attached 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:

State of Oregon
Tax Warrant No. A2136
Employment Department
c/o Department of Justice
1162 Court Street, NE
Salem, OR 97301

State of Oregon
Tax Warrant No. A2136
Employment Department
875 Union St., NE, Room 107
Salem, OR 97311

Klamath County Tax Assessor
(Warrant No. 2007472)
305 Main St., Floor 1
Klamath Falls, OR 97601-6332

Klamath County Tobacco and Candy, Inc.
c/o Richard Mauro, Registered Agent
2508 Lindley Way
Klamath Falls, OR 97601

Klamath County Tobacco & Candy
c/o Brandsness Brandsness & Rudd
411 Pine St.,
Klamath Falls, OR 97601

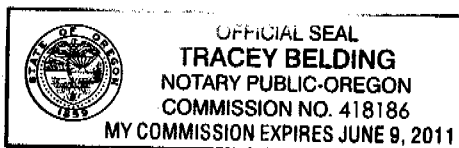
The above persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record of the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

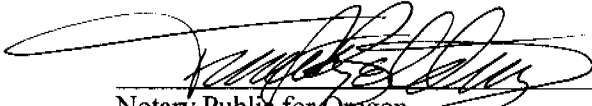
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Michael R. Silvey, attorney for the trustee named in the notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Portland, Oregon on July 10, 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 a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of the notice(s) was/were mailed after the notice of default and election to sell described in the 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.


LILLIAN ERWIN

SUBSCRIBED AND SWORN to before me this 10th day of July, 2008.




Notary Public for Oregon

My Commission Expires: JUNE 9, 2011

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by **HARDIP SINGH SANDHU dba Ray's Market**, as Grantor, to **AMERITITLE**, as Trustee, in favor of **BLX CAPITAL, LLC**, as Beneficiary, dated June 25, 2007, recorded June 27, 2007, in the microfilm records of Klamath County, Oregon, in Volume 2007, page 011554 ("Trust Deed"). BLX Capital LLC is now known as CIENA Capital Funding, LLC. The Trust Deed covers the following described real property situated in the above county and state, to-wit:

Parcel 1:

Lot 3 in Block 3 of STEWART ADDITION, according to the official plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

Parcel 2:

Lots 4 and 5 in Block 3 STEWART ADDITION, according to the official plat thereof on file in The office of the County Clerk of Klamath County, Oregon.

The real property is more commonly known as 4237 Greensprings Drive, Klamath Falls, OR 97601.

Both the Beneficiary and the Trustee have elected to sell the Collateral 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 is Grantor's failure to pay when due the following sums listed below:

6 monthly payments @ \$7,530.58 (October 2007 thru March 2008)	\$45,183.12
Late charges	\$1,942.54
Payments not made within 10 days of the due date	

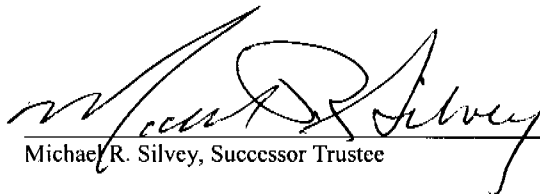
By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, the sums being the following, to-wit:

\$687,408.10; plus interest thereon at the rate of 8.52% from September 4, 2007, until paid; plus late charges, any additional advances, unpaid real property taxes; plus any reserve account shortage; plus attorney fees and costs incurred related to the foreclosure less any unapplied funds; plus all sums expended by beneficiary to protect its interest during the pendency of this proceeding.

WHEREFORE, notice hereby is given that the undersigned Trustee will **on July 29, 2008, at the hour of 10:00 a.m.**, in accordance with the standard of time established by ORS 187.110 at the front entrance of the Klamath County Courthouse, 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 above described Collateral Property 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 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 (5) 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 the above 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's and attorney's 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: March 28, 2008.


Michael R. Silvey, Successor Trustee

STATE OF OREGON)
) ss.
County of Multnomah)

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named Successor Trustee and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

FOSTER PEPPER LLP

Attorney for Successor Trustee

PLEASE CONTACT LILLIAN ERWIN, PARALEGAL, AT 503-221-5377 WITH ANY QUESTIONS CONCERNING THIS FORECLOSURE.

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

SERVE: _____

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. § 1692

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
2. The beneficiary named in the attached Trustee's Notice of Sale is the creditor to whom the debt is owed.
3. The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within 30 days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
4. If the debtor notifies the trustee in writing within 30 days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
5. If the creditor named as beneficiary in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within 30 days from receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
6. Written requests or objections should be addressed to: Michael R. Silvey, Foster Pepper LLP, 601 SW 2nd Avenue, Suite 1800, Portland, OR 97204.

