

2009-005299

Klamath County, Oregon

Recording Requested By:
Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601



04/16/2009 11:55:16 AM

Fee: \$66.00

When Recorded Return To:

Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

ATE 66315

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

COVER SHEET

DOCUMENT:

Proof of Service and Affidavit of Mailing Trustees Notice of Sale and of Non Military Service and copy Trustee's Notice of Sale

Affidavit of Non-Occupancy

Affidavit of Publication

ORIGINAL GRANTOR ON TRUST DEED:

Jason Fisher

ORIGINAL BENEFICIARY ON TRUST DEED:

**Lee E. Rubenstein and Julie D. Rubenstein, husband and wife
Blazer Construction Company Inc., an Oregon Corporation
Langton Living Trust dated August 23, 2000
Brooke Bryant Living Trust dated September 21, 2002**

71 ATE
66

AFTER RECORDING, RETURN TO:
Michael P. Kearney, P.C.
Attorney at Law
800 Willamette Street, Suite 800
P.O. Box 1758
Eugene, OR 97440-1758

**PROOF OF SERVICE AND AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
AND OF NON-MILITARY SERVICE**

STATE OF OREGON)
 : ss.
County of Lane)

I, MICHAEL P. KEARNEY, being first duly sworn, depose, and 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 its successor in interest named in the original Notice of Sale given under the terms of that certain Trust Deed (herein the "Trust Deed") made by Jason Fisher, as Grantor, to Pacific Northwest Title of Oregon, Inc., an Oregon corporation, as Trustee, and Lee E. Rubenstein and Julie D. Rubenstein, husband and wife, as to an undivided 50/174th interest; Blazer Construction Company Inc., an Oregon corporation, as to an undivided 64/174th interest; Langton Living Trust, dated August 23rd, 2000, as to an undivided 48/174th interest; and Brooke Bryant Living Trust dated September 21st, 2002, as to an undivided 12/174th interest, as Beneficiary, recorded January 25, 2008 in the Klamath County Deeds and Records, Book 2008, Page 1054, covering the following described real property (herein the "real property"):

Lots 1, 2 and 3, Block 44, MALIN SUPPLEMENTAL PLAT, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

CODE: 013 MAP: 4112-016DA TL: 03100 KEY:124136

A Substitution of Trustee was recorded on December 30, 2008 as Reception No. 2008-016937, which provides that Michael P. Kearney, Attorney at Law, was substituted as Trustee under such Trust Deed.

I gave notice of the sale of the real property described in the Notice of Sale by mailing a copy 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:

<i>Name</i>	<i>Address</i>
Jason Fisher	2245 Broadway Malin, OR 97632
Acuity Lending Corporation	7100 SW Hampton St., Suite 223 Portland, OR 97223

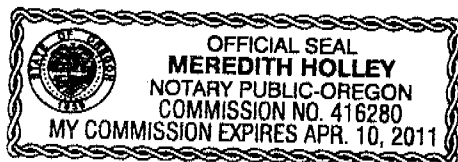
Such persons include the Grantor in the Trust Deed, any successor in interest to the Grantor whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice, and any person requesting notice, as required by ORS 86.785.


Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by MICHAEL P. KEARNEY, the Trustee named in such Notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Eugene, Oregon, on January 7, 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 and postage thereon in the amount sufficient to accomplish the same. Each of such notices was mailed after the Notice of Default and Election to Sell described in such Notice of Sale was recorded and at least 120 days before the day fixed in such notice by the Trustee for the Trustee's sale.

Grantor was not at the time of mailing the Trustee's Notice of Sale on January 7, 2009, and is not now, in the military service of the United States or its allies, and is not and was not a minor or an incapacitated person.


MICHAEL P. KEARNEY, Trustee

Subscribed and sworn to before me this 13th day of April, 2009.




Notary Public for OREGON
My Commission Expires: 04-10-2011

AFTER RECORDING RETURN TO:
Michael P. Kearney P.C.
Attorney at Law
800 Willamette Street, Suite 800
P.O. Box 1758
Eugene, OR 97440-1758

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed (herein the "Trust Deed") made by Jason Fisher, as Grantor, to Pacific Northwest Title of Oregon, Inc., an Oregon corporation, as Trustee, and Lee E. Rubenstein and Julie D. Rubenstein, husband and wife, as to an undivided 50/174th interest; Blazer Construction Company Inc., an Oregon corporation, as to an undivided 64/174th interest; Langton Living Trust, dated August 23rd, 2000, as to an undivided 48/174th interest; and Brooke Bryant Living Trust dated September 21st, 2002, as to an undivided 12/174th interest, as Beneficiary, recorded January 25, 2008 in the Klamath County Deeds and Records, Book 2008, Page 1054, covering the following described real property (herein the "real property"):

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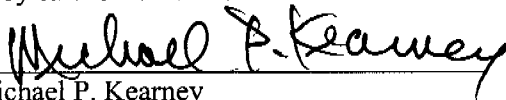
Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,848.75, due on the first day of each month since October 1, 2008, plus late charges equal to 10% per annum of each amount past due continuing each day thereafter until paid.

