

AFTER RECORDING RETURN TO:
Patrick M. Terry
PO Box 547
North Bend, OR 97459

2009-000913
Klamath County, Oregon



01/27/2009 09:05:41 AM

Fee: \$51.00

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF OREGON)
) ss.
County of Coos)

I, Patrick M. Terry, being first duly sworn, depose, and say and certify that:

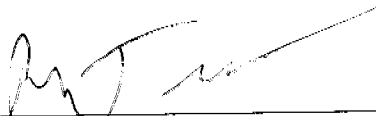
At all times hereinafter mentioned I was and now am a resident of the State of Oregon a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under terms of that certain trust deed described in said notice.

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 address, attached hereto.

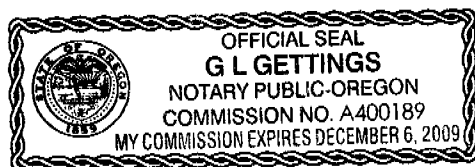
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee of the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien of 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 M. Terry, OSB#02573, 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 North Bend, Oregon, on September 22, 2008. With respect to each person listed on the attached, one such notice was mailed with postage thereon sufficient for first-class delivery to the address indicated, and another such notice was mailed with 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.


Patrick M. Terry, Successor Trustee

SUBSCRIBED AND SWORN before me this 23rd day of January, 2009.




Notary Public of Oregon
My commission expires: 12/06/2009

AFFIDAVIT OF MAILING BY CERTIFIED MAIL

DANA HICKS
PO BOX 297


CERTIFIED 7008 0150 0001 4914 3090
RETURN RECEIPT REQUESTED

CRESCENT, OR 97733

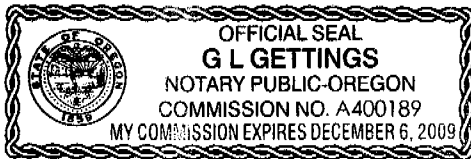
STATE OF OREGON)
) ss.
County of Coos)

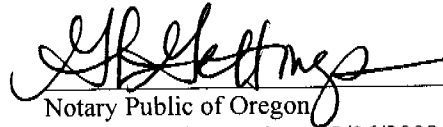
The undersigned does hereby declare that he is over the age of 18 years and that his business address is 880 California, North Bend, Oregon 97459. That he did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by Certified mail, return receipt requested, in a sealed envelope, a certified true copy of the Notice of Sale which is attached to this Affidavit.

I certify or declare under penalty of perjury that the foregoing is true and correct.


Patrick M. Terry, Successor Trustee

SUBSCRIBED AND SWORN before me this 23rd day of January, 2009.




Notary Public of Oregon
My commission expires: 12/06/2009

AFFIDAVIT OF MAILING BY FIRST CLASS MAIL

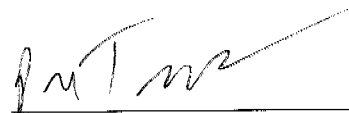
STATE OF OREGON)
) ss.
County of Coos)

The undersigned does hereby declare that he is over the age of 18 years and that his business address is 880 California, North Bend, Oregon 97459. That he did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by First Class mail, in a sealed envelope, a certified true copy of the Notice of Sale, which is attached to this Affidavit.

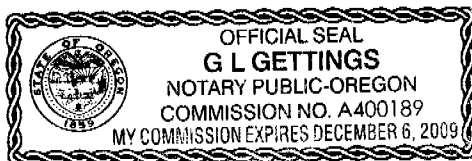
Addressed to the following:

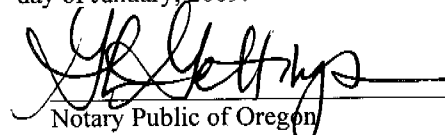
DANA HICKS
PO BOX 297
CRESCENT, OR 97733

I certify or declare under penalty of perjury that the foregoing is true and correct.


Patrick M. Terry, Successor Trustee

SUBSCRIBED AND SWORN before me this 23rd day of January, 2009.




