

NTZ 84280

2009-008063

Klamath County, Oregon



00067557200900080630080085

06/10/2009 03:22:46 PM

Fee: \$66.00

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED
BY THE PERSON REPRESENTING 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:

Robert A. Smejkal P.C.
Attorney at Law
P.O. Box 654
Eugene, OR 97440

1. Name(s) of the Transaction(s):

Affidavit of Publication, Affidavit of Mailing Trustee's Notice, Affidavit Return Service and
~~Trustee's Notice of Sale~~

2. Direct Party (Grantor):

John A. Langhauser

3. Indirect Party (Grantee):

4. True and Actual Consideration Paid:

5. Legal Description:

See attached

76amt

After recording, return to:
Robert A. Smejkal, P.C.
Attorney at Law
PO Box 654
Eugene, OR 97440

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 # 11149

Notice of Sale/John A. Langhauser

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:

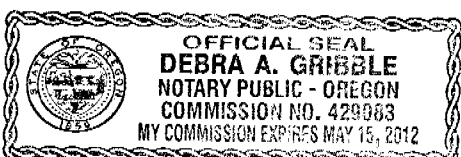
April 28, May 5, 12, 19, 2009

Total Cost: \$883.28

Subscribed and sworn by Jeanine P Day
before me on: May 19, 2009

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby.

A. PARTIES TO THE TRUST DEED: Grantor: JOHN A. LANGHAUSER, Trustee: ROBERT A. SMEJKAL, Attorney at Law, Beneficiary: JONNY B. WATSON

B. DESCRIPTION OF THE PROPERTY: "Lots 233, 234, 235, 236 and 237, Resubdivision of Southerly Portion of TRACTS B AND C, FRONTIER TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon."

C. TRUST DEED INFORMATION: Dated: May 2, 2008, Recording Date: May 2, 2008, Recording Nos.: Volume 2008, Page 006415, Recording Place: Microfilm Records of Klamath County, Oregon.

D. DEFAULT: The Grantor is in default and the Beneficiary elects to foreclose the Trust Deed for failure to pay monthly payments in the amount of \$750.00 each, commencing with the payment due October 2, 2008, and continuing each month thereafter.

E. AMOUNT DUE: By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount of \$75,000.00, plus interest at the rate of 12% per annum from July 2, 2008, until paid; plus late charges, attorney fees and costs incurred in connection with foreclosure of the Trust Deed, and amounts, if any, advanced by the Beneficiary pursuant to the terms of the Trust Deed and/or applicable law.

F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiary and the Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor or successor in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of the Trustee's attorney.

G. DATE, TIME AND PLACE OF SALE: Date & Time: June 25, 2009, at 1:30 p.m. Place: Inside the front entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

H. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee of the entire amount then due (other than a 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 sums or by tendering the performance necessary to cure the default, by paying all costs and expenses to the Trustee actually incurred by the Beneficiary and the Trustee in enforcing the obligation and Trust Deed, together with the Trustee's attorney's fees.

I. NOTICE: The Federal Fair Debt Practices Act requires we state that this is an attempt to collect a debt and any information obtained will be used for that purpose.

J. MISCELLANEOUS: 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. DATED this 3rd day of February, 2009. ROBERT A. SMEJKAL, Trustee, PO Box 654, Eugene, OR 97440

#11149 April 28, May 5, 12, 19, 2009.

After recording, return to:
ROBERT A. SMEJKAL, P.C.
PO Box 654
Eugene, OR 97440

Re Trust Deed from Grantor:
JOHN A. LANGHAUSER
30032 N Street
Klamath Falls, OR 97601

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE & NOTICE

STATE OF OREGON, County of Lane) ss.

I, ROBERT A. SMEJKAL, being first duly sworn, depose and say that:

At all times hereinafter mentioned, I was and am a resident of the State of Oregon, a competent person over the age of eighteen years, and not the Beneficiary nor the Beneficiary's successor in interest named in the attached original Trustee's Notice of Sale and Notice given under the terms of that certain Trust Deed described in the Trustee's Notice of Sale.

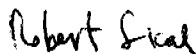
I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale and Notice by mailing copies thereof by both first class and certified mail, with return receipt requested, to each of the following persons (or their legal representatives, where so indicated) at their respective last known addresses, on the date or dates set forth herein, to-wit:

Name	Address	Mailing Date
John A. Langhauser	30032 N Street Klamath Falls, OR 97601	February 3, 2009

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 Trustee's Notice of Sale and Notice by ROBERT A. SMEJKAL, 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 in the United States post office at Eugene, Oregon, on the date or dates indicated herein. 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 Trustee's Notice of Sale was recorded.

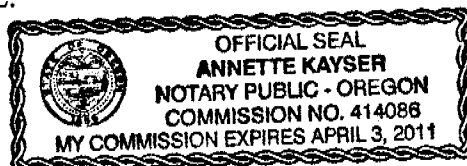
As used herein, the singular includes the plural, "Trustee" includes a successor trustee, and "person" includes a corporation and any other legal or commercial entity.



ROBERT A. SMEJKAL

STATE OF OREGON, County of Lane) ss.

