

2009-002913

Klamath County, Oregon



00061552200900029130100107

02/26/2009 08:37:48 AM

Fee: \$81.00

Recording Requested By:
Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

When Recorded Return To:

Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

ATE 66162

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

COVER SHEET

DOCUMENT:

Trustee's Notice of Sale
Proof of Service of Notice of Sale
Affidavit (Declaration) of Mailing
Affidavit of Publication

ORIGINAL GRANTOR ON TRUST DEED:

Allen Quinton and Vicky L. Hoffer

ORIGINAL BENEFICIARY ON TRUST DEED:

Thomas L. Stout and Beth E. Stout

\$ 81 ATE

TRUSTEE'S NOTICE OF SALE

Reference is hereby made to a certain trust deed issued by ALLEN QUINTON and VICKY L. HOFFER, hereinafter "Grantors" to, ASPEN TITLE & ESCROW, INC. as trustee, which duties have been transferred and assigned to BRADFORD J. ASPELL, OSB 740159, Aspell, Della-Rose & Richard, 122 S.5th St., Klamath Falls, Oregon as Successor Trustee, hereinafter "Trustee" under instrument dated the 22nd day of September, 2008 and recorded October 8, 2008 at 2008-13866, Klamath County Deed Records, in favor of THOMAS L. STOUT and BETH E. STOUT, husband and wife, hereinafter "Beneficiaries", as dated March 17, 2003, recorded April 2, 2003, in the records of Klamath County, Oregon, at Volume M03, Page 19886, which encumbers the following described real property:

Lot 12, ODESSA SUMMER HOME SITES, according to the official plat thereof on file in the office of the Clerk of 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 Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

The default for which foreclosure has been instituted is Grantor's failure to pay when due the following:

- A.
 - 1. The sum of \$1,546.00 due April 2, 2008,
 - 2. The sum of \$1,546.00 due May 2, 2008,
 - 3. The sum of \$1,546.00 due June 2, 2008,
 - 4. The sum of \$1,546.00 due July 2, 2008,
 - 5. The sum of \$1,546.00 due August 2, 2008,
 - 6. The sum of \$1,546.00 due September 2, 2008,
 - 7. The sum of \$1,546.00 due October 2, 2008,
 - 8. All monthly installment accruing thereafter.
- B. For the failure to pay accumulated late charges of \$350.00, plus late charge of \$50 per month beginning November 2, 2008.
- C. For failing to pay real property taxes prior to the same being delinquent in the sum of \$2,776.39.
- D. For the failure to provide and to reimburse fire and hazard insurance on the property in the sum of \$966.80
- E. The cost of foreclosure report; attorney's fees; together with any other sums due or may become due under the note, or by reason of this foreclosure and any further advances made by beneficiaries as allowed by the note and deed of trust.

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:

By reason of the default beneficiaries declare all sums owing on the obligation secured by the trust deed immediately due and payable in the sum of \$161,158.99 together with interest at the rate of 8.25% per annum from the 9th day of April, 2008, together with late fees in the sum of \$350 plus late fees accruing subsequent to November 2, 2008 in the sum of \$50 per month plus interest at 9% per annum until paid, together with real property taxes \$2776.39 together with interest at 1.333% per annum from the 15th day of August, 2008 and such further real property taxes together with interest it may accrue, plus fire and hazard insurance in the sum of \$966.80 and such future insurance advances if applicable; the cost of foreclosure report, attorney's fees, trustee's fees, together with any other sums due or that may become due under the note or by reason of this foreclosure and any future advances made by beneficiaries allowed by the note and deed of trust.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 27, 2009, at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, inside the first floor entry foyer, Klamath County Court House, 316 Main Street, Klamath Falls, Oregon 97601, 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 the execution by him of the said trust deed, together with any interest

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
2. The beneficiary named in the attached Trustee's Notice of Sale is the creditor to whom the debt is owed.
3. The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within thirty (30) days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
4. If the debtor notifies the trustee in writing within thirty (30) days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
5. If the creditor named as beneficiary in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within the thirty (30) days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
6. Written requests or objections should be addressed to :

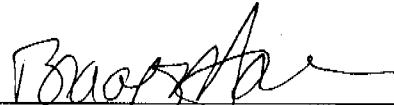
Bradford J. Aspell
Aspell, Della-Rose & Richard
122 South 5th Street
Klamath Falls, Oregon 97601
7. This communication is an attempt to collect a debt, and any information obtained will be used for that purpose.

AFFIDAVIT OF TRUE AND CORRECT COPY

STATE OF OREGON)
) ss.
County of Klamath)

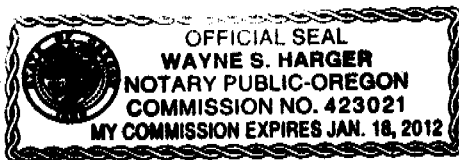
I, Bradford J. Aspell, being first sworn on oath, depose and say:

1. That the attached Trustee's Notice of Sale is a true and correct copy of the original dated the 17th day of October and signed by me, and served upon Allen Quinton and Vicky Hoffer.



