

2010-003078

Klamath County, Oregon



00080986201000030780030035

03/09/2010 10:06:36 AM

Fee: \$52.00

After recording return to:
Samuel A. Ramirez
17 NW Hawthorne Ste 2
Bend, OR 97701

AFFIDAVIT OF MAILING

and Affidavit of Publication

State of Oregon

)
) ss.
)

County of Klamath

I Samuel A. Ramirez, being first duly sworn, depose and say that I am the successor trustee

For a certain promissory Note and Trust Deed between Marvin L. Schenk and Tina L. Schenk as buyers, to Aspen Title and Escrow, Inc. as trustee, and in favor of Tom Prewitt and Jill Prewitt with full rights of survivorship, as seller/beneficiary dated December 9, 1997 and such trust deed was recorded on December 12, 1997 in the mortgage records of Klamath County, Oregon as recorder's fee/file/microfilm/reception Volume M97 Page 40425 covering the following described real property situated in Klamath County, Oregon to wit:

Lots 4A, 4B, 5A, 5B, 6A, and 6B Block 2, Railroad addition to the city of Klamath Falls, in the county of Klamath, State of Oregon
Code 1 Map 3809-33BB TL 1000

On or about November 1, 2009 notice of default and election to sell was mailed by both first class and certified mail with return receipt requested to the following persons at the following addresses

Marvin Schenk
240 Spring St
Klamath Falls OR 97601

Tina Schenk
240 Spring St
Klamath Falls, OR 97601

Martine Ginestar
P.O. Box 186
Bonanza, OR 97623

Internal Revenue Service
MS w245
915 2nd Ave
Seattle, WA 98174

Patty McGriff
CSK Auto, Inc
388 State St Ste 420
Salem, OR 97301

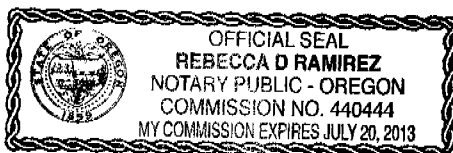
Campus Green Mobile Home Park
3611 N Hwy 97
Klamath Falls, OR 97601

Dated this 8 day of March, 2010

Samuel A. Ramirez, OSB 91088
Successor Trustee

SUBSCRIBED AND SWORN TO before me this 8th day of March, 2010.

Notary Public for Oregon.



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 # 11808

Notice of Default and Election to Sell

Schenk

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:

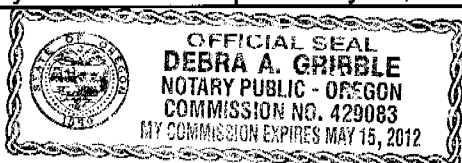
December 5, 12, 19, 26, 2009

Total Cost: \$1,107.71

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: December 28, 2009

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to certain promissory Note and Trust Deed between Marvin L. Schenk and Tina L. Schenk as buyers, to Aspen Title and Escrow, Inc. as trustee, and in favor of Tom Prewitt and Jill Prewitt with full rights of survivorship, as seller/beneficiary dated December 9, 1997 and such trust deed was recorded on December 12, 1997 in the mortgage records of Klamath County, Oregon as recorder's fee/file/microfilm/reception Volume M97 Page 40425 covering the following described real property situated in Klamath County, Oregon to wit:
Lots 4A, 4B, 5A, 5B, 6A, and 6B Block 2, Railroad addition to the city of Klamath Falls, in the county of Klamath, State of Oregon

Code 1 Map 3809-33BB TL 1000

There is default by the grantor or other person, or by their successor in interest, owing an obligation, the performance of which is secured by said Trust Deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,000.66 Beginning April 5, 1998; title expenses, costs, attorney fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

By reason of said default, the Beneficiaries, by and through their attorney, Samuel A. Ramirez, as successor trustee, has declared all sums owing on the obligation secured by said Trust Deeds immediately due and payable, said sums being the following, to wit \$125,345.04 with interest thereon at a rate of 12.0 Percent per annum beginning September 6, 2009; together with unpaid taxes, title expense, costs, attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

For additional information please contact:
Samuel A. Ramirez
17 NW Hawthorne Ste 2
Bend, OR 97701 (541) 322-0935

Notice is hereby given that the Beneficiary, by reason of said default, have elected and do hereby elect to foreclose the Trust Deeds by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described real property which the grantor had, or had the power to convey, at the time the grantor executed the Trust Deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by the Trust Deed and the expense of the sale, including the compensations of the Trustee as provided by law, and reasonable attorney fees. The sale will be held at the hour of 10:00 AM, in accordance with the standard of time established by ORS 187.110 on March 9, 2010 at the following place, 316 Main, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Notice if 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 every other default complained of herein by tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust Deeds, together with attorneys fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes 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 Deeds, and the word Beneficiary include their respective successors in interest, if any.

Dated this 5th day of September, 2009

Samuel A. Ramirez, OSB 91088
Successor Trustee

THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE FO THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.
#11808 December 5, 12, 19, 26, 2009.