

2009-004237

Klamath County, Oregon



00063145200900042370040040

03/25/2009 11:46:43 AM

Fee: \$41.00

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
Kelly D. Sutherland, Successor Trustee
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
08-100994

ATE 66134

AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE
(After Release From Stay)

STATE OF WASHINGTON, County of Clark, ss:

I, Kelly D. Sutherland, being first duly sworn, depose, and say and certify that: At all times hereinafter mention 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 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 Amended Trustee's Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

Carolyn M. Stuck
6040 Climax Avenue
Klamath Falls, OR 97603

Mark Kerns
6040 Climax Avenue
Klamath Falls, OR 97603

Occupant(s)
6040 Climax Avenue
Klamath Falls, OR 97603

Karen M. Oakes, Esq.
6502 South 6th Street
Klamath Falls, OR 97603


Fred Long
Chapter 13 Trustee
P.O. Box 467
Eugene, OR 97440

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34 ATE

Said Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6), within 30 days after release from a stay of the foreclosure proceedings, and the above named persons listed in ORS 86.740 and ORS 86.750(1).


Each of the notices so mailed was certified to be a true copy of the original notice of sale; each such copy was contained in a sealed envelope, with postage thereof fully prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on March 24, 2009, which was within 30 days after release from a stay of the foreclosure proceeding set forth therein.

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

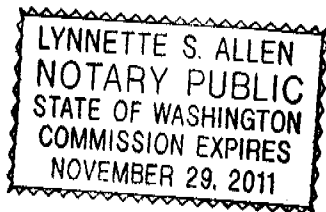


Kelly D. Sutherland

Subscribed and sworn to before me this 24th day of March, 2009, by Kelly D. Sutherland, Successor Trustee.



Notary Public for Washington
My Commission Expires 11/29/2011



AMENDED TRUSTEE'S NOTICE OF SALE
(After Release From Stay)

Reference is made to that certain trust deed made by Mark Everett Kerns and Carolyn M. Stuck, as grantor, to Regional Trustee Services, as trustee, in favor of Beneficial Oregon, Inc., as beneficiary, dated April 13, 2007, recorded April 18, 2007, in the mortgage records of Klamath County, Oregon, as. Instrument No. 2007-007139, covering the described real property in said county and state, to-wit:

A parcel of land in the SW1/4 NW1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point where the Southerly right-of-way line of Climax Avenue intersects the Easterly right-of-way line of Ogden Street, thence East along said Southerly right-of-way line of Climax Avenue a distance of 129.43 feet to the true point of beginning; thence continuing East along said Southerly right-of-way line of Climax street 138.15 feet to an iron pin; thence South 0° 36' East 72.35 feet to an iron pin; thence South 89° 10' West 138.33 feet to an iron pin, thence North 0° 28' West 72.91 feet to the point of the beginning, said parcel being Parcel B of Minor Land Partition No. 80-105. Bearings based on Minor Land Partition No. 80-105.

Commonly Known as: 6040 Climax Avenue, Klamath Falls, OR 97603

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:

Monthly payments in the sum of \$1,490.55 from March 18, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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:

\$141,389.46, together with interest thereon at the rate of 9.2% per annum from February 18, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on February 3, 2009, at 10:00 AM PT, in accord with the standard of time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon; however, subsequent to the recording of said Notice of Default the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reason. The beneficiary did not participate in obtaining such stay. Said stay was terminated on March 10, 2009.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 16, 2009, at 10:00 AM PT, in accord with the standard of time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the new date, time and place set for sale) sell at public auction to the highest bidder foreclose the interest in the said described real property which the grantor has 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 86.753 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 reinstate by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then to 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 amount provided by said ORS 86.753.

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.

KELLY D. SUTHERLAND, Successor Trustee

Dated

3/24/09

By



The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

State of Washington, County of Clark, ss:

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Amended Trustee's Notice of Sale

SHAPIRO & SUTHERLAND, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
Phone: (360) 260-2253
Fax: (360) 360-2285
Toll-free: 1-800-970-5647