

NR 836664

2009-003167

Klamath County, Oregon



00061855200900031670070074

03/03/2009 03:01:55 PM

Fee: \$61.00

**RECORDING COVER SHEET  
FOR NOTICE OF SALE PROOF  
OF COMPLIANCE, PER ORS 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON  
PRESENTING THE ATTACHED INSTRUMENT FOR  
RECORDING. ANY ERRORS IN THIS COVER SHEET  
DO NOT AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.

**AFTER RECORDING RETURN TO:**

Michael P. Rudd  
411 Pine Street  
Klamath Falls, or 97601

MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.

☒ **AFFIDAVIT OF MAILING NOTICE OF SALE (must have trustee's notice of sale attached)**

☒ **AFFIDAVIT OF PUBLICATION NOTICE OF SALE**

☒ **PROOF OF SERVICE**

**Original grantor on Trust Deed:**

**Anthony S. Agueda III**

**Beneficiary**

**William C. Knudtsen**

61Am+

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

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

STATE OF OREGON                    )  
  ) ss:  
County of Klamath                )

I, Andrew C. Brandsness, being first duly sworn, depose, 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

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:

Anthony S. Agueda III  
P. O. Box 1511  
Templeton, CA 93465

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 or the beneficiary has actual notice; (c) and any person, including the Department of Revenue or an 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 required by ORS 86.785.

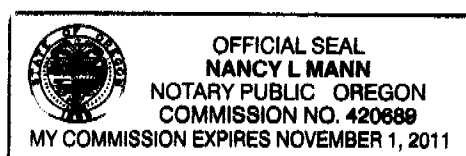
Each of the notices so mailed was certified to be a true copy of the original notice of sale by the trustee Michael P. Rudd. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on November 6, 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 the amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in said notice of sale was recorded.

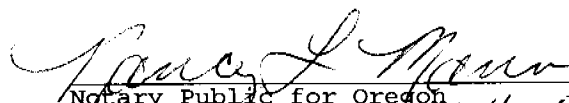
As used herein, the singular includes the plural, "trustee" includes successor trustee, and "person" includes a corporation and any other legal or commercial entity.

  
\_\_\_\_\_  
Andrew C. Brandsness

STATE OF OREGON                    )  
  ) ss.  
County of Klamath                )

Personally appeared before me this 7 day of November, 2008, Andrew C. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed.



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: 11-1-11

**WE ARE ATTEMPTING TO COLLECT A DEBT.  
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**NOTICE OF DEFAULT  
AND ELECTION TO SELL AND OF SALE**

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

Anthony S. Agueda III, Grantor; Michael P. Rudd, Trustee; and William C. Knudtsen, Beneficiary, recorded in Official/Microfilm Records, Volume M05, Page 67175, Klamath County, Oregon, whose beneficial interest was assigned by instrument dated October 30, 2008, recorded October 31, 2008, in Volume 2008, Page 014791, records of Klamath County, Oregon, to William C. Knudtsen and Kathleen W. Knudtsen, Trustees of the Bill Knudtsen Trust, covering the following-described real property in Klamath County, Oregon ("Property"):

Parcels 1 and 2 of Land Partition 60-04, said Land Partition being a replat of Lot 8 of Olene Hills - Tract 1251, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, situated in the SW 1/4 SW 1/4 of Section 14; the SE 1/4 SE 1/4 of Section 15; and the NW 1/4 NW 1/4 of Section 23, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, and the mobile home situated thereon.

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Failed to make the regular monthly payment of \$1,187.50 due June 5, 2008 and monthly thereafter; failed to pay Klamath County real property taxes for the fiscal years 2006-2007 and 2007-2008 in the total amount of \$1,116.75 plus interest.

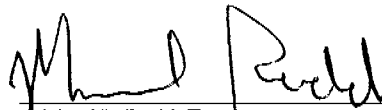
By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

The sum of \$150,000 plus interest thereon at the rate of 9.5% per annum from October 5, 2008 until paid; delinquent interest in the amount of \$5,937.50, late fees in the amount of \$250, and Klamath County real property taxes for the fiscal years 2006-2007 and 2007-2008 in the total amount of \$1,116.75 plus interest, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on March 19, 2009, at the hour of 1 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Office of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described Property, which the grantor had or had power to convey at the time of the execution by grantor of the said 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 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 86.753 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 said sum 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 ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

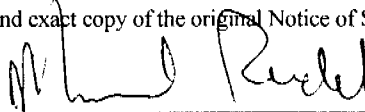
Dated: November 3, 2008.



