

Joseph E. Kellerman
717 Murphy Rd
Medford, OR 97504

2009-008273
Klamath County, Oregon



06/15/2009 11:15:39 AM

Fee: \$46.00

AFFIDAVIT OF MAILING AMENDED 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 Southview Properties, LLC, as Grantor, to First American Title Insurance Company of Oregon, as Trustee, in which PremierWest Bank, is the beneficiary, recorded September 6, 2005 in Volume M05, page 63594, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded September 7, 2006 in Volume 2006-018067, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded December 8, 2006 in Volume 2006-024357, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded December 27, 2007 in Volume 2007-021484, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded March 25, 2008 in Volume 2008-003781, Microfilm Records of Klamath County, Oregon; and thereafter modified by instrument recorded May 19, 2008 in Volume 2008-007315, Microfilm Records of Klamath County, Oregon and covering the following described real property, to wit:

Lots 67, 69, 70, 72, 74, 75, 76, 79 82, 83, 86, 88, 95, 100, 103, 105, 108, 109 and 111, TRACT 1437-THE WOODLANDS PHASE 2, 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 Amended 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:

R.A.M. Southview, LLC,
a Wyoming limited liability company
c/o Pac Equities, Inc.
P.O. Box 2869
Jackson, WY 83001

PacEquities, Inc., a Nevada corporation
2248 Meridian Blvd, Suite H
Minden, NV 89423

Staker & Parson Companies,
dba Klamath Pacific Company
c/o Robert L. O'Halloran
McEwen Gisvold, LLP
1100 SW Sixth Avenue, Suite 1600
Portland, OR 97204

Klamath Pacific Company
2918 Edison Avenue
Klamath Falls, OR 97603

Southview Property, LLC,
Formerly known as Southview
Properties Development
Robert J. Sullivan, Registered Agent
1600 Benjamin Franklin Plaza
One SW Columbia Street
Portland, OR 97258

Southview Properties, LLC, an Oregon
limited liability company
22101 NE 150th Avenue
Battle Ground, WA 98604

Columbia Community Bank
P.O. Box 725
Hillsboro, OR 97123

Columbia Community Bank
c/o Brent G. Summers, Attorney
Tarlow Naito & Summers LLP
6650 SW Redwood Lane, #215
Portland, OR 97224

LTM, Incorporated
P.O. Box 1145
Medford, OR 97501

Dan Martin Construction, Inc.
1835 Ridge Road
Klamath Falls, OR 97603

Dan Martin Construction, Inc.
c/o Jodee Scott, Attorney
Davis Hearn Saladoff & Bridges, P.C.
515 E Main Street
Ashland, OR 97520

Southview Master Association
5200 Highway 140 W
Klamath Falls, OR 97601

Southview Master Association
Robert J. Sullivan, Registered Agent
1 SW Columbia Street, Suite 1600
Portland, OR 97258

Platt Electric Supply, Inc.
10605 SW Allen Blvd
Beaverton, OR 97005

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 4th day of February, 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 Amended Notice of Default and Election to Sell described in said Amended 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.

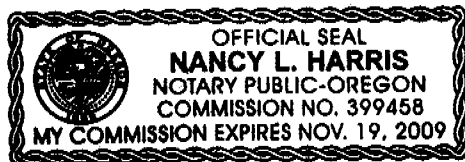
DATED this 22 day of June, 2009.

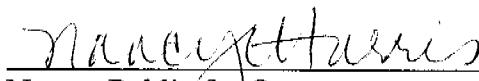


Joseph E. Kellerman

STATE OF OREGON)
) ss.
County of Jackson)

On this 22nd day of June, 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

AMENDED 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: Southview Properties, LLC
 Trustee: First American Title Insurance Company of Oregon
 Successor Trustee: Joseph E. Kellerman
 Beneficiary: PremierWest Bank

2. Property covered by the Trust Deed:

 Lots 67, 69, 70, 72, 74, 75, 76, 79 82, 83, 86, 88, 95, 100, 103, 105, 108, 109 and 111, TRACT 1437-THE WOODLANDS PHASE 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

3. Trust Deed was recorded September 6, 2005 in Volume M05, page 63594, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded September 7, 2006 in Volume 2006-018067, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded December 8, 2006 in Volume 2006-024357, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded December 27, 2007 in Volume 2007-021484, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded March 25, 2008 in Volume 2008-003781, Microfilm Records of Klamath County, Oregon; and thereafter modified by instrument recorded May 19, 2008 in Volume 2008-007315, Microfilm Records of Klamath County, Oregon.

4. Defaults for which foreclosure is made is failure of Grantor 1) to pay according to the terms of promissory note, including failure to pay entire balance owing upon maturity date of August 1, 2008; 2) to pay real property taxes assessed against the premises; 3) to discharge and pay other liens and assessments and 4) conveying interest(s) in the realty without consent of the beneficiary.

5. The sum owing on the obligation secured by the Trust Deed is \$115,654.69 as of the 16th day of December 2008 (includes late charges of \$5,256.82 and accrued interest of \$7,131.51) plus interest at Wall Street Journal Prime plus 7.5% from 12/16/08 until paid; plus Trustee's costs and attorneys' fees incurred in these proceedings and in protecting the property from construction lien and such other sums as beneficiary may advance for the benefit of Grantor (*i.e.*, real property taxes, payments of liens, etc.).

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 26th day of June 2009, at 10:00 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. This Amended Trustee's Notice of Sale is amended to correct the description of the real property being foreclosed in paragraph 2 above.
10. 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.

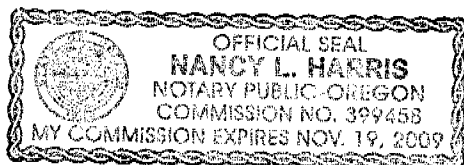
DATED this 3rd day of February, 2009.

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

By: [Signature]
Joseph E. Kellerman, Successor Trustee

STATE OF OREGON)
) ss.
County of Jackson)

On this 3rd day of February, 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 Southview Properties, LLC, as Grantor, to First American Title Insurance Company of Oregon, as Trustee, in which PremierWest Bank is the beneficiary, Trust Deed was recorded September 6, 2005 in Volume M05, page 63594, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded September 7, 2006 in Volume 2006-018067, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded December 8, 2006 in Volume 2006-024357, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded December 27, 2007 in Volume 2007-021484, Microfilm Records of Klamath County, Oregon; thereafter modified by instrument recorded March 25, 2008 in Volume 2008-003781, Microfilm Records of Klamath County, Oregon; and thereafter modified by instrument recorded May 19, 2008 in Volume 2008-007315, Microfilm Records of Klamath County, Oregon covering the following described real property situated in said county:

Lots 67, 69, 70, 72, 74, 75, 76, 79 82, 83, 86, 88, 95, 100, 103, 105, 108, 109 and 111, TRACT 1437-THE WOODLANDS PHASE 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

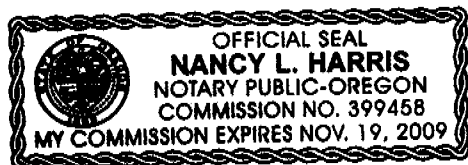
I hereby certify that on the 2nd day of February 2009 the above described real property was not occupied by the following person or persons named in subsection 1 of Section 86.750, Oregon Revised Statutes: Southview Properties, LLC.

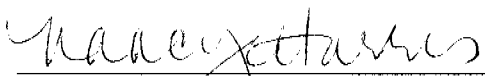
The word "Trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.



Joseph E. Kellerman, Trustee

Subscribed and sworn to before me this 02 day of June, 2009.





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