

1st 148556D

2010-003436

Klamath County, Oregon



00081412201000034360090098

COVER SHEET

ORS: 205.234

03/17/2010 03:18:00 PM

Fee: \$87.00

This cover sheet has been prepared by the persons presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the transaction(s) contained in the instrument itself.

After recording, return to:

Robert A. Smejkal PC.
PO Box 654
Eugene OR 97440

The date of the instrument attached is November 17, 2009.

1) NAMES(S) OF THE INSTRUMENT(S) required by ORS 205.234(a)

Affidavit of Publication Affidavit of Service
Affidavit of Mailing Trustees Notice
 Notice to Tenants

2) PARTY(IES)/GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160:

Evelyn V. Fandrey Jeffrey B. Palmer

3) PARTY(IES)/GRANTEE, required by ORS 205.125(1)(b) and ORS 205.160

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

\$ _____

5) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERK'S LIEN RECORDS, ORS 205.121(1)(c)

6) RE-RECORDED to correct: _____
Previously recorded as: _____

✓

After recording, return to:
Robert A. Smejkal, P.C.
Attorney at Law
PO Box 654
Eugene, OR 97440

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 # 11971

Trustee's Notice of Sale

Palmer/Fandrey

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:

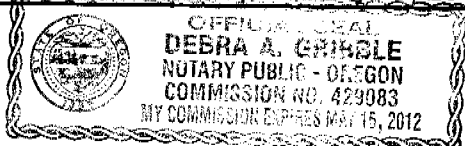
February 06, 13, 20, 27, 2010

Total Cost: \$1,402.49

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: March 1, 2010

Debra A Grindle
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby. A. PARTIES TO THE TRUST DEED: Grantor: EVELYN V. FANDREY, Trustee: ROBERT A. SMEJKAL, Attorney at Law, Beneficiary: JEFFREY B. PALMER B. DESCRIPTION OF THE PROPERTY: "LOTS 1, 2, 3, 4, 9, 10, 11, 12 & 22, ALL IN BLOCK 40, CRESCENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE KLAMATH CLERK, KLAMATH COUNTY, OREGON." C. TRUST DEED INFORMATION: Dated: April 16, 2007, Recording Date: April 16, 2007, Recording Book: Volume 2007, Page 000066, Recording Place: Records of Klamath County, Oregon. D. DEFAULT: The Grantor is in default and the Beneficiary elects to foreclose the Trust Deed for failure to pay: (1) monthly payments in the amount of \$700.00 each, commencing with the payment due May 16, 2009, and continuing each month thereafter; and (2) real property taxes for 2008-2009 in the amount of \$274.33, plus interest, and 2009-2010 in the amount of \$277.53, plus interest. E. AMOUNT DUE: By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount of \$70,000.00, plus interest at the rate of 12% per annum from April 16, 2009, until paid; plus late fees, foreclosure costs and attorney fees, and amounts, if any, advanced by the Beneficiary pursuant to the terms of the Trust Deed and/or applicable law. F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiary and the Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor or successor in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of the Trustee's attorney. G. DATE, TIME AND PLACE OF SALE: Date & Time: March 30, 2010, at 11:00 a.m. Place: Inside the front entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon. H. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee of the entire amount then due (other than a 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 by tendering the performance necessary to cure the default, by paying all costs and expenses to the Trustee actually incurred by the Beneficiary and the Trustee in enforcing the obligation and Trust Deed, together with the Trustee's fees and attorney's fees. I. NOTICE: The Federal Fair Debt Practices Act requires we state that this is an attempt to collect a debt and any information obtained will be used for that purpose. J. MISCELLANEOUS: In construing this Notice

purpose. J. MISCELLANEOUS: 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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

NOTICE TO TENANTS:

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed-term lease, the purchase may require you to move out after giving you a 30 day notice on or after the date of the sale. If you have a fixed term lease, you may be entitled to receive after the date of the sale a 60 day notice of the purchaser's requirement that you move out. To be entitled to either a 30 day or 60 day notice, you must give the Trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed term lease, you must give the Trustee a copy of the rental agreement. If you do not have a fixed term lease and cannot provide a copy of the rental agreement, you may give the Trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is February 28, 2010. The name of the Trustee and the Trustee's mailing address are listed on this notice. Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law. You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included in this notice. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 1-888-610-8764. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 1-503-684-3763, or toll free in Oregon at 1-800-452-7636, or you may visit its website at www.os-bar.org/public/ris/ris.html. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.lawhelp.org/program/694/index.cfm>.