Notary Public of Oregon
My commission expires: 12/06/2009

NOTICE OF SALE

NOTICE IS HEREBY GIVEN: That in accordance with that certain Trust Deed entered into by AmeriTitle, Inc., PO Box 1609, Roseburg, Oregon 97470, as Trustee, and you, Dana Hicks, PO Box 297, Crescent, Oregon 97733, as Grantor/Borrower, in favor of Rodney A. Dalton, Trustee for the Rodney A. Dalton Pension Trust, whose address is PO Box 849, Winchester, Oregon 97495, as Beneficiary/Lender, on September 4, 2007, and recorded in the Records of Klamath County, Oregon, as Volume 2007, Page 015942, on September 11, 2007, (the "Trust Deed"), encumbering certain real property commonly known as 137314 Hwy 97 N, Crescent, Oregon 97733, and more particularly described as:

A portion of the SW 1/4 NE 1/4 of Section 30, Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the corner common to Sections 19, 20, 29 and 30, Township 24 South, Range 9 East of the Willamette Meridian, and running South 87° 41 1/2' West 1,722.76 feet, more or less, to a point on the Westerly right of way line of the Dalles-California Highway; thence South 15° 34' West 450.0 feet along said Westerly right of way line; thence North 74° 26' West 80 feet; thence South 15° 34' West 1,021.26 feet to the TRUE POINT OF BEGINNING; thence South 74° 26' East 80 feet; thence North 15° 34' East 70 feet; thence North 74° 26' West 80 feet; thence South 15° 34' West 70 feet, to the true point of beginning.

the Real Property Map & Tax Lot Number is R-2409-030AC-02000, and the Property ID Number is R152818, (the "Trust Property"), there has been a default: 1) Your failure to make payments as described in the Trust Deed and the Promissory Note of even date secured by the Trust Deed; 2) Your failure to pay the property taxes when due. The beneficial interest under the aforementioned Trust Deed has been assigned to William S. Harsh, by Assignment, recorded on July 7, 2008, in Volume 2008, Page 009739, Records of Klamath County, Oregon. As a result of the aforementioned defaults, all funds due William S. Harsh by you are declared immediately due and payable and William S. Harsh has elected to cause the Trust Property to be sold to satisfy the obligations secured by the Trust Deed.

The Successor Beneficiary, William S. Harsh, caused a NOTICE OF SUBSTITUTION OF TRUSTEE to be filed in Klamath County, Oregon, naming Patrick M. Terry, Attorney at Law, OSB#02573, 880 California, PO Box 547, North Bend, Oregon 97459, as Successor Trustee to the Trust Deed.

The foreclosure sale shall take place at 10:00 a.m. on Friday, January 23, 2009, at the front entrance of the Courthouse of Klamath County located at 316 Main Street, Klamath Falls, Oregon 97601.

IMPORTANT NOTICE

IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE

BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION, and you have the right under ORS 86.753 to have the proceeding dismissed and the Trust Deed reinstated by payment of the entire amount then due, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this NOTICE OF SALE, at any time prior to five days before the date last set for the sale.

The amount due is Twenty-Eight Thousand, One Hundred Fifty-Two Dollars and Seventy-Six Cents (\$28, 152.76) as of September 5, 2008, and will increase until your account becomes current.


To find out the amount you must pay, or to arrange for payment to stop the foreclosure, or if your property is in foreclosure for any other reason, contact the Successor Trustee as follows: Patrick M. Terry, Attorney at Law, 880 California, PO Box 547, North Bend, Oregon 97459, (541) 756-2056.

If you have any questions, you should contact a lawyer.

Notwithstanding the fact that your property is in foreclosure, you may offer your property for sale, provided the sale is concluded prior to the conclusion of the foreclosure.

REMEMBER, YOU MAY LOSE YOUR LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION.

DATED this 18th day of September, 2008.


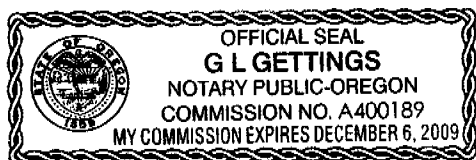


PATRICK M. TERRY, Successor Trustee
Attorney at Law, OSB#02573

STATE OF OREGON)
) ss.
County of Coos)

On September 18, 2008, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared Patrick M. Terry, known to me to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that he signed and sealed the said instrument as his free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



NOTARY PUBLIC FOR OREGON
My commission expires 12.6.2009

KLAMATH COUNTY SHERIFF'S OFFICE
RETURN OF SERVICE

State of Oregon
County of Klamath

Court Case No.
Sheriff's Case No. **A08002876**

Received for Service **9/23/2008**

I hereby certify that I received for service on
ALL OCCUPANTS,
the within:
NOTICE OF SALE

ON 09/25/2008 AT 1030 HOURS THE ABOVE MENTIONED PAPERS WERE POSTED AT THE ABOVE LOCATION. THERE DOES NOT SEEM TO BE ANYBODY OCCUPYING THE RESIDENCE AND ONE OF THE FORMER TENANTS HAS MOVED OUT OF THE AREA. THE RESIDENCE ALSO HAS BEEN DAMAGED BY A FIRE AND APPEARS TO BE UNINHABITABLE.

