

2009-004767

Klamath County, Oregon



00063745200900047670100109

04/06/2009 12:09:30 PM

Fee: \$81.00

Neal G. Buchanan
Attorney at Law
435 Oak Avenue
Klamath Falls, OR 97601

RECORDING COVER SHEET FOR
NOTICE OF SALE PROOF OF COMPLIANT
Per ORS 205.234

AFTER RECORDING RETURN TO:

Neal G. Buchanan
Attorney at Law
435 Oak Avenue
Klamath Falls, OR 97601

1. AMENDED TRUSTEE'S NOTICE OF SALE
2. AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
3. PROOF OF SERVICE TO OCCUPANTS
4. SUPPLEMENTAL AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE
5. AFFIDAVIT OF PUBLICATION

ORIGINAL GRANTOR ON TRUST DEED: RUTH BOWEN

BENEFICIARIES: JOHN N. BROOKS & LORELEI BROOKS,
Husband and Wife or the Survivor thereof

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

EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



AMENDED TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by RUTH BOWEN

to Amerititle, An Oregon Corporation (Neal G. Buchanan, Attorney - Successor), as grantor,
 in favor of John N. Brooks & Lorelei Brooks, Husband and Wife or the Survivor thereof, as trustee,
 dated January 6, 2005, recorded on January 18, 2008, as beneficiary,
Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. M05 at page 03696
 or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. _____ (indicate which), covering the following
 described real property situated in that county and state, to-wit:

See Legal Description attached hereto marked Exhibit "A" Legal Description and
 incorporated by this reference herein as if fully set forth. By appointment of
 Successor Trustee dated May 22, 2006 and recorded May 23, 2006 at Vol M06, at
 page 10390, records of Klamath County, Oregon, Neal G. Buchanan, Attorney at Law
 was appointed Successor Trustee

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 in grantor's failure to pay when due the following sums:

1. Failure to pay monthly payment in the sum of \$838.22 due August 6, 2008, with a like
 payment due the 6th day of each month thereafter.
2. Failure to pay real property taxes before the same became past due and delinquent and
 to promptly deliver receipts therefore to the beneficiary.
3. Failure to keep the premises free from liens or assessments as required by paragraph (over)

By reason of the default just described, 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:

1. Principal in the sum of \$105,239.64 together with interest on said sum at the rate of
 6% per annum from July 10, 2008 until paid.
2. Real Property taxes past due or delinquent
3. Cost to Beneficiary of ~~removing~~ liens
4. Cost to Beneficiary of placing insurance coverage (over)

WHEREFORE, notice is hereby given that the undersigned trustee will on April 6, 2009, at the hour
 of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at
435 Oak Avenue

in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public
 auction to the highest bidder for cash the interest in the real property described above which the grantor had or had power to convey
 at the time of the execution by grantor of the 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 foregoing obligations thereby secured and the costs and expenses of
 the 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 rein-
 stated 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 per-
 formance required under the obligation or trust deed, and in addition to paying those 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
 and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, 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 the trust deed, and the words "trustee" and
 "beneficiary" include their respective successors in interest, if any.

DATED November 25, 2008

Neal G. Buchanan
 Neal G. Buchanan, Successor, Trustee

435 Oak Avenue

ADDRESS

Klamath Falls, OR 97601 (541) 882-6607

CITY

STATE

ZIP

PHONE

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.

Attorney for Trustee

SERVE:*

3. continued 5 of the Trust Deed

4. Failure to maintain insurance and to provide copies to the beneficiary as provided for by paragraph 4 of the Trust Deed

Continued

5. All costs and expenses, including evidence of title and the Beneficiaries' or Trustee's attorney fees.

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

Lot 5, Block 34, ORIGINAL TOWN of Klamath Falls (formerly Linkville), according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, EXCEPT a strip of land two feet in width off the Easterly side of said lot, ALSO SAVING AND EXCEPTING the 20 foot alley off the Southeasterly side of said lots 5 and 6 conveyed to the Town of Klamath Falls by Deed recorded in Book 17 at page 46, Records of Klamath County, Oregon.

