

WTC.81615

2009-014815  
Klamath County, Oregon



11/18/2009 11:23:06 AM

Fee: \$52.00

**After Recording, Return to:**

Frank C. Rote, III  
612 N. W. 5<sup>th</sup> Street  
Grants Pass, OR 97526

**AMENDED AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE**

**RE: Trust Deed From**

William E. Levin,  
Grantor,  
to  
AmeriTitle, an Oregon corporation,  
Trustee

STATE OF OREGON, County of Josephine, §§§

I, Frank C. Rote, the undersigned, being first 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 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 deed described in the notice of sale.

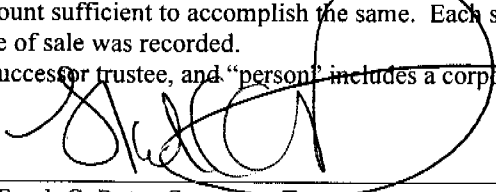
I gave notice of the sale of the real property described in the attached trustee's Amended Notice of Sale by mailing copies thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their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

<u>Name of Person</u>	<u>Address</u>
William E. Levin	PO BOX 4140, Laguna Beach, CA 92652
Megan Herbert	34152 Selva Road 172, Monarch Beach, CA 92429
Running Y Ranch Owners Association	PO Box 847, Redmond, OR 97756
John A. Berge, Bryant, Lovlien & Jarvis, PC	PO Box 880, Bend, OR 97709-0880
Gorilla Capital, Inc.	1400 High Street, Suite B-2, Eugene OR 97401

These 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) any person, including the Department of Revenue or any 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 any person requesting notice as set forth in ORS 86.785

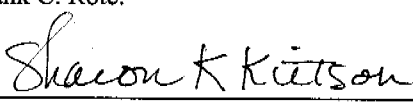
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Frank C. Rote, III, as successor trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Grants Pass, Oregon, on the 13<sup>th</sup> day of November, 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 an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

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

  
Frank C. Rote, Successor Trustee

SIGNED AND SWORN TO before me on this 13<sup>th</sup> day of November, 2009, by Frank C. Rote.



  
Notary Public for Oregon  
My Commission Expires: 10/19/2012

2009-008554

524mt

**AFTER RECORDING RETURN TO:**

FRANK C. ROTE, III, Attorney  
P. O. BOX 10  
GRANTS PASS, OR 97528

**Re: Trust Deed from:**

William E. Levin,  
Grantor,

to  
Amerititle, an Oregon corporation,  
Trustee,

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**AMENDED TRUSTEE'S NOTICE OF SALE**  
(after release from stay)

Reference is made to that certain Deed of Trust made by, WILLIAM E. LEVIN, as grantor, to AMERITITLE, an Oregon corporation, as Trustee, in favor of ANTONIO MIGLIARESE and VIRGINIA I. MIGLIARESE, as beneficiary, dated July 31, 2007, recorded August 10, 2007, as Volume No.: 2007- Page 014162, Microfilm Records of Klamath County, Oregon. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by ANTONIO MIGLIARESE and VIRGINIA I. MIGLIARESE. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

Parcel 2 of Land Partition 39-06, being a replat of Lot 23 of TRACT 1316 – PARADISE HILL, situated in the W ½ NW ¼ of Section 6, Township 38 South, Range 9 East of the Willamette Meridian, and E ½ NE ¼ of Section 1, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

The street address or other common designation, if any, of the real property described above is purported to be:

**Parcel 2 of Lot 23, Hanks Marsh Vista  
Klamath Falls, OR 97601  
Paradise Hills**

The undersigned trustee disclaims any liability for any incorrectness of the above street address or other common designation.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due, the following sums:

Total Amount Due as of November 13, 2009: \$124,595.74

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior items or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following:

TOTAL UNPAID PRINCIPAL BALANCE DUE OF \$95,000.00, PLUS interest thereon at the rate of 13% per annum from November 10, 2007, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on June 17, 2008, at the hour of 10:00 am at the FRONT STEPS OF AMERITITLE, 300 KLAMATH AVENUE, KLAMATH FALLS, County of KLAMATH, State of OREGON; however, subsequent to the recording of said Notice of Default, the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reason. The beneficiary did not participate in obtaining such stay. Said stay was terminated on October 16, 2009.

WHEREFORE, notice hereby is given that the undersigned trustee, will on December 17, 2009, at the hour of 10:00 am, in accord with the standard of time established by ORS 187.110, at the FRONT STEPS OF AMERITITLE, 300 KLAMATH AVENUE, KLAMATH FALLS, County of KLAMATH, State of OREGON, (which is the new date, time and place set for sale) sell at public auction to the highest bidder for cash, the interest in the said described property, which the grantor had, or had the power to convey, at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed to satisfy the foregoing obligations thereby secured 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 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 sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred by 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 masculine gender includes the feminine and the neuter, 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.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

DATED this 13<sup>th</sup> day of November, 2009.

A handwritten signature in black ink, appearing to read "Frank C. Rote, III", written over a horizontal line.

FRANK C. ROTE, III, Successor Trustee