

2009-007115

Klamath County, Oregon



00066446200900071150050050

05/21/2009 08:57:59 AM

Fee: \$41.00

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

State of Oregon)
) ss.
County of Jackson)

I, Joseph E. Kellerman, being first duly sworn, depose and say and certify that:

1. I am the successor trustee under that certain Trust Deed executed and delivered by Richard W. Russell, as Grantor, to AmeriTitle, as Trustee, in which PremierWest Bank is the beneficiary, 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 covering the following described real property, to wit:

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.

2. I gave notice of the sale (as required by ORS 86.745) of the real property described in the attached Trustee's Notice of Sale by mailing a true copy thereof by both first-class and certified mail with return receipt requested to each of the following named persons or their legal representatives at their respective last known addresses, to wit:

The Running Y Ranch
Resort Owner's Association
5500 Running Y Road
Klamath Falls, OR 97601

Richard W. Russell
7020 Terrace Court
El Dorado, CA 95623

3. Said persons include (a) the Grantors in the Trust Deed, (b) any successor-in-interest to the Grantors 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 required by ORS 86.785.

4. Each of the notices so mailed was certified to be a true copy of the original by the undersigned, attorney and successor Trustee named in said Notice; each such copy was contained in a sealed envelope, with postage thereon fully pre-paid, and was deposited by me

in the United States Post Office at Medford, Oregon on the 26th of January 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 the proper form to request and obtain a return receipt postage thereon in the amount sufficient to accomplish the same. Each of said Notices was mailed after the Notice of Default and Election to Sell described in said Notice of Sale was recorded.

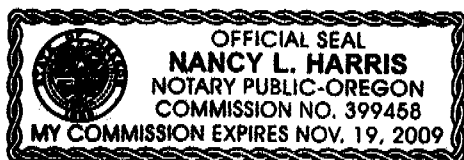
5. As used herein, the singular includes the plural, Trustee includes successor Trustee, and person includes corporation and any other legal or commercial entity.

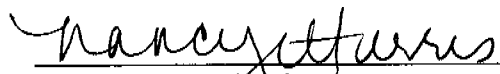
DATED this 18th day of May, 2009.


Joseph E. Kellerman

STATE OF OREGON)
) ss.
County of Jackson)

On this 18th day of May, 2009, Joseph E. Kellerman personally appeared in the above-named matter and acknowledged the foregoing instrument to be his voluntary act and deed.




Notary Public for Oregon
My commission expires: 11-19-2009

After Recording Return To:

Joseph E. Kellerman
Hornecker, Cowling, Hassen & Heysell, L.L.P.
717 Murphy Road
Medford, OR 97504

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 attorney's 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.

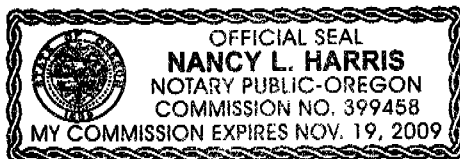
HORNECKER, COWLING,
HASSEN & HEYSELL, L.L.P.

By: _____

Joseph E. Kellerman, Successor Trustee

STATE OF OREGON)
) ss.
County of Jackson)

On this 26th day of January, 2009, personally appeared before me Joseph E. Kellerman, as Successor Trustee, and acknowledged said instrument to be his voluntary act and deed.



Nancy L. Harris
Notary Public for Oregon
My Commission Expires: 11-19-2009

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON)
) ss.
County of Jackson)

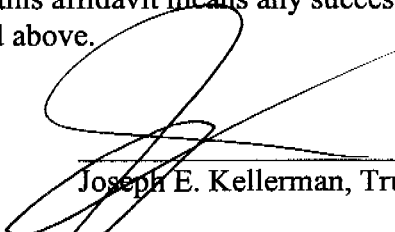
I, JOSEPH E. KELLERMAN, being first duly sworn, depose, say and certify that:

I am the successor trustee in that certain trust deed executed and delivered by Richard W. Russell, as Grantor, to AmeriTitle, as Trustee, in which PremierWest Bank is the beneficiary dated 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 covering the following described real property, to wit:

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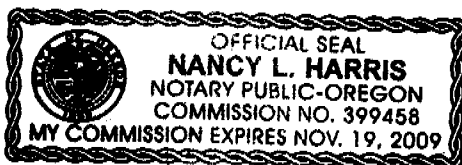
I hereby certify that on the 21st day of January 2009, the above described real property was not occupied by the following person or persons named in subsection 1 of Section 86.750, Oregon Revised Statutes: Richard W. Russell.


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



Joseph E. Kellerman, Trustee

Subscribed and sworn to before me this 21st day of May, 2009.





Notary Public in and for Oregon
My Commission Expires: 11-19-2009