

NJC 85529

2009-014136

Klamath County, Oregon



00074863200900141360050055

11/02/2009 03:25:42 PM

Fee: \$62.00

## 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:

Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

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

Affidavit of Mailing Trustee's Notice of Sale, Trustee's Affidavit as to Non-Occupancy and  
Affidavit of Publication

### 2. Direct Party (Grantor):

Michael P. Rudd, Andrew C. Brandsness and Jeanine P. Day

### 3. Indirect Party (Grantee):

Trever S. Devenport and Susan Devenport

### 4. True and Actual Consideration Paid:

N/A

### 5. Legal Description:

See attached

67 Amt

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON                    )  
  ) ss:  
County of Klamath                )

I, Michael P. Rudd, being first duly sworn, depose, say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

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

Trever S. Devenport  
1535 Mar Street  
Klamath Falls, OR 97601

David F. Wurst, Trustee  
P. O. Box 610  
Medford, OR 97501

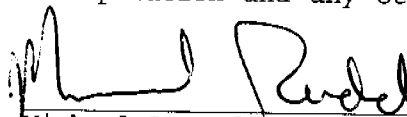
Susan Devenport  
1535 Mar Street  
Klamath Falls, OR 97601

Brasher's Northwest Auto Auction, Inc.  
c/o Lisa Larkin, Registered Agent  
90485 Auction Way  
Eugene, OR 97402

Said 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) and any person, including the Department of Revenue or an 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.

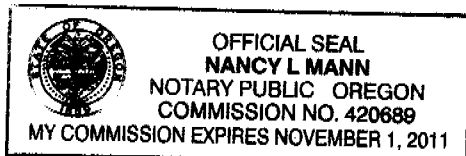
Each of the notices so mailed was certified to be a true copy of the original notice of sale by the trustee Andrew C. Brandsness. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on July 14, 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 a proper form to request and obtain a return receipt, with postage thereon in the amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in said notice of sale was recorded.

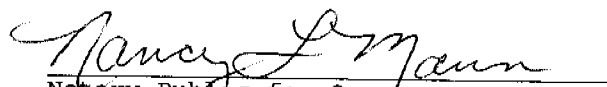
As used herein, the singular includes the plural, "trustee" includes successor trustee, and "person" includes a corporation and any other legal or commercial entity.

  
Michael P. Rudd

STATE OF OREGON                    )  
  ) ss.  
County of Klamath                )

Personally appeared before me this 14 day of July, 2009, Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed.



  
Nancy L. Mann  
Notary Public for Oregon  
My Commission expires: 11-1-11

**NOTICE OF DEFAULT  
AND ELECTION TO SELL AND OF SALE**

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

Trever S. Devenport and Susan Devenport, Grantor; AmeriTitle, Trustee; and Jerry O. Anderson and Elizabeth A. Anderson, Beneficiary, recorded in Official/Microfilm Records, Volume M06, Page 01495, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon ("Property"):

Parcel 3 of Land Partition 56-05 being a Replat of Tract 1 of the plat Junction Acres situated in the W1/2 NE1/4 Section 7, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Failed to make the monthly payment due November 25, 2008 in the amount of \$1,113.68 and monthly payments thereafter; failed to pay 2007-2008 and 2008-2009 Klamath County Real Property Taxes.

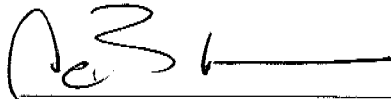
By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

The amount of \$133,232.98 principal plus interest thereon at the rate of 7% per annum from June 25, 2009 until paid, plus delinquent interest of \$5,981.30; and 2007-2008 and 2008-2009 Klamath County Real Property taxes in the total amount of \$711.65 plus interest, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on November 19, 2009, at the hour of 10:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Office of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described Property, which the grantor had or had power to convey at the time of the execution by grantor of the said Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such 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 sum or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: July 7, 2009.



Andrew C. Brandsness, Successor Trustee  
411 Pine Street  
Klamath Falls, OR 97601

STATE OF OREGON                     )  
  ) ss.  
County of Klamath                    )

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.

\_\_\_\_\_  
Andrew C. Brandsness, Successor Trustee

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

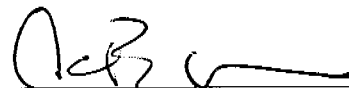
STATE OF OREGON     )  
                              ) ss.  
County of Klamath    )

I, Andrew C. Brandsness, being first duly sworn, depose, say and certify that:

I am the successor trustee in that certain trust deed executed and delivered by Trever S. Devenport and Susan Devenport as grantor to AmeriTitle as trustee in which Jerry O. Anderson and Elizabeth A. Anderson is beneficiary, recorded on January 25, 2006 in the mortgage records of Klamath, Oregon, in book/volume No. M06 at page 01495.

I hereby certify that on July 8, 2009, the real property described in the afore-mentioned trust deed was not occupied.

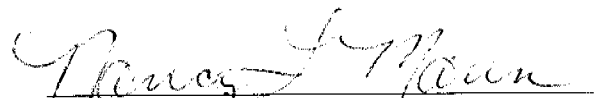
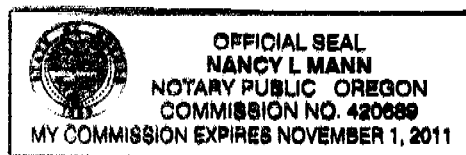
The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.



Andrew C. Brandsness  
Successor Trustee

STATE OF OREGON     )  
                              ) ss.  
County of Klamath    )

Personally appeared before me this 14 day of July, 2009, Andrew C. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon  
My Commission expires: 11-1-11

# 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 # 11577

Notice of Sale/Trever S & Susan Devenport

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:

September 6, 13, 20, 27, 2009

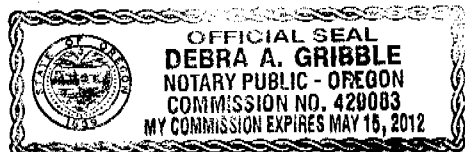
Total Cost: \$883.28

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day

before me on: September 27, 2009

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



### NOTICE OF DEFAULT AND ELECTION TO SELL AND OF SALE WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

Reference is made to a certain trust deed ("Trust Deed") made, as follows: Trever S. Devenport and Susan Devenport, Grantor; AmeriTitle, Trustee; and Jerry O. Anderson and Elizabeth A. Anderson, Beneficiary, recorded in Official/Microfilm Records, Volume M06, Page 01495, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon ("Property"): Parcel 3 of Land Partition 56-05 being a Replat of Tract 1 of the plat Junction Acres situated in the W1/2 NE1/4 Section 7, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums: Failed to make the monthly payment due November 25, 2008 in the amount of \$1,113.68 and monthly payments thereafter; failed to pay 2007-2008 and 2008-2009 Klamath County Real Property Taxes.

By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit: The amount of \$133,232.98 principal plus interest thereon at the rate of 7% per annum from June 25, 2009 until paid, plus delinquent interest of \$5,981.30; and 2007-2008 and 2008-2009 Klamath County Real Property taxes in the total amount of \$711.65 plus interest, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on November 19, 2009, at the hour of 10:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Office of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described Property, which the grantor had or had power to convey at the time of the execution by grantor of the said Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such 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 sum or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: July 7, 2009.

/s/Andrew C. Brandsness, Successor Trustee

#11 Pine Street

Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath ) ss.

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.

/s/ Andrew C. Brandsness, Successor Trustee

#11577 September 6, 13, 20, 27, 2009.