

2010-011202

Klamath County, Oregon



00090565201000112020130136

09/21/2010 10:55:52 AM

Fee: \$127.00

Recording Requested by:  
Douglas V. Osborne  
Attorney at Law  
439 Pine Street  
Klamath Falls, OR 97601

When Recorded Return To:  
Douglas V. Osborne  
Attorney at Law  
439 Pine Street  
Klamath Falls, OR 97601

## COVER SHEET

### DOCUMENTS:

Affidavit of Mailing/Copy of Trustees Notice of Sale

Affidavit of Service/Posting

Affidavit of Publication

Affidavit of Non-Military Service

Compliance Affidavit of Beneficiary

### ORIGINAL GRANTOR ON TRUST DEED:

Shannon Search

### ORIGINAL BENEFICIARY ON TRUST DEED

Harry Gee

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any errors contained in the cover sheet do not affect the transaction(s) contained in the instrument itself.

**AFFIDAVIT OF MAILING**

STATE OF OREGON       )  
                                  ) ss:  
County of Klamath       )

Douglas V. Osborne, being sworn, says: That I am over 18 years of age, a resident of Oregon, mailed the attached Notice of Default, Notice of Sale and Notice to Tenant by depositing it in the US mail, via first class mail and certified mail return receipt requested, postage prepaid, and addressed to the individuals listed below on the 21<sup>st</sup> day of April, 2010:

Thomas William Search Sr.  
PO Box 395  
Christmas Valley, OR 97641

Shannon Search  
5310 S. Anaconada Drive  
Salem, OR 97302

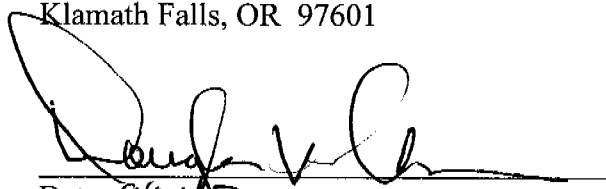
Thomas William Search Sr.  
7410 Reeder Road  
Klamath Falls, OR 97603-9626

Carter-Jones Collection Services  
Atten: Kent Pederson  
1143 Pine Street  
Klamath Falls, OR 97601

Heidi Condon  
PO Box 32  
Merrill, OR 97632-0032

Matthew Parks  
832 Klamath Avenue  
Klamath Falls, OR 97601

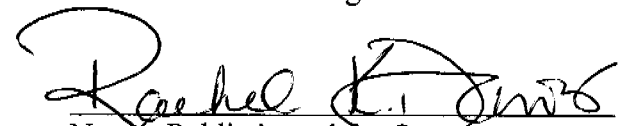
Signed in Klamath County, Oregon by:

  
Date: 9/14/10

STATE OF OREGON       )  
                                  ) ss:  
County of Klamath       )

On this 14 day of Sept., 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared Douglas V. Osborne personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.



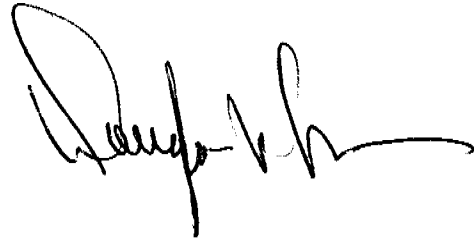
  
Notary Public in and for Oregon  
My Commission Expires: 12/8/12

00082985201000047780040043

04/21/2010 11:08:27 AM

Fee: \$52.00

After recording, return to:  
Douglas V. Osborne  
Attorney at Law  
439 Pine Street  
Klamath Falls, OR 97601



NOTICE OF DEFAULT  
NOTICE OF SALE  
NOTICE TO TENANT

Reference is made to that certain trust deed dated June 16, 2008, recorded December 10, 2008 at Book 2008, Page 9210, Mortgage Records of Klamath County, Oregon.

The following are named in said trust deed:

- SHANNON SEARCH, Grantor;
- ASPEN TITLE & ESCROW, INC., Trustee;
- STEVE LAI F. MAH, Beneficiary as to an undivided 1/3 interest and  
HARRY GEE, Beneficiary as to an undivided 1/3 interest and  
TEMUJIN K.F. MAH, Beneficiary as to an undivided 1/3 interest.

