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11/20/2008 03:20:43 PM

Fee: \$31.00

## 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 # 10562

Notice of Sale/Skyridge Estates, III

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:

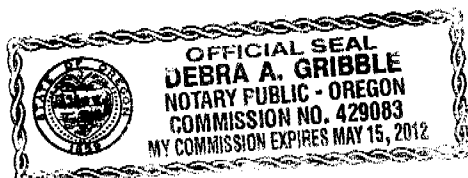
October 3, 10, 17, 24, 2008

Total Cost: \$1,260.01

Subscribed and sworn by Jeanine P Day  
before me on: October 24, 2008

Debra A Gribble  
Notary Public of Oregon

My commission expires May 15, 2012



### AMENDED NOTICE OF DEFAULT AND ELECTION TO SELL

KNOW ALL MEN BY THESE PRESENTS, that SKYRIDGE ESTATES, III, a NEVADA LIMITED LIABILITY COMPANY, is the grantor, and AMERITITLE, INC., is the trustee, and Iva J. Stephens and Linda C. Stephens, Husband and Wife or the Survivor thereof as to an undivided 1.27% interest; Margaret Louise Privett, a married woman as to an undivided 1.27% interest; Julia O. Mori, a single woman as to an undivided 5.08% interest; Lonnie D. Moore and Janice L. Moore, Husband and Wife or the Survivor thereof; Johnny A. Davenport and Kelli J. Davenport, Husband and Wife or the Survivor thereof as to an undivided 3.04% interest; Ronald E. Morden and Mary Lou Morden, Trustees of the Morden Family Trust, Dated December 19, 2000 as to an undivided 1.52% interest; California National Bank, Custodian FBO Richard H. Rank as to an undivided 1.52% interest; Charles L. Dame, Jr. and Victoria G. Dame, Trustees of the Charles and Victoria Dame Family Trust, dated August 16, 2001 as to an undivided 5.08% interest; Susan M. Glenn, as Trustee of the Susan M. Glenn Trust, dated September 30, 2002 as to an undivided 2.54% interest; Douglas E. Glenn, as Trustee of the Douglas E. Glenn Survivor's Trust, dated April 12, 1993 as to an undivided 2.54% interest; Harold G. Johnson and Rhonda L. Johnson, Co-Trustees of the Harold G. and Rhonda L. Johnson 1996 Revocable Trust, dated October 10, 1996 as to an undivided 5.08% interest; George DeLong Construction, Inc., a Nevada Corporation as to an undivided 10.15% interest; Reno Quilici and Gloria F. Quilici, Co-Trustees of the Reno Quilici and Gloria Quilici Trust Agreement, dated March 8, 1990 as to an undivided 5.08% interest; Albert A. Mendonca and Albert J. Mendonca, Trustees of the Albert and Lillian Mendonca Family Trust, dated June 10, 1992 as to an undivided 5.08% interest; Anita A. York, a single woman as to an undivided 5.08% interest; Donald G. Peters and Jessell J. Peters, Co-Trustees of the Peters Family Trust, dated March 30, 2000 as to an undivided 3.80% interest; Judy DeLong as Trustee of DeLong Ranches Inc. Restated Profit Sharing Plan DTD August 4, 1991 as to an undivided 2.54% interest; Leslie Martin, a single man as to an undivided 5.08% interest; David Bengochea and Maria Bengochea, Husband and Wife or the Survivor thereof as to an undivided 2.54% interest; Patricia J. Dingacci, Trustee of the Patricia J. Dingacci Separate Property Trust, dated July 22, 1999 as to an undivided 2.78% interest; Lynn Week and Joyce Week, Co-Trustees of the Lynn and Joyce Week Family Trust Agreement, dated December 2, 2003 as to an undivided 5.08% interest; Italo G. Valle, Trustee of the Valle Family Trust, dated March 27, 1983 as to an undivided 2.54% interest; Dennis J. Bowmer and Janice L. Bowmer, Trustees of The Amended and Restated Dennis J. Bowmer and Janice L. Bowmer 1991 Living Trust Agreement, dated June 24, 2003 as to an undivided 10.15% interest; David DeLong, a single man as to an undivided 1.52% interest; Leland C. Larson and Linda E. Larson, Husband and Wife or the Survivor thereof as to an undivided 3.04% interest and Gary L. Troxel and Cynthia E. Troxel, Husband and Wife or the Survivor thereof as to an undivided 5.08% interest are the beneficiary under that certain trust deed dated March 16, 2007, and recorded on April 12, 2007, in book/reel/volume No. 2007 at page 006821 of the Mortgage Records of Klamath County, Oregon.

PARCEL 1 of LAND PARTITION 57-96, said LAND PARTITION being a portion of Parcel 2 of LAND PARTITION 30-93, situated in the SE 1/4 SE 1/4 and NE 1/4 SE 1/4 of Section 26, Township 38 South, Range 9 East of Willamette Meridian, Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a Notice of Default has been recorded pursuant to Section 86.735(3) of Oregon Revises Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$16,732.56 per month from August 2007 to the present.

Taxes for the fiscal year 2007-2008, delinquent in the sum of \$476.43, or any portion thereof with interest thereon.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: \$1,970,000.00 as of August 12, 2008 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on November 21, 2008 at the hour of 11:00 a.m. Standard time, as established by Section 187.110, Oregon Revised Statutes, at 635 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 said described real property which the grantors had or had power to convey at the time of the execution by him of said 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceedings 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 said 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 said Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: October 3, 2008.

/s/Scott D. MacArthur,  
Successor Trustee  
#10562 October 3, 10, 17, 24, 2008.

# AFFIDAVIT OF NON-OCCUPANCY

After Recording return to:  
Scott D. MacArthur, P.C.  
635 Main Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, SCOTT D. MacARTHUR, being first duly sworn, depose and certify that:

I am the Successor Trustee under the Trust Deed delivered by SKYRIDGE ESTATES III, a Nevada Limited Liability Company as grantor to AMERITITLE, INC., as Trustee to IVA J. STEPHENS LINDA C. STEPHENS, et al, dated March 16, 2007 and recorded April 12, 2007 at Volume No. 2007, page 006821 of the Mortgage Records of Klamath County, Oregon covering the following described property situated in Klamath County, Oregon

PARCEL 1 of LAND PARTITION 57-96, said Land Partition being a portion of Parcel 2 of LAND PARTITION 30-93, situated in the SE1/4 SE1/4 and NE1/4 SE1/4 of Section 26, Township 38 South, Range 9 East of Willamette Meridian, Klamath County, Oregon.

I hereby certify that the above described real property was not occupied at the time the Notice of Default and Election to Sell was recorded on May 22, 2008.

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

*Scott D. MacArthur*

Subscribed and sworn to before me this 20<sup>th</sup> day of November, 2008.

*Darlene Larimore*

Notary Public for Oregon

My Commission Expires: 9-10-10

(S E A L)