Bradford J. Aspell, OSB# 74015
Designated Trial Attorney

SUBSCRIBED AND SWORN to before me this 25th day of February, 2009.



NOTARY PUBLIC FOR OREGON

My Commission Expires: 01-18-12

PROOF OF SERVICE

STATE OF OREGON)
)ss.
County of Klamath)

I hereby certify and swear that at all times herein mentioned I was and now am competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor the successor of either, nor an officer, director, employee of or attorney for the beneficiary or trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, as follows:

Personal Service Upon Individual(s)

Upon _____, by delivering such trust copy to him/her, personally and in person, at _____, on _____, 200__, at _____ m.
Upon _____, by delivering such trust copy to him/her, personally and in person, at _____, on _____, 200__, at _____ m.

Substituted Service Upon Individual(s)

Upon Vicky Hoffer, by delivering such true copy at his/her dwelling house or usual place of abode, to-wit: Allen Quinton, to _____, who is a person over the age of 14 years and a member of the household of the person served on October 22, 2008, at 108 P m.
Upon _____, by delivering such true copy at his/her dwelling house or usual place of abode, to-wit: _____, to _____, who is a person over the age of 14 years and a member of the household of the person served on _____, 200__, at _____ m.

Office service upon individual(s)

Upon _____, at the office which he/she maintains for the conduct of business at _____, by leaving such true copy with _____, the person who is apparently in charge, on _____, 200__, at _____ m.

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

Upon _____, by
(a) delivering such true copy, personally and in person, to _____ who is a/the _____ thereof; OR
(b) Leaving such true copy with _____, the person who is apparently in charge of the office of _____, who is a/the _____ thereof; at _____ on _____, 200__ at _____ m.

EACH OF THE PERSONS, FIRMS AND CORPORATIONS SERVED BY ME IS THE IDENTICAL PERSON, FIRM OR CORPORATION NAMED IN THE TRUSTEE'S INSTRUCTIONS TO ME IN CONNECTION HEREWITH.

Subscribed and sworn to before me this 31 day of October, 2008.



OFFICIAL SEAL
MARGARET A. NIELSEN
NOTARY PUBLIC-OREGON
COMMISSION NO. 426779
MY COMMISSION EXPIRES APRIL 12, 2012

Jake Doolin
Margaret A. Nielsen
Notary Public
My commission expires: _____

PROOF OF SERVICE

STATE OF OREGON)
)ss.
County of Klamath)

I hereby certify and swear that at all times herein mentioned I was and now am competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor the successor of either, nor an officer, director, employee of or attorney for the beneficiary or trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, as follows:

Personal Service Upon Individual(s)

Upon Allen Quinton, by delivering such true copy to him/her, personally and in person, at 28200 Hwy 140 W, on October 22, 2008, at 1:08 P.

Upon _____, by delivering such true copy to him/her, personally and in person, at _____, on _____, 200__, at ____ m.

Substituted Service Upon Individual(s)

Upon _____, by delivering such true copy at his/her dwelling house or usual place of abode, to-wit: _____, to _____, who is a person over the age of 14 years and a member of the household of the person served on _____, 200__, at ____ m.

Upon _____, by delivering such true copy at his/her dwelling house or usual place of abode, to-wit: _____, to _____, who is a person over the age of 14 years and a member of the household of the person served on _____, 200__, at ____ m.

Office service upon individual(s)

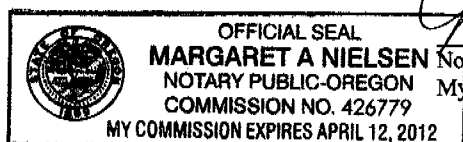
Upon _____, at the office which he/she maintains for the conduct of business at _____, by leaving such true copy with _____, the person who is apparently in charge, on _____, 200__, at ____ m.

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

- Upon _____, by
- (a) delivering such true copy, personally and in person, to _____, who is a/the _____ thereof; OR
- (b) Leaving such true copy with _____, the person who is apparently in charge of the office of _____, who is a/the _____ thereof; at _____, on _____, 200__ at ____ m.

EACH OF THE PERSONS, FIRMS AND CORPORATIONS SERVED BY ME IS THE IDENTICAL PERSON, FIRM OR CORPORATION NAMED IN THE TRUSTEE'S INSTRUCTIONS TO ME IN CONNECTION HERewith.

Subscribed and sworn to before me this 31 day of October, 2008.



