

WTC 87134

2010-009118

Klamath County, Oregon



00088088201000091180100109

08/02/2010 03:28:49 PM

Fee: \$87.00

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED
BY THE PERSON REPRESENTING 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:

John D. Albert
Albert & Tweet, LLP
P.O. Box 968
Salem, OR 97308

1. Name(s) of the Transaction(s):

Affidavit of Mailing Trustee's Notice of Sale
Affidavit of Publication
Trustee's Affidavit of Non Occupancy

2. Direct Party (Grantor):

Antonio Silveira and Monica Silveira

3. Indirect Party (Grantee):

4. True and Actual Consideration Paid:

n/a

5. Legal Description:

See attached

87AMf

AFTER RECORDING RETURN TO:

John D. Albert
Albert & Tweet, LLP
PO Box 968
Salem, OR 97308

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
AND COMPLIANCE WITH ORS 86.737**

STATE OF OREGON)
) ss.
County of Marion)

I, John D. Albert, being first duly sworn, depose and say that at all times mentioned I was and now am a resident of the State of Oregon, a competent person, over 18 years of age, and not the beneficiary or its successor in interest named in the attached original Trustee's Notice of Sale given under the terms of the trust deed described in the notice.

I am the Successor Trustee in that certain Trust Deed executed, and delivered by Antonio Silveira and Monica Silveira, husband and wife, as Grantors, to John D. Albert, Successor Trustee to Amerititle, as Trustee, in which Northwest Farm Credit Services, FLCA, is Beneficiary, dated August 13, 2008, and recorded August 14, 2008, in Microfilm Record No. 2008-011552, of the Records of Klamath County, Oregon ("the Trust Deed"), covering the following described real property situated in said County and State:

PARCEL 1 - The NW1/4 NE1/4 and SW1/4 NE1/4 Section 30, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon. AND the NW1/4 SE1/4 Section 30, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying North of the following described line: Beginning at a point on the centerline of Haskins Road, being accepted as the West line of said NW1/4 SE1/4, said point being North 00°39'36" East 2184.0 feet from the South quarter corner of said Section 30, said quarter corner being marked by a P K nail 29.00 feet West of a 1" iron pipe as per Survey No. 1713 and Major Land Partition No. 3-88 thence East 1320 feet, more or less, to a point on the East line of said NW1/4 SE1/4 with bearings based on said Survey No. 1713. **PARCEL 2** -SW1/4 SE1/4 of Section 19, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

MAILING TRUSTEE NOTICE OF SALE:

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, return receipt requested, to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, as follows:

Antonio & Monica Silveira
PO Box 3481
Turlock, CA 95381

USA, Farm Service Agency
US Dept. Of Agriculture
Dwight C. Holton, US Attorney
1000 SW Third Ave., Suite 600
Portland, OR 97204

United States of America
USA, Farm Service Agency
Attorney General for the US
Dept. Of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001

US Dept. Of Agriculture
3422 W. Hammer Lane, Suite C
Stockton, CA 95219

Bar Ale, Inc.
c/o Michael P. Rudd
Attorney at Law
411 Pine St.
Klamath Falls, OR 97601

Bar Ale, Inc.
c/o Tracy A. Lewis
869 Oxford St.
Yuba City, Ca 95991

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 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 mailed was certified to be a true copy of the original notice of sale by me, John D. Albert, successor trustee, as named in the notice.

COMPLIANCE WITH ORS 86.737

I hereby certify that this property is not subject to a residential trust deed. ORS 86.737 is not applicable.

ALL MAILINGS DESCRIBED HEREIN:

Each of the above described mailed notices was contained in a sealed envelope, with postage fully prepaid, and was deposited by me in the United States post office at Salem, Oregon, on March 16, 2010. With respect to each person listed above, one set of notices was mailed with postage sufficient for first class delivery to the address indicated, and another set of notices was mailed by certified mail with a proper form to request and obtain a return receipt and with postage sufficient to accomplish the same. Each set of notices was mailed after the notice of default and election to sell described in the notice of sale was recorded. Copies of the return receipts for the certified mailings are attached.

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 26th day of July, 2010.