By reason of this default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable which is \$174,000.00 plus accrued interest at the rate of 12.75% per annum, late charges, Trustee fees, attorney fees and costs of foreclosure from August 29, 2008 to the date of payment.

Notice is given that the undersigned trustee will on May 18, 2009, at the hour of 10:00 a.m., in accordance with the standard of time established by ORS 187.110, at the Klamath County Courthouse, 316 Main Street, 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 which the grantor had or had power to convey at the time of the execution by him of the trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of the 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 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 such 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 amounts provided by said ORS 86.753.

DATED: Jan 7, 2008


Michael P. Kearney
Attorney at Law, Trustee
800 Willamette Street, Suite 800
P.O. Box 1758
Eugene, OR 97440
(541)485-8888

AFTER RECORDING RETURN TO:

Michael P. Kearney P.C.
Attorney at Law
800 Willamette Street, Suite 800
P.O. Box 1758
Eugene, OR 97440-1758

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON)
 : ss.
County of Lane)

I, Michael P. Kearney, being first duly sworn, depose, and 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 its successor in interest named in the original Notice of Sale given under the terms of that certain Trust Deed (herein the "Trust Deed") made by Jason Fisher, as Grantor, to Pacific Northwest Title of Oregon, Inc., an Oregon corporation, as Trustee, and Lee E. Rubenstein and Julie D. Rubenstein, husband and wife, as to an undivided 50/174th interest; Blazer Construction Company Inc., an Oregon corporation, as to an undivided 64/174th interest; Langton Living Trust, dated August 23rd, 2000, as to an undivided 48/174th interest; and Brooke Bryant Living Trust dated September 21st, 2002, as to an undivided 12/174th interest, as Beneficiary, recorded January 25, 2008 in the Klamath County Deeds and Records, Book 2008, Page 1054, covering the following described real property (herein the "real property"):

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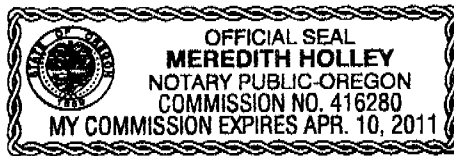
A Substitution of Trustee was recorded on December 30, 2008 as Reception No. 2008-016937, which provides that Michael P. Kearney, Attorney at Law, was substituted as Trustee under such Trust Deed.

I hereby certify that on December 30, 2008, other than the Grantor of the above mentioned Trust deed, who was personally served with a Notice of Sale as required by ORS 86.740, the above described real property was not otherwise occupied.

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. Kearney
Michael P. Kearney, Attorney at Law
Successor Trustee

Subscribed and sworn to before me this 13th day of April, 2009.



Meredith Holley
Notary Public for OREGON
My Commission Expires: 04.10.2011

AFTER RECORDING, RETURN TO:
Michael P. Kearney, P.C.
Attorney at Law
800 Willamette Street, Suite 800
P.O. Box 1758
Eugene, OR 97440-1758

SEND TAX STATEMENTS TO:

Same as previous

AFFIDAVIT OF PUBLICATION

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Heidi Wright, Publisher,
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 # 11017

Notice of Sale/Jason Fisher

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:

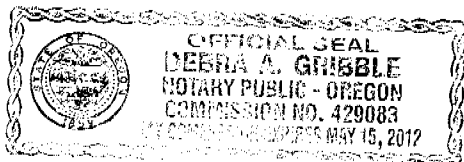
March 17, 24, 31, April 7, 2009

Total Cost: \$908.22

Subscribed and sworn by Heidi Wright
before me on: April 7, 2009

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed (herein the "Trust Deed") made by Jason Fisher, as Grantor, to Pacific Northwest Title of Oregon, Inc., an Oregon corporation, as Trustee, and Lee E. Rubenstein and Julie D. Rubenstein, husband and wife, as to an undivided 50/174th interest; Blazer Construction Company Inc., an Oregon corporation, as to an undivided 64/174th interest; Langton Living Trust, dated August 23rd, 2000, as to an undivided 48/174th interest; and Brooke Bryant Living Trust dated September 21st, 2002, as to an undivided 12/174th interest, as Beneficiary, recorded January 25, 2008 in the Klamath County Deeds and Records, Book 2008, Page 1054, covering the following described real property (herein the "real property"):

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DATED: January 7, 2009

Michael P. Kearney
Attorney at Law, Trustee
800 Willamette Street, Suite 800
P.O. Box 1758
Eugene, OR 97440
(541) 485-8888

#11017 March 17, 24, 31, April 7, 2009.