DATED: November 16, 2009 Robert A. Smejkal, Trustee

DATED this 16th day of November, 2009. ROBERT A. SMEJKAL, Trustee, PO Box 654, Eugene, OR 97440.
#11971 February 06, 13, 20, 27, 2010.

After recording, return to:
ROBERT A. SMEJKAL, P.C.
PO Box 654
Eugene, OR 97440

Re Trust Deed from Grantor:
EVELYN V. FANDREY
PO Box 28
Crescent, OR 97733

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Lane) ss.

I, ROBERT A. SMEJKAL, being first duly sworn, depose and say that:

At all times hereinafter mentioned, I was and am a resident of the State of Oregon, a competent person over the age of eighteen years, and not the Beneficiary nor the Beneficiary's successor in interest named in the attached original Trustee's Notice of Sale given under the terms of that certain Deed described in the Trustee's Notice of Sale.

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

Name	Address	Date
Evelyn V. Fandrey	PO Box 28 Crescent, OR 97733	November 17, 2009

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 have 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 set forth in ORS 86.785.

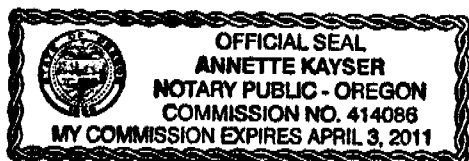
Each of the notices so mailed was certified to be a true copy of the original Trustee's Notice of Sale by ROBERT A. SMEJKAL, Attorney for the Trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Eugene, Oregon, on the date or dates indicated herein. 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 was recorded.

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


ROBERT A. SMEJKAL

STATE OF OREGON, County of Lane) ss.

SUBSCRIBED AND SWORN to before me this 17th day of November, 2009, by
ROBERT A. SMEJKAL.




NOTARY PUBLIC FOR OREGON

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

AFFIDAVIT OF SERVICE

Trustee's Notice of Sale; Notice to Tenants

Case Number: NO VENUE

Beneficiary:

JEFFREY B PALMER

vs.

Grantor:

EVELYN V. FANDREY

For:

Robert Smejkal
ROBERT A. SMEJKAL P.C.
696 Country Club Road
P.O. Box 654
Eugene, OR 97440

Received by Tri-County Legal Process Service, Inc. to be served on **OCCUPANTS, 322 JONES STREET, CRESCENT, OR 97733.**

I, Robert Donahou, being duly sworn, depose and say that on the **22nd day of November, 2009 at 6:02 am, I:**

I made service of Trustee's Notice of Sale; Notice to Tenants upon the individuals and/or entities named below by delivering a copy of the Trustee's Notice of Sale; Notice to Tenants, upon an OCCUPANT at the following Property Address: 322 JONES STREET, CRESCENT, OR 97733 in the manner of:

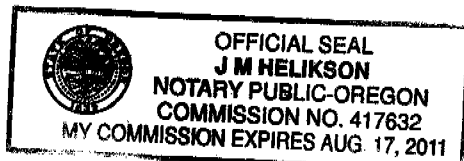
On 11/22/2009 at 6:02 am, I attempted personal service at the Property Address. At that time, I POSTED such copy conspicuously at the property address, pursuant to ORS 86.750 (1)(b)(A).

On 11/25/2009, at 9:18 am, I returned to the Property address. At that time, I POSTED another such copy conspicuously at the property address pursuant to ORS 86.750 (1)(b)(B).


On 11/28/2009 at 12:22 pm, I returned to the Property address. At that time, I POSTED another such copy conspicuously at the property address, pursuant to ORS 86.750 (1)(b)(C)

See Declaration of Mailing attached hereto as Exhibit "1."

I certify that I am a competent person, over the age of 18, a resident of the State of Oregon, not a party or an officer, director, or employee of, nor an attorney for any party, corporate or otherwise.



Subscribed and Sworn to before me on the 30th day of November, 2009 by the affiant who is personally known to me.