Mary Beth Farrand
Notary Public for Oregon P:\bfbcb\silveiramailcomplianceaff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. 26262

1. Article Addressed to:

USA, Farm Service Agency
US Dept. of Agriculture
Dwight C. Bolton, US Attorney
1000 SW Third Ave, Suite 600
Portland, OR 97204

2. Article Number

(Transfer from service label)

7008 2810 0001 5180 5367

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature



- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

Candace McLammon

C. Date of Delivery

3/17/10

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒
- Certified Mail
- ☐
- Express Mail
-
- ☐
- Registered
- ☐
- Return Receipt for Merchandise
-
- ☐
- Insured Mail
- ☐
- C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. 26262

1. Article Addressed to:

Bar Ale, Inc.
c/o Michael P. Radd
Attorney at Law
400 Pine St.
Klamath Falls, OR 97601

2. Article Number

(Transfer from service label)

7008 1300 0002 4917 1320

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature



- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

K. Bader

C. Date of Delivery

3-19-10

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒
- Certified Mail
- ☐
- Express Mail
-
- ☐
- Registered
- ☐
- Return Receipt for Merchandise
-
- ☐
- Insured Mail
- ☐
- C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. 26262

1. Article Addressed to:

Antonio & Monica Silvera
PO Box 3481
Turlock, CA 95381

2. Article Number

(Transfer from service label)

7008 1300 0002 4917 1337

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature



- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

Monica Silvera

C. Date of Delivery

3/17/10

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒
- Certified Mail
- ☐
- Express Mail
-
- ☐
- Registered
- ☐
- Return Receipt for Merchandise
-
- ☐
- Insured Mail
- ☐
- C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

CERTIFIED MAIL™

ALBERT & TWEET, LLP

LAWYERS

242 Church St. SE

PO Box 968

Salem, OR 97308

Address Service Requested

2
1
320



7008 1300 0002 4917 1344



UNITED STATES POSTAGE
\$006.540
02 1P
0002847840 MAR 16 2010
MAILED FROM ZIP CODE 97301

RETURN RECEIPT
REQUESTED

Bar Ale, Inc.
c/o Tracy A. Lewis
869 Crawford Ct
Yuba

NIXIE

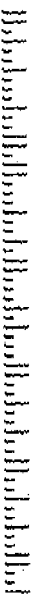
557 DE 1

00 03/24/10

RETURN TO SENDER
NO SUCH NUMBER
UNABLE TO FORWARD

EC: 97308096668 *2772-09217-24-09

00001307308096668



SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

United States of America
Attorney General for the US
Dept. of Justice
450 Pennsylvania Ave NW
Washington, DC 20535-0001

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
X

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

MAR 23 2010

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

USA Farm Service Agency
US Dept of Agriculture
3422 W. 4th Avenue, Suite C
Stockton, CA 95219

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
X *Sharon Baitsky*

B. Received by (Printed Name) C. Date of Delivery
Sharon Baitsky 3/22/10

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number (Transfer from service label) 7008 1300 0002 4917 1351

Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

Article Number (Transfer from service label)

Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

7008 2810 0001 5180 5343

TRUSTEE'S NOTICE OF SALE

Antonio Silveira and Monica Silveira, as Grantors, made, executed, and delivered to John D. Albert, Successor Trustee to Amerititle, as Trustee, in favor of Northwest Farm Credit Services, FLCA, as Beneficiary, that certain trust deed dated August 13, 2008, and recorded August 14, 2008, in Microfilm Record No. 2008-011552, of the Records of Klamath County, Oregon ("the Trust Deed"), covering the following described real property situated in said County and State:

PARCEL 1 - The NW1/4 NE1/4 and SW1/4 NE1/4 Section 30, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon. AND the NW1/4 SE1/4 Section 30, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying North of the following described line: Beginning at a point on the centerline of Haskins Road, being accepted as the West line of said NW1/4 SE1/4, said point being North 00°39'36" East 2184.0 feet from the South quarter corner of said Section 30, said quarter corner being marked by a P K nail 29.00 feet West of a 1" iron pipe as per Survey No. 1713 and Major Land Partition No. 3-88 thence East 1320 feet, more or less, to a point on the East line of said NW1/4 SE1/4 with bearings based on said Survey No. 1713.

