

2010-002647

Klamath County, Oregon



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02/25/2010 01:34:08 PM

Fee: \$52.00

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from
MA & JA Enterprises, Inc,
an Oregon Corporation, Grantor

TO

Sterling Trust Company, fbo
William Woodhead, Beneficiary

After recording return to:
Scott D. MacArthur, Successor Trustee
635 Main Street
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, 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 beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy 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:

MA & JR Enterprise, Inc., an Oregon Corporation, Mark A. McGovern, Registered Agent, 136 Peach Street, Klamath Falls, OR 97601

Mark A. McGovern, 173 Dahlia, Klamath Falls, Or 97601

Running Y. Ranch, Resort Owner's Association, P.O. Box 1215, Redmond, OR 97756

Said 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 (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, 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 October 29, 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 and postage thereon in the amount sufficient to

Returned to Creditor

accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

Scott D. MacArthur
Scott D. MacArthur, Successor Trustee

The foregoing instrument was acknowledged before me this 25th day of February, 2010, by Scott D. MacArthur.

Darlene Larimore
Notary Public for Oregon
My commission expires 9-10-10



CERTIFICATE OF NON-OCCUPANCY STATE OF OREGON, County of Klamath)ss.

After Recording return to:
Scott D. MacArthur, P.C.
280 Main Street
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, SCOTT D. MacARTHUR, being first duly sworn, depose and certify that:

I am the Successor Trustee under the Trust Deed delivered by MA & JR ENTERPRISES, INC., an Oregon Corporation as grantor to AmeriTitle Inc., an Oregon Corporation, as Trustee and STERLING TRUST COMPANY CUSTODIAN, fbo WILLIAM WOODHEAD, Account 068479, as Beneficiary, dated April 20, 2005 and recorded May 2, 2005 at Volume M05, page 31153 of the Mortgage Records of Klamath County, Oregon covering the following described property situated in Klamath County, Oregon

Lot 889, RUNNING Y RESORT, PHASE 11, FIRST ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

I hereby certify that the above described real property was not occupied at the time the Notice of Default and Election to Sell was recorded on October 23, 2009.

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

Scott D. MacArthur

The foregoing instrument was acknowledged before me by Scott D. MacArthur this 25th day of February, 2010.

Darlene Larimore
Notary Public for Oregon
My Commission Expires: 9-10-10

(SEAL)



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 # 11873

Notice of Default and Election to Sell

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:

December 25, 2009

January 01, 08, 15, 2010

Total Cost: \$838.55

Subscribed and sworn by Jeanine P Day
before me on: January 15, 2010

Notary Public of Oregon

My commission expires May 15, 2012

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by MA & JR ENTERPRISES, Inc., an Oregon Corporation, as grantor, to AMERITITLE, Inc., as trustee, in favor of STERLING TRUST COMPANY, FBO, WILLIAM WOODHEAD, as beneficiary, dated April 20, 2005, recorded May 2, 2005, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M05 at page 31153, covering the following described real property situated in said county and state, to-wit:

Exhibit "A"

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 Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Payment in full in the amount of \$114,000.00 with interest from April 22, 2005.

Taxes delinquent in the sum of \$3,917.17, paid by the beneficiary, plus interest.

Claim of Lien to Jeld-Wen Communities in the amount of \$1,356.65 with interest from March 17, 2008.

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: \$114,000.00 as of April 22, 2005, plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 26, 2010 at the hour of 10 a.m. Standard time, as established by Section 187.110, Oregon Revised Statutes, at 635 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 said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs or their 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the amount of the principal of the loan plus such portion of the principal as would not them 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 Section 86.753 of Oregon Revised Statutes.

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.

Dated: December 17, 2009
Scott D. MacArthur, Successor Trustee
#11873 December 25, 2009, January 01, 08, 15, 2010.