Margaret A. Nielsen
Notary Public
My commission expires: _____

DECLARATION OF MAILING

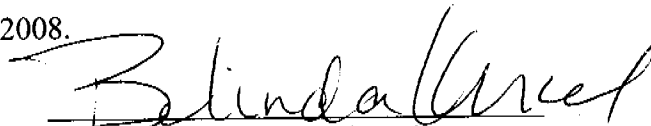
I, J. Belinda Kerzel, hereby declare that:

I am employed by the law firm ASPPELL, DELLA-ROSE & RICHARD as a legal assistant to attorney Bradford J. Aspell.

On October 24, 2008, I mailed certified true copies of the Trustees Notice of Sale and the Notice of Default and Sell to Vicky L. Hoffer, at 28200 Hwy 140 W, Klamath Falls, OR 97601, by first class U.S. mail, postage prepaid, and by certified mail, return receipt requested. The Return Receipt is attached hereto as Exhibit A.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 24th day of October, 2008.

A handwritten signature in cursive script, reading "Belinda Kerzel", written over a horizontal line.

J. Belinda Kerzel, Legal Assistant to
Bradford J. Aspell, OSB# 740159

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Vicky Hoffer
28200 Hwy 140 W
Klamath Falls OR
97601

2. Article Number

(Transfer from service label)

7004 2890 0003 5323 2763

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Re: Stout
COMPLETE THIS SECTION ON DELIVERY

A. Signature

Vicky L Hoffer

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Vicky L Hoffer

C. Date of Delivery

10-25-08

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Vicky Hoffer
28200 Hwy 140 W
Klamath Falls OR
97601

2. Article Number

(Transfer from service label)

7004 2890 0003 5323 2763

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Re: Stout
COMPLETE THIS SECTION ON DELIVERY

A. Signature

Vicky L Hoffer

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Vicky L Hoffer

C. Date of Delivery

10-25-08

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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 # 10665

Notice of Sale/Allen Quinton & Vicky L. Hoffer

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:

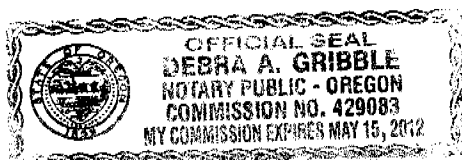
November 21, 28, December 5, 12, 2008

Total Cost: \$1,083.05

Subscribed and sworn by Jeanine P Day
before me on: December 12, 2008

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Reference is hereby made to a certain trust deed issued by ALLEN QUINTON and VICKY L. HOFFER, hereinafter "Grantors" to ASPEN TITLE & ESCROW, INC. as trustee, which duties have been transferred and assigned to BRADFORD J. ASPELL, OSB 740159, Aspell, Della-Rose & Richard, 122 S. 5th., Klamath Falls, Oregon as Successor Trustee, hereinafter "Trustee" under instrument dated the 22nd day of September, 2008 and recorded October 8, 2008 at 2008-13866, Klamath County Deed Records, in favor of THOMAS L. STOUT and BETH E. STOUT, husband and wife, hereinafter "Beneficiaries", as dated March 17, 2003, recorded April 2, 2003, in the records of Klamath County, Oregon at Volume M03, Page 19886, which encumbers the following described real property:

Lot 12, ODESSA SUMMER HOME SITES, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

Both the beneficiaries and the trustee have stated to sell the real property to satisfy the obligations secured by said 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 is grantor's failure to pay when due the following sums:

So as is due the following sums, monthly payments of \$1,546.00 beginning April 2, 2008; late charges of \$50.00 per month beginning November 2, 2008, plus real property taxes of \$2776.39; advances of \$966.80; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary of the above described real property and interest therein.

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:

By reason of the default beneficiaries declare all sums owing on the obligation secured by the trust deed immediately due and payable in the sum of \$161,158.99 together with interest at the rate of 8.25% per annum from the 9th day of April, 2008, together with late fees in the sum of \$350 plus late fees accruing subsequent to November 2, 2008 in the sum of \$50 per month plus interest at 2% per annum until paid, together with real property taxes \$2776.39 together with interest at 1.333% per annum from the 15th day of August, 2008 and such further real property taxes together with interest it may accrue, plus fire and hazard insurance in the sum of \$966.80 and such future insurance advances if applicable; the cost of foreclosure report, attorney's fees, trustee's fees, together with any other sums due or that may become due under the note or by reason of this foreclosure and any future advances made by beneficiaries allowed by the note and deed of trust.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 27, 2009 at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, inside the first floor entry foyer, Klamath County Court House, 316 Main Street, Klamath Falls, Oregon 97601, 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 the execution by him of the said trust deed, together with any interest which the grantor or his 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. Notice is further given that any person named in ORS 86.735 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 of the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had not default occurred) and by curing any other default of 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 trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" included 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 this 17th day of October, 2008.

Bradford J. Aspell
Trustee
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.

Bradford J. Aspell
Attorney for said Trustee
Serve: Allen Quinton; Vicky Hoffer
#10665 November 21, 28, December 5, 12, 2008.