SUBSCRIBED AND SWORN to before me this 3rd day of February, 2009, by ROBERT A. SMEJKAL.





NOTARY PUBLIC FOR OREGON

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE & NOTICE

Affidavit Return of Service

State of Oregon)

County of Klamath)

Court Case Number: TRUSTEE'S NOTICE

I HEREBY CERTIFY THAT on 02/07/09 the within:

- | | | |
|--|---|--|
| <input type="checkbox"/> Summons & Complaint | <input type="checkbox"/> Summons & Petition | <input type="checkbox"/> Summons |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition | <input type="checkbox"/> Answer |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Affidavit | <input type="checkbox"/> Order |
| <input type="checkbox"/> Order to Show Cause | <input type="checkbox"/> Restraining Order | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Citation | <input type="checkbox"/> Small Claim | <input checked="" type="checkbox"/> Notice |

☒ TRUSTEE'S NOTICE OF SALE AND THE NOTICE

for service on the within named: OCCUPANTS OF 30032 N ST Klamath Falls OR 97601

☒ **SERVED:** OCCUPANT JOHN A LANGHAUSER personally and in person
at 30032 N ST, Klamath Falls / ROCKY POINT OR 97601

☐ **SUBSTITUTE SERVICE:** By leaving a true copy with _____, a person over the age of fourteen years, who resides at the place of abode of the within named _____ at said abode: _____

☐ **OFFICE SERVICE:** By leaving a true copy with _____ the person in charge of the office maintained for the conduct of business by _____

☐ **CORPORATE:** By leaving a true copy with _____ of said corporation.

☐ **OTHER METHOD:** _____

☐ **NOT FOUND:** After due and diligent search and inquiry, I hereby return that I have been unable to find the within named _____ within Klamath County.

ALL SEARCH AND SERVICE WAS MADE WITHIN KLAMATH COUNTY, STATE OF OREGON.

DATE AND TIME OF SERVICE OR NOT FOUND: _____

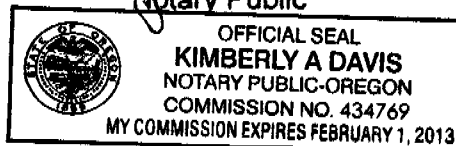
I FURTHER CERTIFY that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation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

By: DAVE DAVIS

Basin Proserve
422 N. 6th Street
Klamath Falls, OR 97601
(541) 884-6060

Subscribed to and sworn to before me this

10th Day of Feb., 2009
Kimberly A Davis
Notary Public



TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby.

A. PARTIES TO THE TRUST DEED:

Grantor: JOHN A. LANGHAUSER
Trustee: ROBERT A. SMEJKAL, Attorney at Law
Beneficiary: JONNY B. WATSON

B. DESCRIPTION OF THE PROPERTY:

"Lots 233, 234, 235, 236 and 237, Resubdivision of Southerly Portion of TRACTS B AND C, FRONTIER TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon."

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F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiary and the Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor or successor in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of the Trustee's attorney.

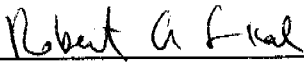
G. DATE, TIME AND PLACE OF SALE:

Date & Time: June 25, 2009, at 1:30 p.m.
Place: Inside the front entrance of the Klamath County Courthouse,
316 Main Street, Klamath Falls, Oregon

H. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee of the entire amount then due (other than a 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 sums or by tendering the performance necessary to cure the default, by paying all costs and expenses to the Trustee actually incurred by the Beneficiary and the Trustee in enforcing the obligation and Trust Deed, together with the Trustee's attorney's fees.

- I. **NOTICE:** The Federal Fair Debt Practices Act requires we state that this is an attempt to collect a debt and any information obtained will be used for that purpose.
- J. **MISCELLANEOUS:** 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 this 3rd day of February, 2009.



ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane) ss.

I, the undersigned, certify that I am the attorney 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 said Trustee

NOTICE:
YOU ARE IN DANGER OF LOSING YOUR PROPERTY
IF YOU DO NOT TAKE ACTION IMMEDIATELY

This Notice is about your mortgage loan on your property located at 30032 N Street, Klamath Falls, Oregon 97601.

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called "foreclosure."

The amount you would have had to pay as of January 26, 2009, to bring your mortgage loan current was \$3,350.00. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call Robert A. Smejkal at 1-877-345-3339 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe. You may also get these details by sending a request by certified mail to PO Box 654, Eugene, OR 97440.

THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION: June 25, 2009, at 1:30 p.m. inside the front entrance of the Klamath County Courthouse located at 316 Main Street in Klamath Falls, Oregon.

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due, or correct any other default, up to five (5) days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call Advanced Investment Corp. at (541) 343-9714 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at **1-800-SAFENET OR 1-800-723-3638**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **(503) 684-3763** or toll free in Oregon at **1-800-452-7636** or you may visit its website at: www.osbar.org. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have questions, talk to a lawyer or one of the organizations mentioned above before signing.

Trustee's name: Robert A. Smejkal

Trustee's phone number: 1-877-345-3339

Trustee's signature:

Robert A. Smejkal

Date:

February 3, 2009