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

**AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE**

RE: Trust Deed from

Smith's Custom Construction, Inc.,

To

Grantor

James L. LaCoste, Jr., and

Robert L. Thibedeau,

Trustee

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

Joseph D. McDonald, Esq.

Smith, McDonald & Vaught, LLP

1100 SW 6th Ave., Suite 1504

Portland, OR 97204

2009-002770

Klamath County, Oregon



00061388200900027700030035

02/24/2009 09:14:56 AM

Fee: \$36.00

SPACE RESERVE
FOR
RECORDER'S USE

STATE OF OREGON, County of Multnomah) ss:

I, Joseph D. McDonald

, 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

Bullivant Houser Bailey

Attn: Steve Uriguen

888 SW 5th Ave., Suite 300

Portland, OR 97204-2089

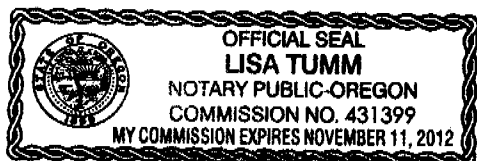
Smith's Custom Construction, Inc.
and Timothy Smith

35283 Oak View Drive
Brownsville, OR 97327

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 ~~with a true copy~~ a true copy of the original notice of sale by Joseph D. McDonald, 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 Portland, Oregon, on December 17, 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.



SIGNED AND SWORN TO before me on

February 4, 2009

Notary Public for Oregon

My commission expires

11/11/12

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Deed of Trust made by Smith's Custom Construction, Inc., as "Trustor" (Grantor), to Aspen Title & Escrow, as "Trustee", in favor of James LaCoste, Jr. and Robert L. Thibedeau, collectively "Beneficiary", dated August 23, 2006, recorded on August 28, 2006, in the official records of Klamath County, Oregon as instrument number 2006-017184, covering the following described real property situated in the above-mentioned county and state, to-wit:

Lot 2, Block 2, RIVER PINE ESTATES, according to the official plat thereof on file in the office of the Clerk of Klamath County, State of Oregon.

Both the Beneficiary and the Successor Trustee have elected to sell said property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to ORS 86.735(3); the default for which foreclosure is made is Grantor's failure to pay when due the monthly installment payments due on and after May 5, 2008.

By reason of the default, 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:

The total obligation is the unpaid principal balance of \$67,000, plus interest at the rate of 18% per year from May 5, 2006, until paid and unpaid property taxes totaling the sum of \$163.83 for the tax years 2007-2008 and 2008-2009.

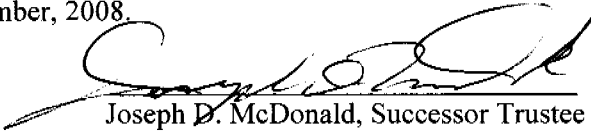
Notice hereby is given that the Beneficiary and Successor Trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which Grantor had, or had the power to convey, at the time of the execution by Grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensation of the Successor Trustee as provided by law, and the reasonable fees of the Successor Trustee's attorneys. The Successor Trustee's name and address are: Joseph D. McDonald, 1100 SW Sixth Avenue, #1504, Portland, Oregon 97204.

The sale will be held at the hour of 10:30 o'clock, a.m., in accordance with the standard of time established by ORS 187.110 on April 17, 2009 at the following place: front steps of the Klamath County Courthouse in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

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 the 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 Successor Trustee's fees and attorney fees not exceeding the amounts provided by ORS 86.753.

DATED this 17th day of December, 2008.


Joseph D. McDonald, Successor Trustee