

2009-004286

Klamath County, Oregon



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03/26/2009 08:31:47 AM

Fee: \$26.00

Re: Trust Deed from

Smith's Custom Construcion, Inc.,
Grantor,

to

James L. LaCoste, Jr., and
Robert L. Thibedeau,
Trustee

After recording return to:

Joseph D. McDonald, Esq.
Smith, McDonald & Vaught, LLP
1100 SW 6th Avenue, Suite 1504
Portland, Oregon 97204

COVER SHEET

The following document is attached:

1. Affidavit of Publication

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Heidi Wright
being first duly sworn, depose and say
that I am 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 # 10879

Notice of Sale/Smith's Custom Construction

a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for: (4)
Four

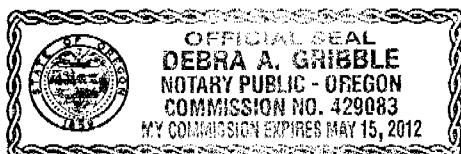
Insertion(s) in the following issues:
February 13, 20, 27, March 6, 2009

Total Cost: \$851.94

Subscribed and sworn by Heidi Wright
before me on: March 18, 2009

Notary Public of Oregon

My commission expires May 15, 2012



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 13th day of February, 2009.
Joseph D. McDonald, Successor Trustee
#10879 February 13, 20, 27, March 6, 2009.