Said trust deed covers the following described real property: LOT 17, BLOCK 309 OF DARROW ADDITION, ACCORDING TO THE OFFICIAL PLAT THEROF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON, with addresses known as 2419 and 2421 Union Street, Klamath Falls, Oregon. There has been default by the Grantor, or other person or by their successor in interest, upon the payments owing on the obligation, the performance of which is secured by said Trust Deed, with respect to the provisions therein, which authorize sale in the event of default of such provisions. Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and 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: monthly payments of \$850.00 plus monthly collection escrow fee of \$4.00 per month beginning January 5, 2010 to the date of this notice; together with late fees, title expense, costs, taxes, trustees fees and attorney's 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 Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, said sums being the following to wit: \$125,549.63 plus interest thereon at the rate of 7 percent per annum from December 9, 2009 and continuing until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's 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 interests therein. WHEREFORE, notice hereby is given that, Douglas V. Osborne, the undersigned Successor Trustee will on September 21, 2010 at the hour of 11:00 AM in accord with the standard of time established by ORS 187.110, at the following place: inside the front entrance to the Law Office located at 439 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the described real property 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 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 not 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 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 the Trustee's and attorney's 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 Trust Deed and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

**NOTICE TO TENANTS AND OCCUPANTS:** 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 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 sale is August 22, 2010. 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. 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 <http://oregonlawhelp.org> or contact the

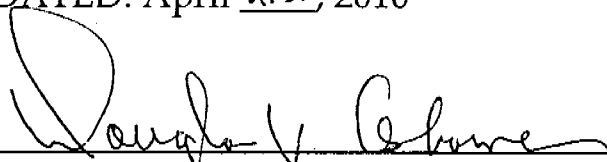
Oregon State Bar's lawyer referral service at the phone numbers referenced above.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF HOWEVER, YOU HAVE OR ARE IN THE PROCESS OF OBTAINING A DISCHARGE FOR THE DEBT FROM A BANKRUPTCY COURT, THE BENEFICIARIES HAVE NOT BEEN NOTIFIED AND IN THAT EVENT, THIS PROCEEDING CONSTITUTES ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.

For further information, please contact Successor Trustee:

Douglas V. Osborne; OSB #721895; 439 Pine Street; Klamath Falls, Oregon 97601; Telephone 541-884-8152.

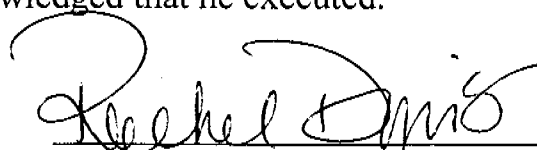
DATED: April 21<sup>st</sup>, 2010

  
\_\_\_\_\_  
Douglas V. Osborne, Successor Trustee

STATE OF OREGON     )  
                                  ) ss:  
County of Klamath     )

On this 21<sup>st</sup> day of April, 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared Douglas Osborne, personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.



  
\_\_\_\_\_  
Notary Public in and for Oregon  
My Commission Expires: 12/8/12

AFFIDAVIT OF SERVICE AND/OR POSTING

State of Oregon  
County of Klamath

Gregory Rote, being sworn, says: That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale: That my business address is 635 Main Street, Klamath Falls, Oregon.

CHECK & COMPLETE ONE OR BOTH of the following:

☒ That I personally served a copy of the attached Notice of Trustee's Sale upon an adult occupant of the real property described in the attached Notice of Trustee's Sale in the manner in which a summons is served by delivering to or leaving with Jolene Kapkalewski, a person over the age of 14 years, then residing at 2421 Union Street, Klamath Falls, Oregon on April 21<sup>st</sup>, 2010

☐ That I posted a copy of the attached Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, \_\_\_\_\_ Union Street, Klamath Falls, Oregon. on \_\_\_\_\_, 2010.

Signed in Klamath County, Oregon by:

Gregory Rote  
Date: April 22nd 2010

STATE OF OREGON           )  
  ) ss:  
County of Klamath         )

On this 22 day of April, 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared Gregory Rote personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.



Kathleen L. Eck  
Notary Public in and for Oregon  
My Commission Expires: Dec. 12, 2011

**AFFIDAVIT OF SERVICE AND/OR POSTING**

State of Oregon  
County of Klamath

GREGORY ROTE, being sworn, says: That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale: That my business address is 635 Main Street, Klamath Falls, Oregon.