PARCEL 2 -SW1/4 SE1/4 of Section 19, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

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 ORS 86.735(3); the default for which the foreclosure is made is grantors' failure to keep the property insured and pay when due the February installment according to the terms of their promissory note, secured by the trust deed described above, namely:

\$146.25	Storage fees as of 3/1/10 (and continuing monthly thereafter)
2,012.47	First Quarter LSI Insurance as of 3/1/10 (and continuing quarterly thereafter)
8,164.54	February Installment payment
105.02	Default interest from 2/1/10 to 3/1/10
390.00	Plumbing fees
<u>1,604.00</u>	Foreclosure report
\$12,442.28	TOTAL PAST DUE MARCH 1, 2010*

By power given the Beneficiary under the Trust Deed, Beneficiary herewith declare all sums due under the Trust Deed to be immediately due, owing, and payable without further demand. The true amount due and owing the Beneficiary by the Grantor herein, is as follows:

\$1,014,051.55	unmatured principal
6,495.49	accrued, unpaid interest on unmatuerd principal to 3/1/10
146.25	Storage fees as of 3/1/10 (and continuing monthly thereafter)
2,012.47	First Quarter LSI Insurance as of 3/1/10 (and continuing monthly thereafter)
8,164.54	February Installment payment
105.02	Default interest from 2/1/10 to 3/1/10
390.00	Plumbing fees
1,604.00	foreclosure report
<u>55,024.04</u>	Prepayment fee (estimate & is subject to change)
1,087,993.36*	Balance due on Trust Deed as March 1, 2010 , interest accrues thereafter at the rate of 12.35% per annum on \$1,032,864.30 (balance less \$105.02 default interest), from March 1, 2010, until paid in full.

After Recording Return To:
John D. Albert
PO Box 968
Salem, OR 97308

TRUSTEES NOTICE OF SALE - PAGE 1

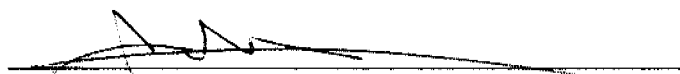
*On March 3, 2010, stock in the amount of \$1,000 will be retired and applied against the outstanding balance.

Notice is hereby given that the undersigned will on **Wednesday, August 11, 2010, at 11:00 o'clock a.m.**, Pacific Time, on the front steps of the **Klamath County Courthouse, Klamath Falls, Oregon**, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantors had or had power to convey at the time of the execution by them 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 to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had not default occurred), together with costs, trustee's and attorney's fees as provided by ORS 86.753, and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation of the trust deed at any time prior to five (5) days before the date set for said sale.

In construing this notice and whenever the context hereof so requires, 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 each and all other persons owing an obligation, the performance of which is secured by the Trust Deed, the word "Trustee" includes any successor trustee, and the word "Beneficiary" includes any successor in interest of the Beneficiary first named above.

DATED this 16th day of March, 2010.


John D. Albert, Successor Trustee
PO Box 968
Salem, Or 97308

State of Oregon, County of Marion) ss.

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

John D. Albert, Successor Trustee

SERVE:

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 # 12383

Trustee's Notice of Sale

Silveria

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:

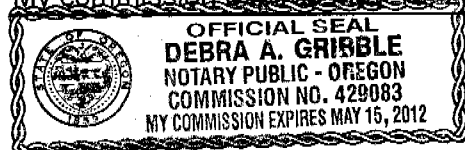
June 3, 10, 17, 24, 2010

Total Cost: \$1,013.07

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: June 25, 2010

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Antonio Silveira and Monica Silveira, as Grantors, made, executed, and delivered to John D. Albert, Successor Trustee to Amerititle, as Trustee, in favor of Northwest Farm Credit Services, FLCA, as Beneficiary, that certain trust deed dated August 13, 2008, and recorded August 14, 2008, in Microfilm Record No. 2008-011552, of the Records of Klamath County, Oregon ("the Trust Deed"), covering the following described real property situated in said County and State:
PARCEL 1 - The NW1/4 NE1/4 and SW1/4 NE1/4 Section 30, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon. AND the NW1/4 SE1/4 Section 30, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying North of the following described line: Beginning at a point on the cen-

terline of Haskins Road, being accepted as the West line of said NW1/4 SE1/4, said point being North 00°39'36" East 2184.0 feet from the South quarter corner of said Section 30, said quarter corner being marked by a P K nail 29.00 feet West of a 1" Iron pipe as per Survey No. 1713 and Major Land Partition No. 3-88 thence East 1320 feet, more or less, to a point on the East line of said NW1/4 SE1/4 with bearings based on said Survey No. 1713.

