

WTC 848911

**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.

**2009-014242**

Klamath County, Oregon



00074989200900142420030037

11/04/2009 03:20:15 PM

Fee: \$47.00

**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 PUBLICATION**

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

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

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

47Am

# 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 # 11568

Notice of Sale/Autumn One Family Limited Partner.

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 15, 22, 29, October 6, 2009

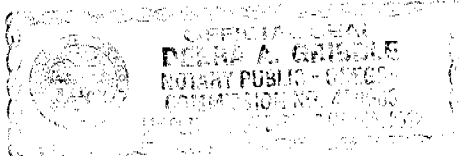
Total Cost: \$1,182.52

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

before me on: October 6, 2009

*Debra A. Gaudin*  
Notary Public of Oregon

My commission expires May 15, 2012



### 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 is 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 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 (5) 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), paying all advances authorized under the Trust Deed, including all costs and expenses incurred in enforcing the obligation and Trust Deed, 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 those sums 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 and attorney fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, 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 the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: July 2, 2009

Timothy L. Jackle, OSB #982601, Trustee

Foster Denman, LLP

3521 East Barnett Road

Medford, OR 97504

STATE OF OREGON )

County of Jackson )ss.

I, the undersigned, certify that I am the Trustee above-named and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

Timothy L. Jackle, Trustee

For Information Contact:

Timothy L. Jackle

Foster Denman, LLP

3521 East Barnett Road

Medford, OR 97504 (541) 770-5466

**This Notice Is An Attempt To Collect A Debt And Any Information Obtained Will Be Used For That Purpose.**

#11568 September 15, 22, 29, October 6, 2009.