

2008-013739

Klamath County, Oregon



00054283200800137390100105

COVER SHEET

ORS: 205.234

10/06/2008 03:18:10 PM

Fee: \$66.00

This cover sheet has been prepared by the persons presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the transaction(s) contained in the instrument itself.

1st 1279394

After recording, return to:

Grantland, Blodgett & Shaw
1918 E McAndrews Rd
Medford, OR 97504

The date of the instrument attached is Sept 5 2008

1) NAMES(S) OF THE INSTRUMENT(S) required by ORS 205.234(a)

Affidavit of Mailing Trustees
Notice of Sale

2) PARTY(IES)/GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160:

Burnett, Bill

3) PARTY(IES)/GRANTEE, required by ORS 205.125(1)(b) and ORS 205.160

Smith, Bill & Jennifer

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

\$ _____

5) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERK'S LIEN RECORDS, ORS 205.121(1)(c)

6) RE-RECORDED to correct: _____
Previously recorded as: _____

Fw

1st 1279396

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) ss.
County of Jackson)

I, JAMES L. GRANTLAND, JR., being first duly sworn, depose, 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 his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the Trustee's Notice of Sale attached hereto as Exhibit "A" and the Notice of Home Loss Danger, attached hereto as Exhibit "B", which are both by this reference incorporated herein, 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 address, to-wit:

NAME	ADDRESS
Rick Barnett	P. O. Box 123 Macdoel, CA 96058
Klamath Irrigation District	6640 Kid Lane Klamath Falls, OR 97603-9623
Rick Barnett	17609 Highway 39 Klamath Falls, OR 97603
Rick Barnett	P. O. Box 1014 Chiloquin, OR 97624

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.*

AFTER RECORDING RETURN TO: **Grantland, Blodgett & Shaw**
 1818 E. McAndrews Road
 Medford, OR 97504

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Fit

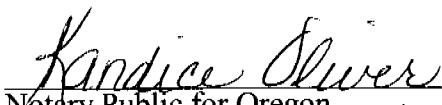
Each of the notices so mailed was certified to be a true copy of the original notices by James L. Grantland, Jr., attorney for the trustee named in said notices; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Medford, Oregon, to Rick Barnett at P. O. Box 123, Macdoel, CA 96058 on September 5, 2008 and to the Klamath Irrigation District on September 8, 2008 and to Rick Barnett at 17609 Highway 39, Klamath Falls, OR 97603 and P. O. Box 1014 Chiloquin, OR 97624 on September 11, 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 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.


James L. Grantland, Jr.

Subscribed and sworn to before me this 3 day of October, 2008.




Kandice Oliver
Notary Public for Oregon
My Commission Expires: 2/26/2011

2008-012315

Klamath County, Oregon

00052520200800123150040043

09/03/2008 01:23:47 PM

Fee: \$36.00

NOTICE OF DEFAULT AND ELECTION TO SELL;
TRUSTEE'S NOTICE OF SALE
(ORS 86.705 et seq)

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: RICK BARNETT

TRUSTEE: LAWYERS TITLE INSURANCE CORPORATION

SUCCESSOR TRUSTEE: James L. Grantland, Jr.

BENEFICIARY: BILL F. SMITH, JR. and JENNIFER L. SMITH, or the survivor of them

2. The real property covered by the Trust Deed is more particularly described as follows:

See Exhibit "A", a copy of which is attached hereto and by this reference incorporated herein.

AFTER RECORDING, RETURN TO:

**James L. Grantland, Jr.
1818 E. McAndrews Road
Medford, OR 97504**

-1- NOTICE OF DEFAULT AND ELECTION TO SELL; TRUSTEE'S NOTICE OF SALE

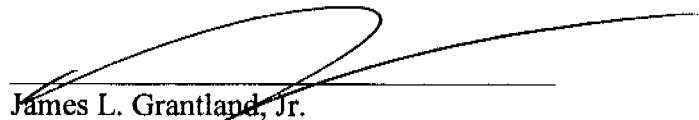
Law Offices of
GRANTLAND, BLODGETT, SHAW & ABEL, LLP
1818 E. McAndrews Rd.
Medford, OR 97504
(541) 773-6855

