

ES

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



1st 1234853

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Richard Lippincott Jr & Mary Lippincott  
PMB 191

Sante Fe, NM 87505-3262

To

Grantor

Klamath County Title nka First Am Title  
404 Main Street

Klamath Falls, OR 97601

Trustee

After recording, return to (Name, Address, Zip):

James R. Uerlings

Boivin, Uerlings &amp; DiIaconi, P.C.

803 Main Street, Ste 201

Klamath Falls, OR 97601

2008-014441

Klamath County, Oregon



00055123200800144410040049

SPACE RESE  
FOR  
RECORDER

10/22/2008 03:00:48 PM

Fee: \$36.00

STATE OF OREGON, County of Klamath ss:I, James R. Uerlings, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies 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

Richard R. Lippincott, Jr.

PMB 191

Sante Fe, NM 87505-3262

Mary J. Lippincott

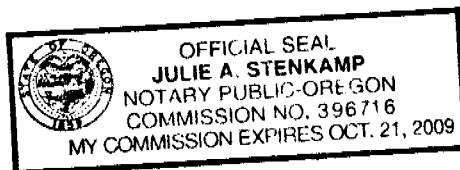
PMB 191

Sante Fe, NM 87505-3262

These 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 set forth in ORS 86.785.\*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by James R. Uerlings, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on June 16, 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was 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 a successor trustee, and "person" includes a corporation and any other legal or commercial entity.



James R. Uerlings

SIGNED AND SWORN TO before me on October 20, 2008

Notary/Public for Oregon

My commission expires 10/21/09

\* 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. Pursuant to ORS 86.740(2), a notice served by mail in accordance with ORS 86.740(1) is effective when the notice is mailed.  
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

# 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 # 10461

Notice of Sale/Richard R & Mary J Lippincott

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:

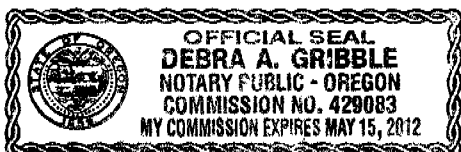
August 22, 29, September 5, 12, 2008

Total Cost: \$807.61

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: September 12, 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 Richard R. Lippincott, Jr. and Mary J. Lippincott, as grantor, to Klamath County Title nka First American Title, an Oregon corporation, as trustee, in favor of Gordon E. Webb, as beneficiary, dated June 29, 1981, recorded on August 6, 1981, in the Records of Klamath County, Oregon, in volume No. M81 at page 14049, covering the following described real property situated in that county and state, to-wit: Lot 20, Block 7 of Mountain Lake Homesites, Tract 1017, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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: 1) Failure to make payment of \$11,803.24 on August 25, 1999.

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: 1) Principal in the amount of \$11,803.24 plus interest from March 31, 2008 accruing at a per diem rate of \$1.72 beginning April 1, 2008 and continuing until paid; 2) beneficiary's attorney fees, trustee fees and all costs of foreclosure as permitted under ORS Chapter 86; & 3) any property tax &/or insurance premiums advanced by beneficiary to protect this interest.

WHEREFORE, notice is hereby given that the undersigned trustee will on November 07, 2008, at the hour of 11:30 A.M., in accord with the standard of time established by ORS 187.110, at the front steps of the Klamath County Courthouse at 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 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 June 13, 2008.  
James R. Uerlings,  
Successor Trustee  
803 Main Street, Ste 201  
Klamath Falls, OR 97601  
(541) 884-8101

State of Oregon, County of Klamath:  
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.  
James R. Uerlings,  
Attorney for Trustee  
#10461 August 22, 29, September 5, 12, 2008.

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## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Richard R. Lippincott, Jr. and Mary L. Lippincott, as grantor, to Klamath County Title nka First American Title, an Oregon corporation, as trustee, in favor of Gordon F. Webb, as beneficiary, dated June 29, 1981, recorded on August 6, 1981, in the Records of Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. M81 at page 14049, ~~as a fee~~ ~~file~~ ~~instrument~~ ~~microfilm~~ ~~reception~~ ~~Ne~~ ~~xxxxxxx~~ (indicate which), covering the following described real property situated in that county and state, to-wit:

Lot 20, Block 7 of Mountain Lake Homesites, Tract 1017, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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:

- 1) Failure to make payment of \$11,803.24 on August 25, 1999.

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:

- 1) Principal in the amount of \$11,803.24, plus interest from March 31, 2008 accruing at a per diem rate of \$1.72 beginning April 1, 2008 and continuing until paid; 2) beneficiary's attorney fees, trustee fees and all costs of foreclosure as permitted under ORS Chapter 86;
- & 3) any property taxes &/or insurance premiums advanced by beneficiary to protect this interest

WHEREFORE, notice is hereby given that the undersigned trustee will on November 07, 2008, at the hour of 11:30 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the front steps of the Klamath County Courthouse at 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 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

6-13-2008James R. Uerlings

Successor, Trustee

803 Main Street, Ste 201

ADDRESS

Klamath Falls, OR 97601

CITY

STATE

(541) 884-8101

ZIP

PHONE

State of Oregon, County of Klamath) 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.

Attorney for Trustee

SERVE:\*

\*If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in the name and address of party to be served. Pursuant to ORS 86.740(2), a notice served by mail in accordance with ORS 86.740(1) is effective when the notice is mailed.

**AFFIDAVIT  
AS TO  
NON-OCCUPANCY**

I, Gary Nielsen, hereby acknowledge that I am the process server retained by the law firm of Boivin, Uerlings & Dilaconi, P.C. to serve a Trustee's Notice of Sale upon any occupant of the real property (a vacant lot), described as follows:

Lot 20, Block 7 of Mountain Lake Homesites, Tract 1017, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

and that no such occupant was found on said real property. I, therefore, posted said notice on a tree and realty sign on June 16, 18, and 20, 2008 at 3:45 p.m., 2:30 p.m. and 2:45 p.m., respectively.

Dated this 20 day of OCTOBER, 2008.

Gary Nielsen

State of Oregon       )  
                                  ) ss.  
County of Klamath    )

This instrument was acknowledged before me this 7<sup>th</sup> day of October, 2008 by Gary Nielsen.



Jennifer R. Pagan  
Notary Public for Oregon

My Commission expires: 5-16-12