CHECK & COMPLETE ONE OR BOTH of the following:

☒ That I personally served a copy of the attached Notice of Trustee's Sale upon an adult occupant of the real property described in the attached Notice of Trustee's Sale in the manner in which a summons is served by delivering to or leaving with Fawn Gunderson, a person over the age of 14 years, then residing at 2419 Union Street, Klamath Falls, Oregon on April 22<sup>nd</sup>, 2010

☐ That I posted a copy of the attached Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, \_\_\_\_\_ Union Street, Klamath Falls, Oregon. on \_\_\_\_\_, 2010.

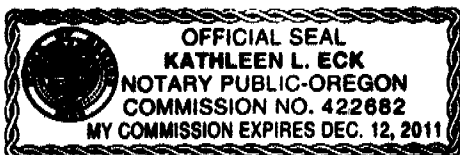
Signed in Klamath County, Oregon by:

Gregory Rote

Date: April 22<sup>nd</sup> 2010

STATE OF OREGON           )  
  ) ss:  
County of Klamath         )

On this 22 day of April, 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared Gregory Rote personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.



Kathleen L. Eck  
Notary Public in and for Oregon  
My Commission Expires: Dec 12, 2011



# AFFIDAVIT OF SERVICE AND/OR POSTING

State of Oregon  
County of Klamath

Gregory Rote, being sworn, says: That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale: That my business address is 635 Main Street, Klamath Falls, Oregon.

CHECK & COMPLETE ONE OR BOTH of the following:

☒ That I personally served a copy of the attached Notice of Trustee's Sale upon an adult occupant of the real property described in the attached Notice of Trustee's Sale in the manner in which a summons is served by delivering to or leaving with Gary Gunderson, a person over the age of 14 years, then residing at 2419 Union Street, Klamath Falls, Oregon on April 21<sup>st</sup>, 2010

☐ That I posted a copy of the attached Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, \_\_\_\_\_ Union Street, Klamath Falls, Oregon. on \_\_\_\_\_, 2010.

Signed in Klamath County, Oregon by:

Gregory A. Rote  
Date: April 22<sup>nd</sup> 2010

STATE OF OREGON           )  
  ) ss:  
County of Klamath         )

On this 22 day of April, 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared Gregory Rote personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.



Kathleen L. Eck  
Notary Public in and for Oregon  
My Commission Expires: Dec 12, 2011

# 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 # 12376

Trustee's Notice of Sale

Gee

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:

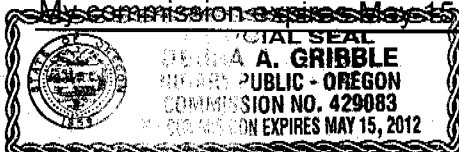
June 1, 8, 15, 22, 2010

Total Cost: \$1,500.99

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: June 22, 2010

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



### NOTICE OF DEFAULT NOTICE OF SALE NOTICE TO TENANT

Reference is made to that certain trust deed dated June 16, 2008, recorded December 10, 2008 at Book 2008, Page 9210, Mortgage Records of Klamath County, Oregon. The following are named in said trust deed: SHANNON SEARCH, Grantor; ASPEN TITLE & ESCROW, INC., Trustee; STEVE LAI F. MAH, Beneficiary as to an undivided 1/3 interest and HARRY GEE, Beneficiary as to an undivided 1/3 interest and TEMUJIN K.F. MAH, Beneficiary as to an undivided 1/3 interest. Said trust deed covers the following described real property: LOT 17, BLOCK 309 OF DARROW ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON, with addresses known as 2419 and 2421 Union Street, Klamath Falls, Oregon. There has been default by the Grantor, or other person or by their successor in interest, upon the payments owing on the obligation, the performance of which is secured by said Trust Deed, with respect to the provisions therein, which authorize sale in the event of default of such provisions.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and 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: monthly payments of \$850.00 plus monthly collection escrow fee of \$4.00 per month beginning January 5, 2010 to the date of this notice; together with late fees, title expense, costs, taxes, trustee's fees and attorney's 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 Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, said sums being the following to wit: \$125,549.63 plus interest thereon at the rate of 7 percent per annum from December 9, 2009 and continuing until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's 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 interests therein.