EXHIBIT "A"

3. The Trust Deed was recorded as Instrument No. 2007-010695
4. The default for which foreclosure is made:
 - a. Failure to pay the payment in the amount of \$2,042.08 due July 11, 2008, and each month thereafter.
 - b. Failure to pay unpaid accrued interest in the amount of \$5,541.96 owed to June 11, 2008.
 - c. Failure to pay late fees in the amount of \$279.00 each for the payment due May 11, 2008, the payment due July 11, 2008 and each month thereafter.
5. The sum owing on the obligation secured by the Trust Deed is:

\$188,500.00, plus unpaid interest of \$5,541.96 owed to June 11, 2008, plus interest at the rate of 13% per annum from June 11, 2008, until paid, together with late payment charges in the amount of \$279.00 for May 11, 2008, July 11, 2008 and each month thereafter.
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 January 12, 2009 at 11:00 'clock, A.M., as established by ORS 187.110 on the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon 97601.
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's 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 the successor trustee conducts the sale.

DATED this 29 day of August, 2008.


James L. Grantland, Jr.
Successor Trustee

-2- NOTICE OF DEFAULT AND ELECTION TO SELL; TRUSTEE'S NOTICE OF SALE

Law Offices of
GRANTLAND, BLODGETT, SHAW & ABEL, LLP
1818 E. McAndrews Rd.
Medford, OR 97504
(541) 773-6855

STATE OF OREGON)
) ss.
County of Jackson)

Personally appeared before me this 29 day of August, 2008, the above named James L. Grantland, Jr. and acknowledged the foregoing instrument to be his voluntary act and deed.

Kandice Oliver
Notary Public for Oregon
My Commission Expires: 2/26/2011



-3- NOTICE OF DEFAULT AND ELECTION TO SELL; TRUSTEE'S NOTICE OF SALE

Law Offices of
GRANTLAND, BLODGETT, SHAW & ABEL, LLP
1818 E. McAndrews Rd.
Medford, OR 97504
(541) 773-6855

**EXHIBIT A
LEGAL DESCRIPTION**

A parcel of land situated in the SW 1/4 of Section 21, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the West line of said Section 21, from which an aluminum survey cap marking corner common to Sections 20, 21, 28 and 29, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon bears South 0° 15' 47" East 1005.37 feet; thence along the centerline of a 20 foot road easement the following courses and distances: 1) North 82° 24' 23" East 161.50 feet; 2) North 55° 04' 31" East 20.01 feet; 3) North 49° 46' 20" East 108.36 feet; 4) North 38° 36' 01" East 66.71 feet; 5) North 40° 46' 40" East 32.49 feet to a point on the centerline of the U.S.B.R. No. 5 Drain; thence leaving said easement centerline continuing along said No. 5 Drain following courses and distances: 1) North 53° 44' 39" East 44.23 feet; 2) North 86° 20' 21" East 426.98 feet; 3) North 32° 05' 57" East 46.23 feet; 4) North 01° 16' 58" East 154.64 feet; 5) North 38° 55' West 325.72 feet; 6) North 11° 06' 48" East 250.00 feet; 7) North 25° 36' 48" East 160.00 feet; 8) North 12° West 130 feet, more or less, to the confluence of Lost River; thence upstream along the right bank of Lost River to a point on the West line of said Section 21; thence along said West line of Section 21 South 47° East 1620 feet, more or less, to the point of beginning.

SAVE AND EXCEPT that portion lying within the U.S.B.R. No. 5 Drain.

