

2010-010127

Klamath County, Oregon



00089298201000101270070072

## COVER SHEET

08/25/2010 02:37:14 PM

Fee: \$72.00

ORS: 205.234

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:

Jim Verlings  
803 Main Street Suite 201  
Klamath Falls, OR 97601

Courtesy

The date of the instrument attached is August 24, 2010.

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

Affidavit of Mailing  
~~Trustee's Notice of Sale~~

Affidavit of Publication

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

Big Springs Market

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

Haury Lori m.

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

\$ Ø

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: \_\_\_\_\_

ES

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Big Springs Market, Inc.

31880 Hwy 70

Bonanza, OR 97623

To

Grantor

First American Title

404 Main Street, Ste 1

Klamath Falls, OR 97601

Trustee

After recording, return to (Name, Address, Zip):

James R. Uerlings

Boivin, Uerlings &amp; Dilaconi, P.C.

803 Main Street, Ste 201

Klamath Falls, OR 97601

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON,

County of \_\_\_\_\_ } ss.

I certify that the within instrument was received for recording on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fcc/file/instrument/microfilm/reception No. \_\_\_\_\_, Records of this County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy.

STATE OF OREGON, County of Klamath ) ss:I, James R. Uerlings, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

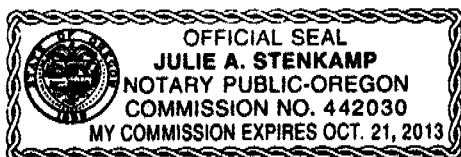
I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective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

NAME	ADDRESS
Mike Laidet	PO Box 27, Bonanza, OR 97623
Central Point Masonic Lodge #135	PO Box 3761, Central Point, OR 97502
Central Point Masonic Lodge #135	2418 Thorn Oak Drive, Medford, OR 97501
Medford Lodge #103	975 N Phoenix Road, Medford, OR 97504

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 set forth in ORS 86.785.\*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by James R. Uerlings, 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 Klamath Falls, Oregon, on March 31, 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, 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 described in the notice of sale 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.



James R. Uerlings, Successor Trustee

SIGNED AND SWORN TO before me on August 24, 2010

Notary Public for Oregon

My commission expires 10/21/2013

\* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date. Pursuant to ORS 86.740(2), a notice served by mail in accordance with ORS 86.740(1) is effective when the notice is mailed.  
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

# After Recording Return

Jim Uerlings  
Attorney At Law  
803 Main Street Suite 201  
Klamath Falls OR 97601

FORM No. 885 - TRUSTEE'S NOTICE OF SALE.

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EN

Courtesy

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Big Springs Market, Inc.

\_\_\_\_\_ as grantor,  
to First American Title\* \_\_\_\_\_ as trustee,  
in favor of Mark S. Gillispie (dec'd) and Lori M. Gillispie, nka, Lori M. Haury \_\_\_\_\_ as beneficiary,  
dated April 1, 2004 \_\_\_\_\_, recorded on April 13, 2004 \_\_\_\_\_, in the Records of  
Klamath \_\_\_\_\_ County, Oregon, in ~~XXXXXX~~ volume No. M04 \_\_\_\_\_ at page 21100 \_\_\_\_\_,  
~~XXXXXX~~ covering the following  
described real property situated in that county and state, to-wit:

The Easterly 100 feet of Lots 8, 9 and 10 and all of Lots 1 and 2 in Block 5 of the Town of Bonanza, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

\*James R. Uerlings appointed as Successor Trustee on March 23, 2010, recorded on March 29, 2010 in the Records of Klamath County, Oregon, 2010-003810 \_\_\_\_\_.

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 in grantor's failure to pay when due the following sums: 1) Failure to make monthly payments of \$1,503.31. Total payments past due to 03/01/10: \$17,393.37; plus late fees: \$826.87; plus monthly payments: \$1,503.31 and monthly late fees: \$75.17, thereafter until paid. 2) Failure to pay property taxes as due \$1,212.46; plus interest as charged by Klamath County. 3) Costs/fees incurred by beneficiary due to failure to make payments as due: \$1,165.00; plus \$15/month thereafter; plus additional attorney fees/expenses incurred by beneficiary due to Grantor's failure to make payments on first trust deed. 4) Failure to pay insurance and provide proof to the Grantor. 5) Failure to pay beneficiary's attorney fees and costs of collection.

By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit: 1) \$210,318.45 plus interest at 7.5% per annum from 02/01/10 until paid. 2) Late fees of \$826.87 plus \$75.17 per month from 04/01/10 until paid. 3) Property taxes of \$1,212.46 plus interest as charged by Klamath County. 4) Costs/fees incurred by beneficiary due to failure to make payments as due: \$1,165.00; plus \$15/month thereafter; plus additional attorney fees/expenses incurred by beneficiary due to Grantor's failure to make payments on first trust deed. 5) Beneficiary's attorney fees, collection costs and title fees; Trustee's fees, collection costs and title report fees.

WHEREFORE, notice is hereby given that the undersigned trustee will on August 31, 2010 \_\_\_\_\_, at the hour of 11:00 \_\_\_\_\_ o'clock, A \_\_\_\_\_ M., in accord with the standard of time established by ORS 187.110, at \_\_\_\_\_  
803 Main Street, Ste 201

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 the real property described above which the grantor had or had power to convey at the time of the execution by grantor of the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the 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 those 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 and attorney fees not exceeding the amounts provided by ORS 86.753.

