

UTC 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

Foster Denman, LLP

P.O. Box 1667

Medford, OR 97501

1. NAMES 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 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

524mt

**AFFIDAVIT OF MAILING NOTICE OF SALE**

STATE OF OREGON           )  
  ) ss.  
County of Jackson        )

I, Timothy L. Jackle, after first being duly sworn, depose and say 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 twenty-one years and not a beneficiary or 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 Notice of Sale pursuant to ORS 86.740 by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons at their respective last known addresses, to-wit:

**NAME**

**ADDRESS**

Autumn One Family Limited Partnership  
c/o John E. Batzer

P.O. Box 970  
Medford, OR 97501


Commercial Redevelopment Co., LLC  
c/o Randall Simonson

2861 Pinecrest Court  
Medford, OR 97504

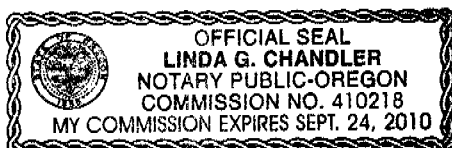
Blackstone Properties, LLC  
c/o Irving W. Potter

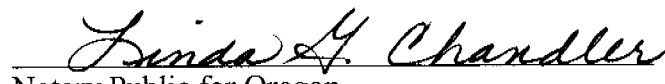
425 NW 10th Avenue, Suite 306  
Portland, OR 97209

Each of the Notices so mailed was certified to be a true copy of the original Notice of Sale by Timothy L. Jackle, Trustee named in said Notice; each such copy was contained in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Medford, Oregon on July 2, 2009. Each of said Notices was mailed after the Notice of Default and Election to Sell described in said Notice of Sale was recorded and at least 120 days before the day fixed in said Notice by the Trustee for the Trustee's sale.

  
Timothy L. Jackle, OSB #982601

Subscribed and sworn to before me this 3rd day of November, 2009, by Timothy L. Jackle



  
Notary Public for Oregon  
My commission expires: 9-24-10

## **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

