

2010-000231

Klamath County, Oregon



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01/07/2010 11:32:27 AM

Fee: \$42.00

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed From

Michael L. Charlton, Grantor

to

First American Title, Trustee

After recording return to: Michael L. Spencer

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

STATE OF OREGON, County of Klamath) ss.

I, Michael L. Spencer, being first duly sworn, depose, and 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 his 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 a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

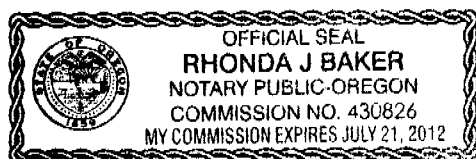
Michael L. Charlton, 4613 Summers Ln., Klamath Falls, OR 97603  
Darla L. Charlton, 5959 Delaware Ave., Klamath Falls, OR 97603  
Valerie L. Young, 1717 Fargo St. #C, Klamath Falls, OR 97603  
Klamath County Tax Collector, 305 Main St., Klamath Falls, OR 97601  
Citifinancial, 1030 Biddle Rd., Medford, OR 97504

Said Trustee's Notice of Sale was given in compliance with ORS 86.755(1) and the above named persons include all of those persons listed in ORS 86.740 and ORS 86.750(1).

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Michael L. Spencer, attorney for the trustee named in said notice; each such copy was contained 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 September 2, 2009.

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

Subscribed and sworn to before me this 7th day of January, 2010 by Michael L. Spencer.



Rhonda J Baker  
Notary Public for Oregon  
My Commission Expires: 7-21-2012

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Michael L. Charlton, as grantor, to First American Title as trustee, in favor of Irene Barry, as beneficiary, dated August 25, 2008, recorded September 5, 2008, in the mortgage records of Klamath County, Oregon, in volume No. 2008 at page 12489, or as No. , covering the following described real property situated in said county and state, to-wit:

LOTS 1 AND 2 AND THE NORTHERLY 180.4 FEET OF LOT 18, VILLA SAINT CLAIR, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

LESS AND EXCEPT: A PORTION OF LOT 2, VILLA ST. CLAIR, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A STRIP OF LAND 7.0 FEET WIDE NORTH AND SOUTH AND 125.0 LONG EAST AND WEST OUT OF LOT 2, BEGINNING IN THE SOUTHWEST CORNER OF SAID LOT AND PARALLEL TO THE SOUTH BOUNDARY OF SAID LOT 125.0 FEET.

TOGETHER WITH A 1976 CONCORD MANUFACTURED HOME, ID NUMBER 296454S3463

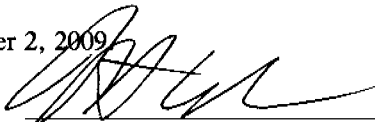
Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: Monthly payments of \$1,500.00 from December 5, 2008 until present and real property taxes for 2008 and 2009 in the amount of \$1,255.10.

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, to-wit: \$150,000.00 plus interest at the rate of 12% from November 5, 2008, plus late fees in the amount of \$50.00 per month from December 5, 2008 until present.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 11, 2010, at the hour of 9:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at 439 Pine St. 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 said described real 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 said 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 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 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'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 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: September 2, 2009

  
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Michael L. Spencer, Successor trustee

State of Oregon, County of Klamath) ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

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Michael L. Spencer, Attorney for said Trustee