(CONTINUED)



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 March 30, 2010

James R. Uerlings  
James R. Uerlings, Successor Trustee  
Trustee

803 Main Street, Ste 201  
ADDRESS

Klamath Falls OR 97601 541-884-8101  
CITY STATE ZIP PHONE

I certify that I am the attorney or one of the attorneys 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 Trustee

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 purchaser 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 August 1, 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's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at [www.osbar.org](http://www.osbar.org). If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to [www.oregonlawhelp.org](http://www.oregonlawhelp.org).

SERVE: \* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in the name and address of party to be served. Pursuant to ORS 86.740(2), a notice served by mail in accordance with ORS 86.740(1) is effective when the notice is mailed. The effective date of a notice served by posting and mailing in accordance with ORS 86.750(1)(b) is governed by ORS 86.750(1)(c).

# Northwest Private Investigators

STATE OF OREGON )

Court Case No. \_\_\_\_\_

County of Klamath )

Case Number \_\_\_\_\_

I hereby certify that I received on March 31<sup>st</sup> 2010 the within:

☐ Summons & Complaint ☐ Summons & Petition ☐ Summons ☒ Notice

☐ Order to Appearance ☐ Waiver of Fees ☐ Petition ☐ Order

☐ Show Cause Order ☐ Affidavit ☐ Complaint ☐ Motion

☐ Writ of Garnishment ☐ Restraining Order ☐ Citation ☐ Subpoena

☐ Small Claim ☐ Certificate of Residency

Default Election to Sate Trustee's Notice of Sale

for service on the within named: Michael Laidet

☒ Served Michael Laidet personally and in person.

☐ Substitute Service – by leaving a true copy with \_\_\_\_\_, a person over the age of fourteen, who resides at the place of abode of the within named, at said abode: \_\_\_\_\_.

☐ Office Service – by leaving a true copy with \_\_\_\_\_, the person in charge of the office maintained for the conduct of business by \_\_\_\_\_.

☐ By leaving a true copy with \_\_\_\_\_ of said corporation.

☐ Other Method: \_\_\_\_\_.

☐ Not Found: After due and diligent search an inquiry, I hereby return that I have been unable to find the within named: \_\_\_\_\_ within Klamath County Oregon.

DATE AND TIME OF SERVICE OR NOT FOUND: April 1<sup>st</sup> 2010 11:00 AM

Service Fee: 30 plus Mileage 20.50 = \$ 40.<sup>00</sup>

By: Marg Rata

# 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 # 12495

Trustee's Notice of Sale

Uerlings

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:

July 4, 11, 18, 25, 2010

Total Cost: \$1,449.63

*Jeanine P Day*

Subscribed and sworn by Jeanine P Day  
before me on: July 26, 2010

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012

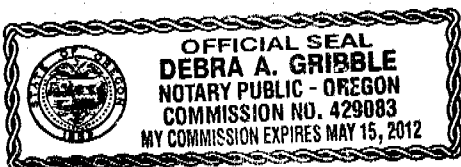
### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Big Springs Market, Inc., as grantor, to First American Title, James R. Uerlings appointed as Successor Trustee on March 23, 2010, recored on March 29, 2010 in the Records of Klamath County, Oregon, 2010-003810, as trustee, in favor of Mark S. Gillispie (dec'd) and Lori M. Gillispie, nka, Lori M. Haury, as beneficiary, dated April 1, 2004, recorded on April 13, 2004, in the Records of Klamath County, Oregon, in volume No. M04 at page 21100, covering the following described real property situated in that county and state, to-wit: The Easterly 100 feet of Lots 8, 9, and 10 and all of Lots 1 and 2 in Block 5 of the Town of Bonanza, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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 in grantor's failure to pay when due the following sums: 1) Failure to make monthly payments of \$1,503.31. Total payments past due to 03/01/10: \$17,393.37; plus late fees: \$826.87; plus monthly payments: \$1,503.31 and monthly late fees: \$75.17, thereafter until paid. 2) Failure to pay property taxes as due \$1,212.46; plus interest as charged by Klamath County. 3) Costs/fees incurred by beneficiary due to failure to make payments as due: \$1,165.00; plus \$15/month thereafter; plus additional attorney fees/expenses incurred by beneficiary due to Grantor's failure to make payments on first trust deed. 4) Failure to pay insurance and provide proof to the Grantor. 5) Failure to pay beneficiary's attorney fees and costs of collection.

By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit: 1) \$210,318.45 plus interest at 7.5% per annum from 02/01/10 until paid. 2) Late fees of \$826.87 plus \$75.17 per month from 04/01/10 until paid. 3) Property taxes of \$1,212.46 plus interest as charged by Klamath County. 4) Costs/fees incurred by beneficiary due to failure to make payments as due: \$1,165.00; plus \$15/month thereafter; plus additional attorney fees/expenses incurred by beneficiary due to Grantor's failure to make payments on first trust deed. 5) Beneficiary's attorney fees, collection costs and title fees; Trustee's fees, collection costs and title report fees.

WHEREFORE, notice is hereby given that the undersigned trustee will on August 31, 2010, at the hour of 11:00 o'clock A.M., in accord with the standard of time established by ORS 187.110, at 803 Main Street, Ste. 201, 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 the real property described above which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the 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 those sums or tendering the performance necessary to cure the default by



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 and attorney fees not exceeding the amounts provided by ORS 86.753.

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 March 30, 2010, Jame R. Uerlings, Successor Trustee, 803 Main Street, Ste 201, Klamath Falls, OR 97601, 541-884-8101. I certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale. James R. Uerlings, Attorney for Trustee.

#### 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 purchaser 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 August 1, 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's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-77636 or you may visit its website at [www.osbar.org](http://www.osbar.org). If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to [www.oregonlawhelp.org](http://www.oregonlawhelp.org).

442495 July 11, 18, 25, 2010.