Tax Account No: 3809-032AC-01000-000

Key No: 476247

PARCEL 2:

A strip of land two feet in width off the Easterly side of said Lots 5 and a strip of land two feet in width off the Westerly side of said Lot 6, in said Block 34, ORIGINAL TOWN OF KLAMATH FALLS (formerly Linkville), according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, except a strip 20 feet in width off the rear end of said lots.

Tax Account No: 3809-032AC-01100-0U1

Key No: 786162

NT

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Ruth Bowen

To

Grantor

Amerititle (Neal G. Buchanan

Attorney at Law as Successor

435 Oak Avenue

Klamath Falls, OR 97601

Trustee

After recording, return to (Name, Address, Zip):

STATE OF OREGON, County of Klamath) ss:I, Neal G. Buchanan, being first duly sworn, depose, and say 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 deed described in the notice of sale.

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:

NAME

ADDRESS

See Exhibit B attached hereto and incorporated by this reference herein as if fully set forth.

These 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) any person, including the Department of Revenue or any 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 set forth in ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Neal G.

Buchanan, attorney for the trustee named in the notice. 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 25, 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 an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

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

Subscribed and sworn to before me on 11/25/08,

Notary Public for Oregon

My commission expires 9-12-2010

EXHIBIT B
NAME AND LAST KNOWN ADDRESS
AND NATURE OF RIGHT, LIEN OR INTEREST

Ruth Bowen,
4832 Red Tail
Klamath Falls, OR 97601

Grantor & Party in possession

City of Klamath Falls
c/o Richard Whitlock
City Attorney
500 Klamath Avenue
Klamath Falls, OR 97601

City Lien docketed 3-15-2006

David M. Storey
P. O. Box 98
Midland, OR 97634

Judgment entered in Klamath
County Circuit Court Case
No. 0701337 CV

Matthew Parks
Attorney at Law
832 Klamath Avenue
Klamath Falls, OR 97601

Trust Deed recorded v2007,
page 14561

Additional Parties in
Possession if any,
200 Main St
Klamath Falls, OR 97601

Right of Occupancy or
possession

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **200 Main St. Klamath Falls, OR 97601**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to __ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to __, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1st Attempt: **December 1, 2008 4:59 PM Posted**

2nd Attempt: **December 3, 2008 5:45 PM Posted**

3rd Attempt:

☒ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on **December 1, 2008** and after personal inspection, I found the above described real property to be unoccupied.

☐ **SUBSTITUTE SERVICE MAILER:** That on the day of __ I mailed a copy of the Trustee's Notice of Sale addressed to **All Known Occupants** at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed _____

200 Main St. Klamath Falls, OR 97601

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

DATE OF SERVICE

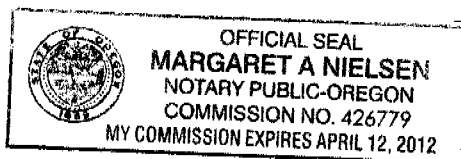
TIME OF SERVICE

☒ or non occupancy

By: _____

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 5th day of December, 2008.



Margaret A. Nielsen

Notary Public for Oregon

NT

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

RE: Trust Deed from

Ruth Bowen

To

Grantor

Amerititle (Neal G. Buchanan
Attorney at Law as Successor)
435 Oak Avenue
Klamath Falls, OR 97601

Trustee

After recording, return to (Name, Address, Zip):

STATE OF OREGON, County of Klamath) ss:I, Neal G. Buchanan, being first duly sworn, depose, and say 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 deed described in the notice of sale.

