

2009-007114

Klamath County, Oregon



00066445200900071140020024

**RECORDING COVER SHEET**

PER ORS 205.234

05/21/2009 08:56:44 AM

Fee: \$26.00

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

**AFTER RECORDING RETURN TO:**

name and address of the person authorized to receive the  
instrument after recording, as required by ORS 205.180(4)  
and ORS 205.238

Joseph E. Kellerman

717 Murphy Road

Medford, OR 97504

1. NAMES OF THE TRANSACTION(S), described in the attached instrument and required by ORS 205.234(A)  
NOTE: Transaction as defined by ORS 205.010 "means any action required or permitted by state law or rule  
federal law or regulation to be recorded including, but not limited to, any transfer, encumbrance or release  
affecting title to or an interest in real property".

Affidavit of Publication

2. Grantor(s) as described in ORS 205.160.

Richard W. Russell

3. Grantee(s) as described in ORS 205.160.

PremierWest Bank

4. TRUE AND ACTUAL CONSIDERATION PAID for instruments conveying or contracting to convey  
fee title to any real estate and all memoranda of such instruments, reference ORS 93.030.

\$ .00 but otherwise good and valuable

5. UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING  
ADDRESS: for instruments conveying or contracting to convey fee title to any real estate reference ORS 93.250.

# 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 # 11097

Notice of Sale/Richard W. Russell

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:

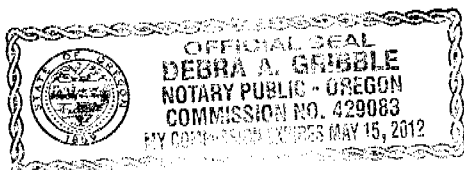
April 15, 22, 29, May 6, 2009

Total Cost: \$808.47

*Jeanine P. Day*  
Subscribed and sworn by Jeanine P Day  
before me on: May 6, 2009

*Debra A. Grizzle*  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the Trust Deed described below is in default, and that the beneficiary has elected to foreclose the Trust Deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the Trust Deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. Grantor: Richard W. Russell  
Trustee: AmeriTitle  
Successor Trustee: Joseph E. Kellerman  
Beneficiary: PremierWest Bank
2. Property covered by the Trust Deed: Lot 744, RUNNING Y RESORT, PHASE 9, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.
3. Trust Deed was recorded on November 8, 2007, at Volume 2007, page 019137, Microfilm Records of Klamath County, Oregon and thereafter modified by instrument recorded November 28, 2007 at Volume 2007, Page 020021, Microfilm Records of Klamath County, Oregon.
4. Default for which foreclosure is made is failure of Grantor to 1) make monthly payments due under the promissory note; 2) pay real property taxes assessed against the property; and/or 3) discharge claim of lien.
5. The sum owing on the obligation secured by the Trust Deed is \$63,239.41 as of the 26th day of November 2008 plus interest at the rate of 13.49% per the interest after default provision of the promissory note; plus late fees in the amount of \$121.45; plus such late fees as may hereafter accrue in the amount of 5% of the unpaid portion of regularly scheduled payments, plus such sums as beneficiary may advance for the benefit of Grantor (i.e., discharge liens, pay real property taxes, etc.); plus trustees, attorneys' fees, costs and disbursements incurred.
6. The Beneficiary has and does elect to sell the property to satisfy the obligation.
7. The property will be sold in the manner prescribed by law on the 5th day of June 2009, at 10:30 a.m. standard time as established by ORS 187.110, at the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, 97601, Klamath County, Oregon.
8. Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the Trust Deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee and attorneys fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale.
9. In construing this notice and whenever the context hereof so requires, 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 their successors in interest, the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the Trust Deed, and any collateral beneficiary and their successors in interest.

DATED this 26th day of January, 2009.

HORNECKER, COWLING,  
HASSEN & HEYSELL, L.L.P.  
Joseph E. Kellerman, Successor Trustee  
#11097 April 15, 22, 29, May 6, 2009.