PARCEL 2 -SW1/4 SE1/4 of Section 19, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon. 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 ORS 86.735(3); the default for which the foreclosure is made is grantors' failure to keep the property insured and pay when due the February installment according to the terms of their promissory note, secured by the trust deed described above, namely: \$146.25 Storage fees as of 3/1/10 (and continuing monthly thereafter) 2,012.47 First Quarter LSI Insurance as of 3/1/10 (and continuing quarterly thereafter) 8,164.54 February Installment payment 105.02 Default interest from 2/1/10 to 3/1/10 390.00 Plumbing fees 1,604.00 Foreclosure report \$12,442.28 TOTAL PAST DUE

MARCH 1, 2010* By power given the Beneficiary under the Trust Deed, Beneficiary herewith declare all sums due under the Trust Deed to be immediately due, owing, and payable without further demand. The true amount due and owing the Beneficiary by the Grantor herein, is as follows: \$1,014,051.55 unmatured principal 6,495.49 accrued, unpaid interest on unmatured principal to 3/1/10 146.25 Storage fees as of 3/1/10 (and continuing monthly thereafter) 2,012.47 First Quarter LSI Insurance as of 3/1/10 (and continuing monthly thereafter) 8,164.54 February Installment payment 105.02 Default interest from 2/1/10 to 3/1/10 390.00 Plumbing fees 1,604.00 foreclosure report 55,024.04 Prepayment fee (estimate & is subject to change) **1,087,993.36* Balance due on Trust Deed as March 1, 2010**, interest accrues thereafter at the rate of 12.35% per annum on \$1,032,864.30 (balance less \$105.02 default interest), from March 1, 2010, until paid in full. *On March 3, 2010, stock in the amount of \$1,000 will be retired and applied against the outstanding balance. **Notice is hereby given** that the undersigned will on **Wednesday, August 11, 2010, at 11:00 o'clock a.m.**, Pacific Time, on the front steps of the **Klamath County Courthouse, Klamath Falls, Oregon**, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantors had or had power to convey at the time of the execution by them 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 to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had not default occurred), together with costs, trustee's and attorney's fees as provided by ORS 86.753, and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation of the trust deed at any time prior to five (5) days before the date set for said sale. In construing this notice and whenever the context hereof so requires, 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 each and all other persons owing an obligation, the performance of which is secured by the Trust Deed, the word "Trustee" includes any successor trustee, and the word "Beneficiary" includes any successor in interest of the Beneficiary first named above. John D. Albert, Successor Trustee, PO Box 968, Salem, Or 97308.

#12383 June 3, 10, 17, 24, 2010.

TRUSTEE'S AFFIDAVIT OF NON OCCUPANCY

STATE OF OREGON)
) ss.
County of Marion)

I, John D. Albert, being first duly sworn, depose and say:

I am successor trustee on the Trust Deed wherein Antonio Silveira and Monica Silveira, husband and wife, are the Grantors, I am Successor Trustee to AmeriTitle, and Northwest Farm Credit Services, FLCA, is the Beneficiary, dated August 13, 2008, and recorded on August 14, 2008 in Microfilm Record No. 2008-011552, Mortgage Records of Klamath County, Oregon, covering the following described real property situated in said County and State:

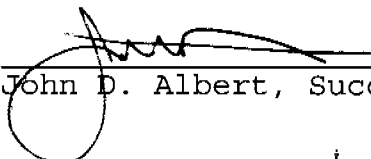
PARCEL 1 - The NW1/4 NE1/4 and SW1/4 NE1/4 Section 30, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

AND the NW1/4 SE1/4 Section 30, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying North of the following described line:

Beginning at a point on the centerline of Haskins Road, being accepted as the West line of said NW1/4 SE1/4, said point being North 00°39'36" East 2184.0 feet from the South quarter corner of said Section 30, said quarter corner being marked by a P K nail 29.00 feet West of a 1" iron pipe as per Survey No. 1713 and Major Land Partition No. 3-88 thence East 1320 feet, more or less, to a point on the East line of said NW1/4 SE1/4 with bearings based on said Survey No. 1713.


PARCEL 2 -SW1/4 SE1/4 of Section 19, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

I certify that on and before March 11, 2010, the above described real property was not occupied.


John D. Albert, Successor Trustee

Subscribed and sworn to before me this 26th day of July, 2010.




Notary Public for Oregon

p:\bf\fcb\silveiranonoccupancyaff