TOGETHER WITH a non-exclusive 30 foot wide road easement, for ingress and egress over and across following described centerline; Beginning at the intersection of the Northeasterly right of way line of S Highway No. 39 (Merrill Highway) and the West line of said Section 28; thence Northerly along said West line of Section 28 to an aluminum survey cap marking the section corner common to said Sections 20, 21, 28 and 29; thence along the East line of said Section 20, North 0° 15' 47" West 1005.37 feet to a point on the centerline of the 20 foot wide road easement, said point being the Southwest corner of Parcel No. 3 of Minor Land Partition No. 82; thence along said 20 foot wide road easement centerline North 82° 24' 23" East 161.50 feet; thence along said centerline North 55° 04' 31" East 20.01 feet to a common point of the above described Parcel No. 3 of Minor Land Partition No. 34-82.

CODE 018 MAP 4010-02100 TL 00900 KEY #787492

NOTICE OF HOME LOSS DANGER

NOTICE:
YOU ARE IN DANGER OF LOSING
YOUR PROPERTY IF YOU DO NOT
TAKE ACTION IMMEDIATELY

This notice is about your mortgage loan on your property at
17609 Highway 39, Klamath Falls, Oregon 97603.

Your lender has decided to sell this property because the money due on
your mortgage loan has not been paid on time or because you have failed to
fulfill some other obligation to your lender. This is sometimes called
"foreclosure".

The amount you would have had to pay as of September 5, 2008 to
bring your mortgage loan current was \$12,795.12. The amount you must
now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount
you owe, if you ask. You may call James L. Grantland, Jr. at 541-773-6855
to find out the exact amount you must pay to bring your mortgage current and
to get other details about the amount you owe. You may also get these
details by sending a request by certified mail to: James L. Grantland, Jr.,
1818 E. McAndrews Road, Medford, Oregon 97504.

THIS IS WHEN AND WHERE
YOUR PROPERTY WILL BE SOLD
IF YOU DO NOT TAKE ACTION:

Date and time: January 12, 2009, at 11:00 o'clock A.M..
Place: Front steps of the Klamath County Courthouse, 316 Main Street,
Klamath Falls, Oregon 97601.

THIS IS WHAT YOU CAN DO
TO STOP THE SALE

EXHIBIT "B"


1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call James L. Grantland, Jr. at 541-773-6855 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 1-800-723-3638 or 1-888-995-4673. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 1-503-684-3763 or toll-free in Oregon at 1-800-452-7636 or you may visit its website at www.osbar.org/public. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, call Klamath County Legal Aid Service at 1-541-882-6982 or go to www.cnpls.org.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: September 5, 2008.

Trustee name: JAMES L. GRANTLAND, JR.

Trustee signature: 
Trustee telephone number: 1-541-773-6855

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

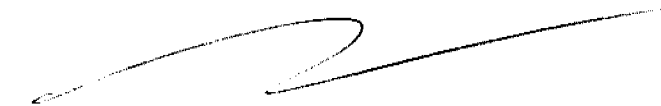
STATE OF OREGON)
) ss.
County of Jackson)

I, JAMES L. GRANTLAND, JR., being first duly sworn, depose, say and certify that:

I am the successor trustee in that certain trust deed executed and delivered by RICK BARNETT, as grantor, to LAWYERS TITLE INSURANCE CORPORATION, or the survivor of them, as trustee, in favor of BILL F. SMITH, JR. and JENNIFER L. SMITH, or the survivor of them, as beneficiary, dated June 12, 2007, recorded on June 13, 2007, in the Official Records of Klamath County, Oregon as Instrument No. 2007-010695 covering the following described real property situated in the above-mentioned county and state, to-wit:

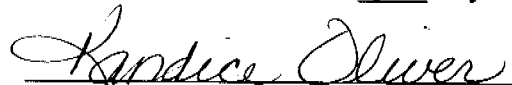
See Exhibit "A", a copy of which is attached hereto and by this reference incorporated herein.

I hereby certify that on September 5, 2008, the above described property was not occupied. The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed described above.


James L. Grantland, Jr., Successor Trustee

SUBSCRIBED AND SWORN to before me on the 30 day of September, 2008




Notary Public for Oregon

My Commission Expires: 2/26/2011

AFTER RECORDING, RETURN TO: GRANTLAND, BLODGETT, SHAW & ABEL
1818 E. McANDREWS ROAD
MEDFORD, OR 97504