

UTC 83754

2010-004929

Klamath County, Oregon



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04/26/2010 11:30:02 AM

Fee: \$87.00

AFTER RECORDING, RETURN TO:  
Michael P. Kearney, P.C.  
Attorney at Law  
800 Willamette Street, Suite 800  
P.O. Box 1758  
Eugene, OR 97440-1758

**PROOF OF SERVICE AND AFFIDAVIT OF MAILING TRUSTEE'S  
NOTICE OF SALE AND OF NON-MILITARY SERVICE**

STATE OF OREGON                    )  
  : ss.  
County of Lane                    )

I, MICHAEL P. KEARNEY, 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 its successor in interest named in the original Notice of Sale given under the terms of that certain Trust Deed (herein the "Trust Deed") made by Mark A. Losco and Julie A. Losco, as Grantor, to Western Title & Escrow Company of Lane County, Trustee, and Paul W. Scharn and Scott A. Scharn and Debra Rae Baas and Marilyn L. Spores, each as to an undivided  $\frac{1}{4}$  interest as tenants in common, as the Beneficiary recorded September 25, 2006, in the Microfilm Records of Klamath County, Volume 2006, page 019190, covering real property described on the attached Exhibit A (herein the "real property").

The real property is located at the address commonly known as 139834 Dorothy Lane, Crescent Lake, Oregon 97733.

A Substitution of Trustee was recorded on January 19, 2010 as Reception No. 2010-000613, which provides that Michael P. Kearney, Attorney at Law, was substituted as Trustee under such Trust Deed.

I gave notice of the sale of the real property described in the 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:

<i>Name</i>	<i>Address</i>
Julie A. Losco	330 Crest Drive Eugene, OR 97405
Mark A. Losco	1670 West 11 <sup>th</sup> Avenue Eugene, OR 97402

Such persons include the Grantor in the Trust Deed, any successor in interest to the Grantor whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice, and any person requesting notice, as required by ORS 86.785.

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Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by MICHAEL P. KEARNEY, the Trustee named in such 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 Eugene, Oregon, on January 19, 2010. 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 accomplish the same. Each of such notices was mailed after the Notice of Default and Election to Sell described in such Notice of Sale was recorded and at least 120 days before the day fixed in such notice by the Trustee for the Trustee's sale.

Grantor was not at the time of mailing the Trustee's Notice of Sale on January 19, 2010, and is not now, in the military service of the United States or its allies, and is not and was not a minor or an incapacitated person.

Michael P. Kearney  
Michael P. Kearney, Attorney at Law  
Successor Trustee

Subscribed and sworn to before me this 22<sup>nd</sup> day of April, 2010.



Lisa M. Stevenson  
Notary Public for OREGON  
My Commission Expires: 6/21/13

## EXHIBIT A

A tract of land situated in the NW1/4 SE1/4 of Section 18, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron rod on the East line of SE1/4 NW1/4 of SE1/4 of Section 18, said rod being South thereon a distance of 840.0 feet, from an iron rod marking the Southeast corner of the SE1/4 SW1/4 NE1/4 of Section 18; thence West a distance of 289.10 feet, more or less, to an iron rod; thence continuing West along this line a distance of 4.0 feet, more or less, to the margin of Crescent Creek; thence continuing West along this line a distance of 20.0 feet, more or less, to the centerline of said creek; thence Northerly along said centerline to the intersection of said centerline with a line running East parallel with and 60.0 feet North of the 1<sup>st</sup> course thence East along this line a distance of 15.0 feet, more or less, to the margin of Crescent Creek; thence continuing East along this line a distance of 6.0 feet, more or less, to an iron rod; thence continuing East along this line a distance of 288.20 feet, more or less, to the East line of the SE1/4 NW1/4 SE1/4 of Section 18; thence South along this line a distance of 60.00 feet, to the point of beginning.

AFTER RECORDING RETURN TO:  
Michael P. Kearney P.C.  
Attorney at Law  
800 Willamette Street, Suite 800  
P.O. Box 1758  
Eugene, OR 97440-1758

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**TRUSTEE'S NOTICE OF SALE**

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Reference is made to that certain Trust Deed (herein the "Trust Deed") made by Mark A. Losco and Julie A. Losco, as Grantor, to Western Title & Escrow Company of Lane County, Trustee, with Paul W. Scharn and Scott A. Scharn and Debra Rae Baas and Marilyn L. Spores, each as to an undivided  $\frac{1}{4}$  interest as tenants in common, as the Beneficiary recorded September 25, 2006, in the Microfilm Records of Klamath County, Volume 2006, page 019190, covering real property described as follows (herein the "real property"):

A tract of land situated in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 18, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron rod on the East line of SE $\frac{1}{4}$  NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 18, said rod being South thereon a distance of 840.0 feet, from an iron rod marking the Southeast corner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 18; thence West a distance of 289.10 feet, more or less, to an iron rod; thence continuing West along this line a distance of 4.0 feet, more or less, to the margin of Crescent Creek; thence continuing West along this line a distance of 20.0 feet, more or less, to the centerline of said creek; thence Northerly along said centerline to the intersection of said centerline with a line running East parallel with and 60.0 feet North of the 1<sup>st</sup> course thence East along this line a distance of 15.0 feet, more or less, to the margin of Crescent Creek; thence continuing East along this line a distance of 6.0 feet, more or less, to an iron rod; thence continuing East along this line a distance of 288.20 feet; more or less, to the East line of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 18; thence South along this line a distance of 60.00 feet, to the point of beginning.