Michael P. Rudd, Trustee  
411 Pine Street  
Klamath Falls, OR 97601

STATE OF OREGON        )  
                                  ) ss.  
County of Klamath        )

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.



Michael P. Rudd, Trustee

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

**TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY**

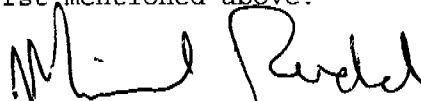
STATE OF OREGON     )  
                              ) ss.  
County of Klamath    )

I, Michael P. Rudd, being first duly sworn, depose, say and certify that:

I am the trustee in that certain trust deed executed and delivered by Anthony S. Agueda III as grantor to Michael P. Rudd as trustee in which William C. Knudtsen is beneficiary, recorded on October 21, 2008 in the mortgage records of Klamath, Oregon, in book/volume No. M05 at page 67175.

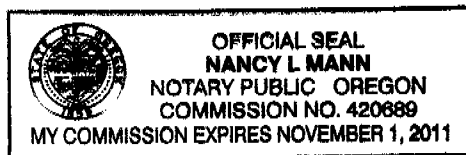
Following posting of a true copy of the Notice of Default and Election to Sell and of Sale to the main entrance of that portion of the real property described in the afore-mentioned trust deed, the real property was determined to be unoccupied. The proof of service is attached hereto.

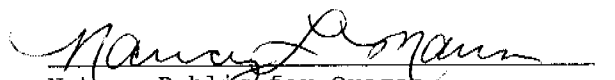
The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.

  
Michael P. Rudd, Trustee

STATE OF OREGON     )  
                              ) ss.  
County of Klamath    )

Personally appeared before me this 1 day of December, 2008, Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed.



  
Notary Public for Oregon  
My Commission expires: 11-1-11

**JEFFERSON STATE ADJUSTERS  
RECOVERY IS OUR BUSINESS**

1135 Pine Street  
Klamath Falls, Oregon 97601  
Phone: (541) 882-8036 Fax: (541) 883-2129

**AFFIDAVIT OF  
VACANT LAND**

STATE OF OREGON  
COUNTY OF KLAMATH

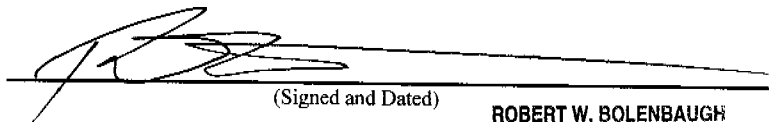
I, ROBERT W. BOLENBAUGH, being first duly sworn, depose and say: That I am and have been at all material times hereto, a competent person over the age of eighteen years and a resident of the county of Klamath, State of Oregon. I am not a party to, an attorney for, or interested in any suit or action involving the property described below.

That on the 13<sup>TH</sup> day of November, 2008, after personal inspection, I found the following described real property to be vacant

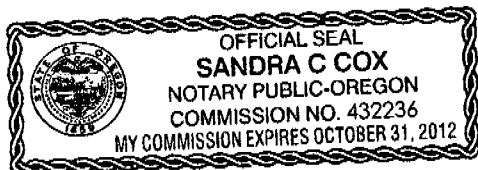
Commonly described as (Parcels 1 & 2 Land Partition 60-04. Klamath Falls, OR 97601)

Comments: 11/13/08 1:56 PM Posted to the Downed Gate Post  
Road is not passable from that point, X on the attached map. The entire area is visible from Hwy 140. There are no structures visible. The road showed no use.

I declare under the penalty of perjury that the above statements are true and correct.

  
(Signed and Dated) **ROBERT W. BOLENBAUGH**

Subscribed and Sworn to before me this 25<sup>TH</sup> day of November, 2008.