91388-139/SINGH

AFFIDAVIT OF POSTING

STATE OF OREGON)
) ss.
County of Klamath)

I, Robert Bolenbaugh, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following address:

4237 Greensprings Drive, Klamath Falls, Oregon 97601 ("Property Address"), as follows:

On March 28, 2008 at 3:40 p.m., I attempted personal service at the Property Address. I received no answer at the front door. At that time, I POSTED such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

On March 31, 2008 at 10:01 a.m., I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

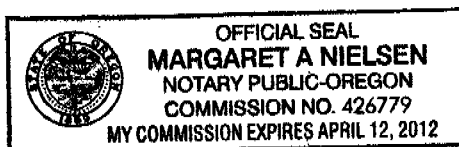
On April 2, 2008 at 12:48 p.m., I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

I declare under penalty of perjury that the above statement is true and correct.


Robert Bolenbaugh (2574.171333)

SUBSCRIBED AND SWORN to before me this 3rd day of April, 2008, by Robert Bolenbaugh.


Notary Public for Oregon



NATIONWIDE PROCESS SERVICE, INC.
420 Century Tower
1201 SW 12th Avenue
Portland, Oregon 97205
(503) 241-0636

AFFIDAVIT OF MAILING

[illegible]

I, Renee L. Gourley, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On April 3, 2008, I mailed a copy of the Trustee's Notice of Sale, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.750 (1)(a)(C).

The envelope was addressed as follows:

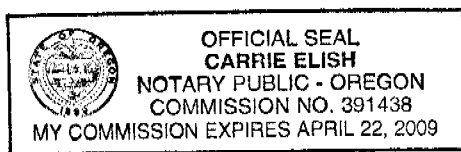
**OCCUPANT
4237 GREENSPRINGS DRIVE
KLAMATH FALLS, OR 97601**

This mailing completes service upon an occupant at the above address with an effective date of service on **March 28, 2008**, as calculated pursuant to ORS 86.750 (1)(c).

I declare under the penalty of perjury that the above statements are true and correct.

Renee L. Gourley (257) 4.171333

SUBSCRIBED AND SWORN TO BEFORE ME this 3rd day of April, 2008 by Renee L. Gourley.





Notary Public for Oregon

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 # 10283

Notice of Sale/Hardip Singh Sandhu
dba Ray's Market

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:

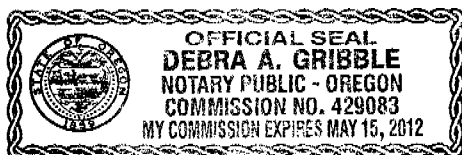
June 12, 19, 26, July 3, 2008

Total Cost: \$846.60

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: July 3, 2008

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by HARDIP SINGH SANDHU dba Ray's Market, as Grantor, to AMERITITLE, as Trustee, in favor of BLX CAPITAL, LLC, as Beneficiary, dated June 25, 2007, recorded June 27, 2007, in the microfilm records of Klamath County, Oregon, in Volume 2007, page 011554 ("Trust Deed"). BLX Capital LLC is now known as CIENA Capital Funding, LLC. The Trust Deed covers the following described real property situated in the above county and state, to-wit:

Parcel 1:

Lot 3 in Block 3 of STEWART ADDITION, according to the official plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

Parcel 2:

Lots 4 and 5 in Block 3 STEWART ADDITION, according to the official plat thereof on file in The office of the County Clerk of Klamath County, Oregon.

The real property is more commonly known as 4237 Greensprings Drive, Klamath Falls, OR 97601.

~~Both the Beneficiary and the Trustee have elected to sell the Collateral 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 is Grantor's failure to pay when due the following sums listed below:~~

6 monthly payments @ \$7,530.58 (October 2007 thru March 2008) \$45,183.12

Late charges \$1,942.54

Payments not made within 10 days of the due date

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, the sums being the following, to-wit:

\$687,408.10; plus interest thereon at the rate of 8.52% from September 4, 2007, until paid; plus late charges, any additional advances, unpaid real property taxes; plus any reserve account shortage; plus attorney fees and costs incurred related to the foreclosure less any unapplied funds; plus all sums expended by beneficiary to protect its interest during the pendency of this proceeding.

WHEREFORE, notice hereby is given that the undersigned ~~Trustee will on July 29, 2008, at the hour of 10:00 a.m.~~ in accordance with the standard of time established by ORS 187.110 at the front entrance of the Klamath County Courthouse, 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 above described Collateral Property 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 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 (5) days before the

(Continued on top of next column)

(Continued from below)

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 the above 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's and attorney's 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: March 28, 2008.

Michael R. Silvey, Successor Trustee
#10283 June 12, 19, 26, July 3, 2008.