All search and service was made within Klamath County, State of Oregon.

Timothy M. Evinger, Sheriff
Klamath County, Oregon

Dated: **9/25/2008**

By


Deputy 4152 DARREN FRANK

Copy to:
Law Office Patrick m. Terry
PO BOX 547
NORTH BEND, OR 97459

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 # 10742

Notice of Sale/Dana Hicks

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:

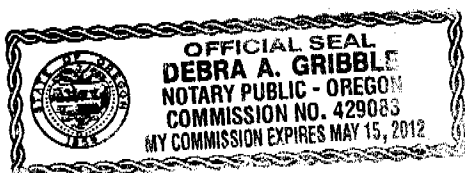
December 20, 27, 2008, January 3, 10, 2009

Total Cost: \$1,272.84

Subscribed and sworn by Jeanine P Day
before me on: January 10, 2009

Notary Public of Oregon

My commission expires May 15, 2012



NOTICE OF SALE

Reference is made to that certain Trust Deed made by Dana Hicks as Grantor, to AmeriTitle as Trustee, in favor of Rodney A. Dalton, Trustee for the Rodney A. Dalton Pension Trust, as Beneficiary, dated September 4, 2007, and recorded September 11, 2007, in Volume 2007, Page 015942, of the official records of Klamath County, Oregon, covering the following described real property situated in Klamath County, Oregon:

A portion of the SW 1/4 NE 1/4 of Section 30, Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the corner common to Sections 19, 20, 29 and 30, Township 24 South, Range 9 East of the Willamette Meridian, and running South 87° 41' West 1,722.76 feet, more or less, to a point on the Westerly right of way line of the Dalles-California Highway; thence South 15° 34' West 450.0 feet along said Westerly right of way line; thence North 74° 26' West 80 feet; thence South 15° 34' West 1,001.26 feet to the TRUE POINT OF BEGINNING; thence South 74° 26' East 80 feet; thence North 15° 34' East 70 feet; thence North 74° 26' West 80 feet; thence South 15° 34' West 70 feet, to the true point of beginning.

Both the successor Beneficiary and the successor Trustee have elected to sell the real property to satisfy the obligations secured by said Trust Deed and a Notice of Default has been recorded pursuant to ORS 86.735; the default for which the foreclosure is made is Grantor's failure to pay when due the following sums:

10 payments of \$262.31 each from February 21, 2008 through November 21, 2008 at \$2,623.10;
and ten late charges of \$13.12 each from February 21, 2008 through November 21, 2008 at \$131.20, together with any default in the payment of recurring obligations as they become due.

ALSO, if you have failed to pay taxes on the property, provide insurance on the property, or pay other senior liens or encumbrances as required in the note and Trust Deed, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

The street or other common designation of the real property described above is purported to be: 137314 Hwy 97 N, Crescent, OR 97702.

The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

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: \$24,521.31, together with interest as provided in the note or other instrument secured from February 21, 2008, and such other costs and fees are due under the note or other instrument, as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned Trustee will, on January 23, 2009, at the hour of 10:00 a.m., Pacific Standard Time, at the front entrance of the Courthouse of Klamath County located at 316 Main Street, Klamath Falls, Oregon 97601, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of execution by her of the said Trust Deed, together with any interest which the Grantor or her successors in interest acquired after the execution 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.

Affidavit of Publication

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 herein that is capable of being cured by tendering the performance required under the obligation of the 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 fees and attorney's fees not exceeding the amounts provided by ORS 86.753.

It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check.

The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

In construing this notice, the singular includes the plural, the "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.

We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose.

If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number: (541) 756-2056.

Dated this 10th day of December, 2008.

Patrick M. Terry, Attorney at Law, OSB# 02573
PO Box 547
North Bend, OR 97459
Telephone (541) 756-2056

10/22 December 20, 27, 2008, January 3, 10, 2009.