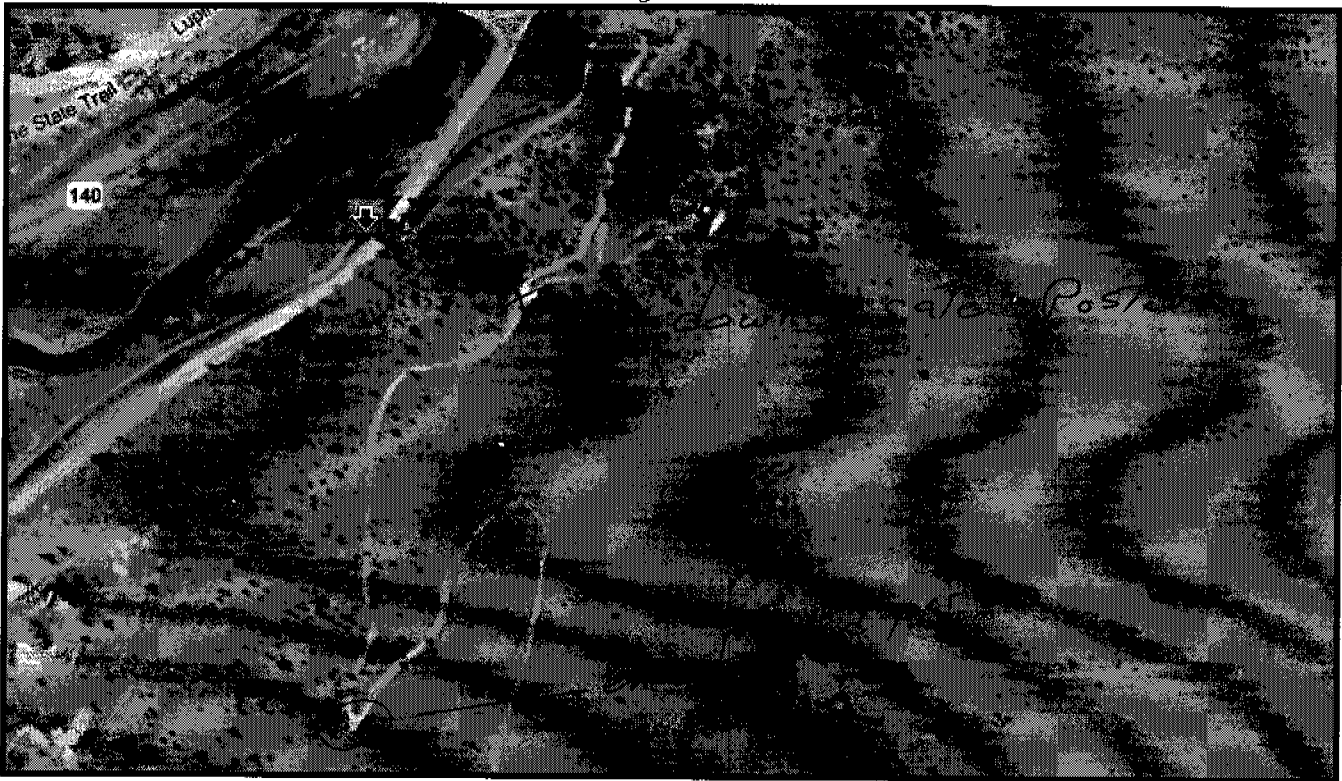


  
NOTARY PUBLIC OF OREGON  
MY COMMISSION EXPIRES:

Print this page in a more readable format: Click **Print** next to the upper-right corner of the map.

Location result for

13811 Crystal Springs Rd, Klamath Falls, OR 97603-9636



Survey # 7182  
LP 60.04

# 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 # 10783

Notice of Sale/Anthony S. Agueda 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:

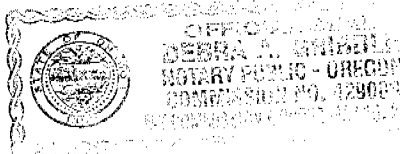
January 3, 10, 17, 24, 2009

Total Cost: \$1,153.48

Subscribed and sworn by Jeanine P Day  
before me on: January 24, 2009

Notary Public of Oregon

My commission expires May 15, 2012



WHEREFORE, notice hereby is given that the undersigned trustee will, on March 19, 2009, at the hour of 10 o'clock a.m., in accordance with the standard of time established by ORS 187.110, at the following place: Office of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described property, which the grantor had or had power to convey at the time of the execution by grantor of the said 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 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 86.753 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 of Trust Deed, and in addition to paying said sum 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 ORS 86.753.

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Dated: November 3, 2008.

/s/ Michael P. Rudd, Successor Trustee  
411 Pine Street  
Klamath Falls, OR 97601

STATE OF OREGON )  
) ss.

County of Klamath )

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.  
/s/ Michael P. Rudd, Successor Trustee  
#10783 January 3, 10, 17, 24, 2009.

### WE ARE ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. NOTICE OF DEFAULT AND ELECTION TO SELL AND OF SALE

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