The real property is located at the address commonly known as 139834 Dorothy Lane, Crescent Lake, OR 97733.

A Substitution of Trustee was recorded on January 19, 2010, as Reception No. 2010-000613, which provides that Michael P. Kearney, Attorney at Law, was substituted as Trustee under such Trust Deed.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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: Payment of \$120,000 due and payable September 25, 2008, plus interest at the rate of 8.5% per annum from September 18, 2006 and continuing each day thereafter until paid.

By reason of this default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable which is \$120,000, plus accrued interest and costs of foreclosure to the date of payment.

Notice is given that the undersigned trustee will on June 28, 2010 at the hour of 10:00 a.m., in accordance with the standard of time established by ORS 187.110, at the Klamath County Courthouse, 316 Main Street, City of, Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property which the grantor had or had power to convey at the time of the execution by him of the trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of the 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 such 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.

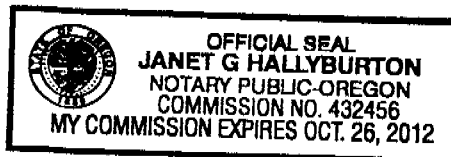
DATED: January 19, 2010.

*Michael P. Kearney*

Michael P. Kearney  
Attorney at Law, Successor Trustee  
800 Willamette Street, Suite 800  
P.O. Box 1758  
Eugene, OR 97440  
(541)485-8888

STATE OF OREGON     )  
                              : ss.  
County of Lane        )

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Trustee's notice of sale.



*Janet G. Hallyburton*  
Notary Public for Oregon  
My commission expires: 10-26-2012

## **NOTICE**

### **(Regarding the Attached Trustee's Notice of Sale)**

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
2. The names of the creditors to whom the debt is owed are: Paul W. Scharn and Scott A. Scharn and Debra Rae Baas and Marilyn L. Spores
3. THE DEBT DESCRIBED IN THE ATTACHED TRUSTEE'S NOTICE OF SALE WILL BE ASSUMED TO BE VALID UNLESS WITHIN 30 DAYS AFTER THE RECEIPT OF THIS NOTICE THE PERSON(S) OBLIGATED OR ALLEGEDLY OBLIGATED TO PAY THE DEBT DISPUTES IN WRITING THE VALIDITY OF THE DEBT OR SOME PORTION OF IT.
4. If the Successor Trustee is notified in writing within the 30 day period that the debt or some portion of it is disputed, the Successor Trustee will obtain verification of the debt. Then, a copy of the verification will be mailed by the Successor Trustee to the person(s) notifying him of the dispute. Any information obtained will be used for collection of the debt.
5. Upon written request within the 30 day period, the Successor Trustee will provide the name and address of the original creditor if different than the current creditor named in paragraph 2 above.
6. Written requests to the Successor Trustee should be delivered to:

**MICHAEL P. KEARNEY, P.C.**

Attorney at Law

P.O. Box 1758

Eugene, OR 97440-1758

AFTER RECORDING RETURN TO:  
Michael P. Kearney P.C.  
Attorney at Law  
800 Willamette Street, Suite 800  
P.O. Box 1758  
Eugene, OR 97440-1758

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**TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY**

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STATE OF OREGON     )  
                                      : ss.  
County of Lane         )

I, Michael P. Kearney, being first duly sworn, depose, and say and certify that:

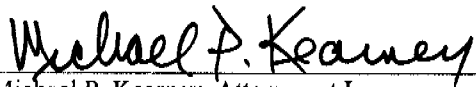
At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or its successor in interest named in the original Notice of Sale given under the terms of that certain Trust Deed (herein the "Trust Deed") made by Mark A. Losco and Julie A. Losco, as Grantor, to Western Title & Escrow Company of Lane County, Trustee, and Paul W. Scharn and Scott A. Scharn and Debra Rae Baas and Marilyn L. Spores, each as to an undivided ¼ interest as tenants in common, as the Beneficiary recorded September 25, 2006, in the Microfilm Records of Klamath County, Volume 2006, page 019190, covering real property described on the attached Exhibit A (herein the "real property").

The real property is located at the address commonly known as 139834 Dorothy Lane, Crescent Lake, Oregon 97733.