WHEREFORE, notice hereby is given that, Douglas V. Osborne, the undersigned Successor Trustee will on September 21, 2010 at the hour of 11:00 AM in accord with the standard of time established by ORS 187.110, at the following place: inside the front entrance to the Law Office located at 439 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the described real property 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 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 not 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 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 the Trustee's and attorney's 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 Trust Deed and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

**NOTICE TO TENANTS AND OCCUPANTS:** 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 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 sale is August 22, 2010. 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. 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 <http://oregonlawhelp.org> or contact the Oregon State Bar's lawyer referral service at the phone numbers referenced above. THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF HOWEVER, YOU HAVE OR ARE IN THE PROCESS OF OBTAINING A DISCHARGE FOR THE DEBT FROM A BANKRUPTCY COURT, THE BENEFICIARIES HAVE NOT BEEN NOTIFIED AND IN THAT EVENT, THIS PROCEEDING CONSTITUTES ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY. For further information, please contact Successor Trustee: Douglas V. Osborne; OSB #721895; 439 Pine Street; Klamath Falls, Oregon 97601; Telephone 541-884-8152. DATED: April 21, 2010. Douglas V. Osborne, Successor Trustee #12376 June 1, 8, 15, 22, 2010.

In the Matter of the Trustees Notice of Sale )

Shannon Search, )

Grantor, )

and )

Harry Gee and others, )

Beneficiary. )

NONMILITARY AFFIDAVIT  
OF BENEFICIARY

STATE OF OREGON )

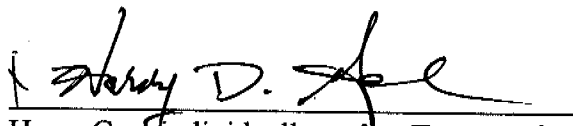
) ss:

County of Klamath )

I, HARRY GEE, being first duly sworn, say:

I am signing this individually and as trustee of the Gee Family Revocable Declaration of Trust, Dated March 7, 1997. I am a Beneficiary and Shannon Search is the Grantor of that certain Trust Deed dated June 16, 2008, recorded on June 23, 2008 in Book 2008, Page 9210, Klamath County Records, and as referenced in that Notice recorded April 21, 2010 at Book 2010, Page 004778, Klamath County Records.

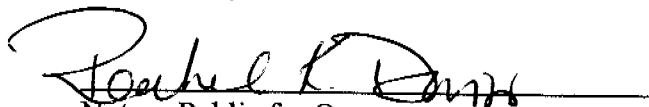
To the best of my knowledge, Shannon Search was not at the time of signing such Trust Deed, and continuously thereafter has not been, and is not now in the military service of the United States. To the best of my knowledge Shannon Search is not incapacitated, a minor, a protected person, or a respondent in a protective proceeding.



Harry Gee, Individually and as Trustee of  
The Gee Family Revocable Declaration of  
Trust, Dated March 7, 1997

SUBSCRIBED AND SWORN to before me on 21<sup>st</sup> April, 2010.



  
Notary Public for Oregon  
My commission expires: 12/8/12

Harry Gee and others,  
Beneficiary.

ORS 86.750 (4) and (5)  
COMPLIANCE AFFIDAVIT  
OF BENEFICIARY  
(Nonresidential Trust Deed)


STATE OF OREGON               )  
County of Klamath          ) ss:

I, HARRY GEE, being first duly sworn, say:

I am signing this individually and as trustee of the Gee Family Revocable Declaration of Trust, Dated March 7, 1997. I am a Beneficiary and Shannon Search is the Grantor of that certain Trust Deed dated June 16, 2008 recorded on June 23, 2008 in Book 2008, Page 9210, Klamath County Records, and as referenced in that Notice recorded April 21, 2010 at Book 2010, Page 004778, Klamath County Records.

To the best of my knowledge,

My agents and I have complied with provisions of ORS 86.750 (4) and (5), and of Section 3 (1) and (2), chapter 864, Oregon Laws 2009. I further state that to the best of my knowledge, Shannon Search did not and has not occupied as her principal residence the real property subject to said Trust Deed. In addition, to the best of my knowledge, Shannon Search's spouse, minor or dependent children did not occupy the subject property as their principal residence.

  
Harry Gee, individually and as Trustee of  
The Gee Family Revocable Declaration of  
Trust, Dated March 7, 1997

SUBSCRIBED AND SWORN to before me on 21<sup>st</sup> Sept., 2010



Notary Public for Oregon  
My commission expires: 12/8/12