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:

NAME

ADDRESS

Matthew Parks

832 Klamath Avenue
Klamath Falls, OR 97601

These 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) any person, including the Department of Revenue or any 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 set forth in ORS 86.785.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Neal G. Buchanan

, attorney for the trustee named in the notice. 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 January 23, 2009. 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 an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

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

Neal G. Buchanan
Neal G. Buchanan

Subscribed and sworn to before me on 1-23-09

Margaret John
Notary Public for Oregon

My commission expires 9-12-2010

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

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 # 10881

Notice of Sale/Ruth Bowen

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

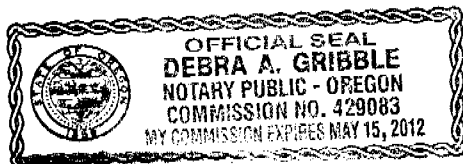
Insertion(s) in the following issues:
February 10, 17, 24, March 3, 2009

Total Cost: \$1,232.39

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

Notary Public of Oregon

My commission expires May 15, 2012



AMENDED TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Ruth Bowen as grantor, to Amerititle, An Oregon Corporation (Neal G. Buchanan, Attorney - Successor), as trustee, in favor of John N. Brooks & Lorelei Brooks, Husband and Wife or the Survivor thereof, as beneficiary, dated January 6, 2005, recorded on January 18, 2008, in the Records of Klamath County, Oregon, in volume No. M05 at page 03696, covering the following described real property situated in that county and state, to-wit:
See legal Description attached hereto marked Exhibit "A". Legal Description and incorporated by this reference herein as if fully set forth. By appointment of Successor Trustee dated May 22, 2006 and recorded May 23, 2006 at Vol. M06, at page 10390, records of Klamath County, Oregon, Neal G. Buchanan, Attorney at Law was appointed Successor Trustee.

EXHIBIT "A" LEGAL DESCRIPTION

PARCEL 1:
Lot 5, Block 34, ORIGINAL TOWN of Klamath Falls (formerly Linkville), according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, EXCEPT a strip of land two feet in width off the Easterly side of said lot, ALSO SAVING AND EXCEPTING the 20 foot alley off the Southeasterly side of said lots 5 and 6 conveyed to the Town of Klamath Falls by Deed recorded in Book 17 at page 46, Records of Klamath County, Oregon.

Tax Account No. 3809-032AC-01000-000 Key No: 476247

PARCEL 2:
A strip of land two feet in width off the Easterly side of said Lots 5 and a strip of land two feet in width off the Westerly side of said Lot 6, in said Block 34, ORIGINAL TOWN OF KLAMATH FALLS (formerly Linkville), according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon except a strip 20 feet in width off the rear end of said lots.

Tax Account No: 3809-032AC-01100-0U1 Key No: 786162

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 in grantor's failure to pay when due the following sums: 1. Failure to pay monthly payment in the sum of \$838.22 due August 6, 2008, with a like payment due the 6th day of each month thereafter; 2. Failure to pay real property taxes before the same became past due and delinquent and to promptly deliver receipts therefore to the beneficiary; 3. Failure to keep the premises free from liens or assessments as required by paragraph 5 of the Trust Deed.

By reason of the default just described, 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: 1. Principal in the sum of \$105,239.64 together with interest on said sum at the rate of 6% per annum from July 10, 2008 until paid; 2. Real Property taxes past due or delinquent; 3. Cost to Beneficiary of removing liens; 4. Cost to Beneficiary of placing insurance coverage; 5. Failure to maintain insurance and to provide copies to the beneficiary as provided for by paragraph 4 of the Trust Deed; 6. All costs and expenses, including evidence of title and the Beneficiaries' or Trustee's attorney fees.

WHEREFORE, notice is hereby given that the undersigned trustee will on April 6, 2009, at the hour of 1:00 P.M., in accord with the standard of time established by ORS 187.110, at The Office of Neal G. Buchanan, 435 Oak Avenue in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder

for cash the interest in the real property described above which the grantor had or had power to convey at the time of the execution by grantor of the 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 foregoing obligations thereby secured and the costs and expenses of the 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 those 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 and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED November 25, 2008.

Neal G. Buchanan, Successor Trustee
435 Oak Avenue,
Klamath Falls, OR 97601 541-882-6607
#10881 February 10, 17, 24, March 3, 2009.