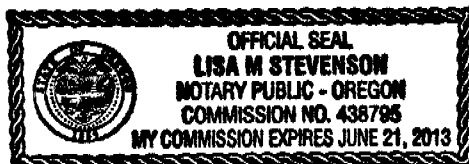
A Substitution of Trustee was recorded on January 19, 2010 as Reception No. 2010-000613, which provides that Michael P. Kearney, Attorney at Law, was substituted as Trustee under such Trust Deed.


I hereby certify that on January 19, 2010, other than the Grantor of the above mentioned Trust deed, who was personally served with a Notice of Sale as required by ORS 86.740, the above described real property was not otherwise occupied.

The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.

  
\_\_\_\_\_  
Michael P. Kearney, Attorney at Law  
Successor Trustee

Subscribed and sworn to before me this 22<sup>nd</sup> day of April, 2010.



  
\_\_\_\_\_  
Notary Public for OREGON  
My Commission Expires: 6/21/13

## EXHIBIT A

A tract of land situated in the NW1/4 SE1/4 of Section 18, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron rod on the East line of SE1/4 NW1/4 of SE1/4 of Section 18, said rod being South thereon a distance of 840.0 feet, from an iron rod marking the Southeast corner of the SE1/4 SW1/4 NE1/4 of Section 18; thence West a distance of 289.10 feet, more or less, to an iron rod; thence continuing West along this line a distance of 4.0 feet, more or less, to the margin of Crescent Creek; thence continuing West along this line a distance of 20.0 feet, more or less, to the centerline of said creek; thence Northerly along said centerline to the intersection of said centerline with a line running East parallel with and 60.0 feet North of the 1<sup>st</sup> course thence East along this line a distance of 15.0 feet, more or less, to the margin of Crescent Creek; thence continuing East along this line a distance of 6.0 feet, more or less, to an iron rod; thence continuing East along this line a distance of 288.20 feet; more or less, to the East line of the SE1/4 NW1/4 SE1/4 of Section 18; thence South along this line a distance of 60.00 feet, to the point of beginning.

# 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 # 12121

Trustee's Notice of Sale

Losco

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:

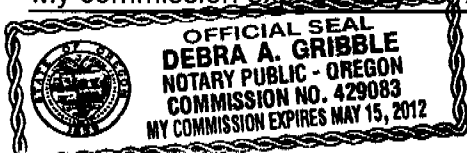
March 21, 28, April 4, 11, 2010

Total Cost: \$965.93

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: April 12, 2010

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed (herein the "Trust Deed") made by Mark A. Losko and Julie A. Losko, as Grantor, to Western Title & Escrow Company of Lane County, Trustee, with Paul W. Scham and Scott A. Scham and Debra Rae Baas and Marilyn L. Spores, each as to an undivided 25% interest as tenants in common, as the Beneficiary recorded September 25, 2006, in the Microfilm Records of Klamath County, Volume 2006, page 019190, covering real property described as follows (herein the "real property"): A tract of land situated in the NW1/4 SE1/4 of Section 18, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at an iron rod on the East line of SE 1/4 NW1/4 of SE1/4 of Section 18, said rod being South thereon a distance of 840.0 feet, from an iron rod marking the South-east corner of the SE1/4 SW1/4 NE1/4 of Section 18; thence West a distance of 289.10 feet, more or less, to an iron rod; thence continuing West along this line a distance of 4.0 feet more or less to the margin of Crescent Creek; thence continuing West along this line a distance of 20.0 feet, more or less, to the centerline of said creek; thence Northerly along said centerline to the intersection of said centerline with a line running East parallel with and 60.0 feet North of the 1st course thence East along this line a distance of 15.0 feet, more or less, to the margin of Crescent Creek; thence continuing East along this line a distance of 6.0 feet, more or less, to an iron rod; thence continuing East along this line a distance of 288.20 feet; more or less, to the East line of the SE1/4 NW1/4 SE1/4 of Section 18; thence South along this line a distance of 60.00 feet, to the point of beginning. The real property is located at the address commonly known as 139834 Dorothy Lane, Crescent Lake, OR, 97733. A Substitution of Trustee was recorded on January 19, 2010, as Reception No. 2010-000613, which provided that Michael P. Kearney, Attorney at Law, was substituted as Trustee under such Trust Deed.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(9): the default for which the foreclosure is made is grantor's failure to pay when due the following sums: Payment of \$120,000 due and payable September 25, 2008, plus interest at the rate of 8.5% per annum from September 18, 2006 and continuing each day thereafter until paid.

By reason of this default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable which is \$120,000, plus accrued interest and costs of foreclosure to the date of payment.

Notice is given that the undersigned trustee will on June 28, 2010 at the hour of 10:00 a.m., in accordance with the standard of time established by ORS 187.110, at the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property which the grantor had or had power to convey at the time of the execution by him of the trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of the 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 such 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.

DATED: January 19, 2010.  
MICHAEL P. KEARNEY, Attorney at Law, Successor Trustee  
800 Willamette Street, Suite 800 Attorney at Law, Successor  
Trustee P.O. Box 1758 Eugene, OR 97440  
#12121 March 21, 28, April 4, 11, 2010.