

NCC 84891

2009-014241

Klamath County, Oregon

RECORDING COVER SHEET

PER ORS 205.234



00074988200900142410040047

11/04/2009 03:18:53 PM

Fee: \$52.00

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

Timothy L. Jackle

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P.O. Box 1667

Medford, OR 97501

1. NAMES OF THE TRANSACTION(S), described in the attached instrument and required by ORS 20S.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 MAILING NOTICE OF SALE

(TRUSTEE'S NOTICE OF SALE)

2. Grantor(s) as described in ORS 205.160.

Autumn One Family Limited Partnership and Randall D. Simonson, doing
business as ~~Commercial~~ Redevelopment Co.
Commercial

3. Grantee(s) as described in ORS 205.160.

South Phoenix Enterprises, LLC

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.

N/A

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.

N/A

52amt

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by THE AUTUMN ONE FAMILY LIMITED PARTNERSHIP, an Oregon limited partnership, as to an undivided 1/2 interest, and RANDALL D. SIMONSON, doing business as COMMERCIAL REDEVELOPMENT CO., an Oregon assumed business name, as to an undivided 1/2 interest, as Grantor, to AMERITITLE, Trustee, in favor of BANK OF THE CASCADES, Beneficiary, dated April 25, 2006, and recorded May 15, 2006, as Instrument No. M06-09745 in the Official Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to-wit:

Parcel 2 of Land Partition 18-06 being a replat of Parcel 3 of Land Partition 34-04, situated in the NW1/4 NW1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, filed August 16, 2006 in the office of the County Clerk of Klamath County, Oregon.

SOUTH PHOENIX ENTERPRISES, LLC, an Oregon limited liability company, is the successor in interest to BANK OF THE CASCADES and is the present beneficiary under said Trust Deed by virtue of that Assignment of Note and Trust Deed by Beneficiary, dated March 30, 2009, and recorded April 6, 2009, as Instrument No. 2009-004760 in the Official Records of Klamath County, Oregon.

Both the Beneficiary and the Trustee have elected to sell said real property to satisfy the obligations secured by the Trust Deed, and Notice of Default has been recorded pursuant to Oregon Revised Statute 86.735(3); the default for which the foreclosure is made in Grantor's failure to pay when due the following sums:

Failure to pay principal and interest payments of \$ 505,137.00.

By reason of the default just described, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following:

Principal balance of \$500,000.00, plus accrued interest to June 23, 2009 in the amount of Five Thousand One Hundred Thirty-Seven Dollars (\$5,137.00); plus accrued interest on the principal balance at the rate of three and seventy-five one-hundredths percent (3.75%) per annum after June 23, 2009 until paid; together with title expenses, costs, trustee's fees and attorney's fees incurred herein by reason of default; and any further sums advanced by the beneficiary for the protection of the above-described real property and its interest therein.

WHEREFORE, notice is hereby given that the undersigned Trustee will, on Tuesday, November 10, 2009, at the hour of 2:00 o'clock p.m. in accord with the standard of time established by ORS 187.110, at the outside front steps of the Klamath County Courthouse located at 305 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above which the Grantor had or had power to convey at the time of the execution by Grantor of the 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 foregoing

