

1st 979962

2009-004716

Klamath County, Oregon



00063684200900047160050056

04/03/2009 11:33:36 AM

Fee: \$56.00

**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:**

Andrew C. Brandsness  
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:**

**Sierra Developments LLC**

**Beneficiary**

**Dan R. and Sydney R. Kurtz**

FSI-

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, Michael P. Rudd, 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:

Sierra Development, LLC  
Attn: Hilary L. Wilcher,  
its Registered Agent  
7654 Andrew Drive  
Klamath Falls, OR 97603

Oregon Department of Transportation  
Driver and Motor Vehicle Services  
1905 Lana Avenue NE  
Salem, OR 97314

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.

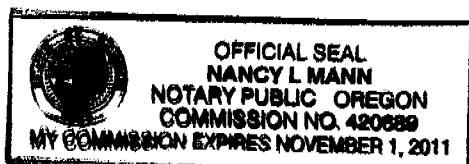
Each of the notices so mailed was certified to be a true copy of the original notice of sale by the trustee Andrew C. Brandsness. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on December 4, 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.

  
Michael P. Rudd

STATE OF OREGON                     )  
  ) ss.  
County of Klamath                 )

Personally appeared before me this 4 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

**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:

Sierra Developments LLC, Grantor; First American Title Insurance Company of Oregon, Trustee; and Dan R. and Sydney R. Kurtz, Beneficiary, recorded in Official/Microfilm Records, Volume M06, Page 07853, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 5428 North Hills Drive, Klamath Falls, OR 97603 ("Property"):

Parcel 1 of Land Partition 41-02, replat of Lot 6 in Block 3 of Tract 1152 - North Hills, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

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

Failed to make the quarterly payment of \$2,975 due July 17, 2007 through and including the quarterly payment due April 17, 2008; failed to make the balloon payment due July 17, 2008 of all unpaid principal and interest, and failed to pay 2007-2008 Klamath County Real Property taxes in the amount of \$404.23.

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:

Principal in the amount of \$168,761.10 plus interest thereon from April 17, 2007 until paid; late charges in the amount of \$743.75; and 2007-2008 Klamath County Real Property taxes in the amount of \$404.23 plus interest and penalties, if any, 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 April 16, 2009, at the hour of 10:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Offices 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: December 2, 2008.



Andrew C. Brandsness, 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.

\_\_\_\_\_  
Andrew C. Brandsness, Successor Trustee

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

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

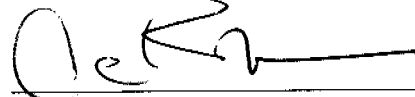
STATE OF OREGON     )  
                              ) ss.  
County of Klamath    )

I, Andrew C. Brandsness, being first duly sworn, depose, say and certify that:

I am the successor trustee in that certain trust deed executed and delivered by Sierra Developments LLC as grantor to First American Title Insurance Company of Oregon as trustee in which Dan R. and Sydney R. Kurtz is beneficiary, recorded on April 21, 2006 in the mortgage records of Klamath, Oregon, in book/volume No. M06 at page 07853.

I hereby certify that on December 3, 2008, the real property described in the afore-mentioned trust deed was not occupied.

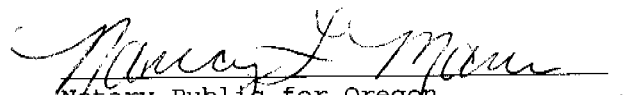
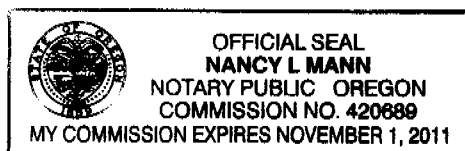
The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.



Andrew C. Brandsness  
Successor Trustee

STATE OF OREGON     )  
                              ) ss.  
County of Klamath    )

Personally appeared before me this 4 day of December, 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

# 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 # 10843

Notice of Sale/Kurtz - Sierra Dev. LLC

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:

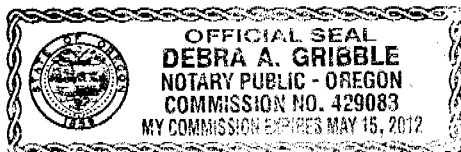
January 30, February 6, 13, 20, 2009

Total Cost: \$976.62

Subscribed and sworn by Jeanine P Day  
before me on: February 20, 2009

Notary Public of Oregon

My commission expires May 15, 2012



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

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

Sierra Developments LLC, Grantor; First American Title Insurance Company of Oregon, Trustee; and Dan R. and Sydney R. Kurtz, Beneficiary, recorded in Official/Microfilm Records, Volume M06, Page 07853, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 5428 North Hills Drive, Klamath Falls, OR 97603 ("Property"): Parcel 1 of Land Partition 41-02, replat of Lot 6 in Block 3 of Tract 1152 - North Hills, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

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

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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:

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WHEREFORE, notice hereby is given that the undersigned trustee will, on April 16, 2009, at the hour of 10:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Offices 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: December 2, 2008.  
/s/ Andrew C. Brandsness, 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/ Andrew C. Brandsness, Successor Trustee  
#10843 January 30, February 6, 13, 20, 2009.