NOTARY PUBLIC


Robert Donahou
Process Server

Tri-County Legal Process Service, Inc.
P.O. Box 309
Bend, OR 97709
(541) 317-5680

Our Job Serial Number: 2009018172

Exhibit "1"

ATTORNEY OR PARTY WITHOUT ATTORNEY: Robert Smejkal ROBERT A. SMEJKAL P.C. 696 Country Club Road P.O. Box 654 Eugene, OR 97440 TELEPHONE NO.: (541) 345-3330 ATTORNEY FOR:	FOR COURT USE ONLY
COURT OF , COUNTY OF	
BENEFICIARY: JEFFREY B PALMER GRANTOR: EVELYN V. FANDREY	CASE NUMBER: NO VENUE
DECLARATION OF MAILING	Ref. No. or File No.:

- I, , am at least 18 years of age and not a party to this action.
- Documents mailed:
 Trustee's Notice of Sale; Notice to Tenants
- A true copy of the documents were sealed in an envelope and placed in the United States mail with First Class postage prepaid as follows:

Date:
 Location:
 Addressed:

11/30/09
 Bend, OR 97701
 OCCUPANTS
 322 JONES STREET
 CRESCENT, OR 97733

- Person performing mailing:

Name:
 Firm: Tri-County Legal Process Service, Inc.
 Address: P.O. Box 309
 Bend, OR 97709
 Telephone number: (541) 317-5680

- I declare under penalty of perjury under the laws of the State of that the foregoing is true and correct.

Date:

11/30/2009

JEANNE HARRISON
 (PRINTED NAME)

[Signature]
 (SIGNATURE)

TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby.

A. PARTIES TO THE TRUST DEED:

Grantor: EVELYN V. FANDREY
Trustee: ROBERT A. SMEJKAL, Attorney at Law
Beneficiary: JEFFREY B. PALMER

B. DESCRIPTION OF THE PROPERTY:

"LOTS 1, 2, 3, 4, 9, 10, 11, 12 & 22, ALL IN BLOCK 40, CRESCENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE KLAMATH CLERK, KLAMATH COUNTY, OREGON."

C. TRUST DEED INFORMATION:

Dated: April 16, 2007
Recording Date: April 16, 2007
Recording Nos.: Volume 2007, Page 006953
Recording Place: Records of Klamath County, Oregon.

D. DEFAULT: The Grantor is in default and the Beneficiary elects to foreclose the Trust Deed for failure to pay: (1) monthly payments in the amount of \$700.00 each, commencing with the payment due May 16, 2009, and continuing each month thereafter; and (2) real property taxes for 2008-2009 in the amount of \$274.33, plus interest, and 2009-2010 in the amount of \$277.53, plus interest.

E. AMOUNT DUE: By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount of \$70,000.00, plus interest at the rate of 12% per annum from April 16, 2009, until paid; plus late fees, foreclosure costs and attorney fees, and amounts, if any, advanced by the Beneficiary pursuant to the terms of the Trust Deed and/or applicable law.

F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiary and the Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor or successor in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of the Trustee's attorney.

G. DATE, TIME AND PLACE OF SALE:

Date & Time: March 30, 2010, at 11:00 a.m.
Place: Inside the front entrance of the Klamath County Courthouse,
316 Main Street, Klamath Falls, Oregon

H. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee of the entire amount then due (other than a 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 by tendering the performance necessary to cure the default, by paying all costs and expenses to the Trustee actually incurred by the Beneficiary and the Trustee in enforcing the obligation and Trust Deed, together with the Trustee's fees and attorney's fees.

- I. **NOTICE:** The Federal Fair Debt Practices Act requires we state that this is an attempt to collect a debt and any information obtained will be used for that purpose.
- J. **MISCELLANEOUS:** 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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

DATED this 16th day of November, 2009.



ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane) ss.

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

Attorney for said Trustee

TRUSTEE:

Robert A. Smejkal
PO Box 654
Eugene, OR 97440
Toll Free: 1-877-345-3339

NOTICE TO TENANTS:

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchase may require you to move out after giving you a 30 day notice on or after the date of the sale.

If you have a fixed term lease, you may be entitled to receive after the date of the sale a 60 day notice of the purchaser's requirement that you move out.

To be entitled to either a 30 day or 60 day notice, you must give the Trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed term lease, you must give the Trustee a copy of the rental agreement. If you do not have a fixed term lease and cannot provide a copy of the rental agreement, you may give the Trustee other written evidence of the existence of the rental agreement. **The date that is 30 days before the date of the sale is February 28, 2010.** The name of the Trustee and the Trustee's mailing address are listed on this notice.

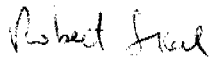
Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included in this notice.

For the name and telephone number of an organization near you, please call the statewide telephone contact number at 1-888-610-8764. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 1-503-684-3763, or toll free in Oregon at 1-800-452-7636, or you may visit its website at www.osbar.org/public/ris/ris.html. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.lawhelp.org/program/694/index.cfm>.

DATED: November 16, 2009



Robert A. Smejkal, Trustee