

2009-008274

Klamath County, Oregon



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06/15/2009 11:17:12 AM

Fee: \$26.00

## RECORDING COVER SHEET

PER ORS 205.234

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. **NAME(S) 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.**

Southview Properties, LLC

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.

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 93.260.

# 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 # 11175

Notice of Sale/Southview Properties, LLC

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:

May 5, 12, 19, 26, 2009

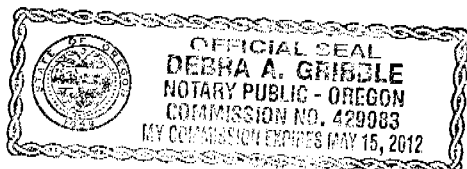
Total Cost: \$958.09

Subscribed and sworn by Jeanine P Day

before me on: May 26, 2009

Notary Public of Oregon

My commission expires May 15, 2012



### 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 the date 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.

Joseph E. Kellerman, Successor Trustee  
#11175 May 5, 12, 19, 26, 2009.