

2010-011575

Klamath County, Oregon



00090992201000115750060061

09/30/2010 12:45:10 PM

Fee: \$62.00

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed from  
William L. Otis

TO

Charlotte R. DelPrino, Trustee, Beneficiary

After recording return to:  
Scott D. MacArthur, P.C.  
635 Main Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, 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 beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

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 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:

William L. Otis 35974 HWY 140 East, Beatty, OR 97621

William L. Otis, Trustee 35974 HWY 140 East, Beatty, OR 97621  
Otis Family Trust, Dated January 24, 1991

Stephanie Trost, Successor Trustee 35974 HWY 140 East, Beatty, OR 97621  
Otis Family Trust, Dated January 24, 1991

Said 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 so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said 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 Klamath Falls, Oregon, on June 16, 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 said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

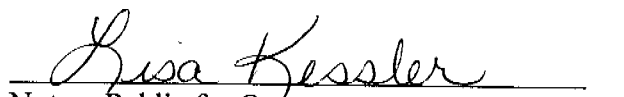
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.



Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 30<sup>th</sup> day of September, 2010.



  
Notary Public for Oregon  
My commission expires Mar. 13, 2011.

**AFFIDAVIT OF POSTING NOTICE OF SALE IN LIEU OF SERVICE**

STATE OF OREGON, County of Klamath) ss.

I, Greg Rote, being first duly sworn, depose 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 18 years and not the beneficiary or his successor in interest name in the notice of sale given under the terms of that certain trust deed described in said notice.

I posted the Notice of Sale of the real property in the Notice of Sale posting said notice on the premises of:

**NAME:**

Otis Family Trust  
Stephanie Trost, Successor Trustee

**ADDRESS:**

35974 HWY 140 East  
Beatty, Oregon 97621

Each of the notices so posted was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; and was posted by me on June 18, 2010. Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded and at least 90 days before the day fixed in said notice by the trustee for the trustee's sale.

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

Greg Rote

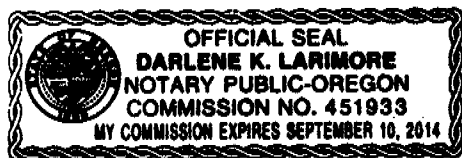
Subscribed and sworn to before me this 30th day of September, 2010

Darlene Larimore

Notary Public for Oregon

My Commission Expires: 9-10-14

(SEAL)



# Northwest Private Investigators

STATE OF OREGON )

Court Case No. 10-007348

County of Klamath )

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

I hereby certify that I received on 6-17-10 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

Election to Sale

for service on the within named: OTIS FAMILY TRUST

☒ Served Samuel Trost  
35974 Hwy 140 E Beatty OR 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: 6-18-10 11:30 AM

Service Fee: 30 plus Mileage 30 = \$ 60

By: [Signature]

HERALD AND NEWS  
AD AUTHORIZATION  
(CONTINUED)

Salesperson: PAT BERGSTROM \*

Printed at 08/16/10 13:22 by \$LOGIN

Acct#: 63976

Ad#: 279891 Status: N

## NOTICE OF DEFAULT AND ELECTION TO SELL

KNOW ALL MEN BY THESE PRESENTS, that WILLIAM L. OTIS, is the grantor, and AMERITITLE, Inc., is the trustee and CHARLOTTE R. DEL PRINO, TRUSTEE OF THE DEL PRINO FAMILY TRUST is the beneficiary under that certain trust deed dated October 15, 2007, and recorded on October 19, 2007, in book/reel/volume No. 2007 at page 018089 of the Mortgage Records of Klamath County, Oregon.

That portion of Government Lot 3 and that portion of the South half of the Northwest Quarter of Section 1, Township 37, Range 11 East of the Willamette Meridian, Klamath County, Oregon, lying South of Highway 140 as presently located and constructed.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a Notice of Default has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums:

- Payment in full in the amount of \$619,855.83 due October 22, 2009 plus interest.
- Taxes for the fiscal year 2008-2009, delinquent in the sum of \$3,354.80, plus interest.
- Taxes for the fiscal year 2009-2010, delinquent in the sum of \$3,452.75, plus interest.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: \$619,855.83 as of October 22, 2009 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 22, 2010 at the hour of 11:00 a.m. Standard time, as established by Section 187.110, Oregon Revised Statutes, at 635 Main Street, 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 said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs or their successors in interest acquired after the execution of said 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 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 trustee's and attorney's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

In construing this notice, 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 any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: August 19, 2010  
Scott D. MacArthur, Successor Trustee  
#12639 August 19, 26, September 2, 9, 2010.

HERALD AND NEWS  
AD AUTHORIZATION

Salesperson: PAT BERGSTROM

Printed at 08/16/10 13:22 by \$LOGIN

Acct#: 63976  
MACARTHUR SCOTT D.  
635 MAIN ST  
KLAMATH FALLS OR 97601-6007Contact:  
Phone: (541)851-0571  
Fax#:  
Email:

Agency:

Ad#: 279891 Status: N  
Start: 08/19/10 Stop: 09/09/10  
Times Ord: 4 Times Run: \*\*\*\*  
STDH 2.00 X 8.23 Words: 603  
Rate: LEGAL Cost: 858.99  
Class: 0001 LEGAL NOTICES  
Descript: #12639 DELPRINO/OTIS  
Given by: \*  
Created: pbel0 08/16/10 12:29  
Last Changed: pbel0 08/16/10 13:17

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTF
10HN	A		97	S 08/19,26	09/02,09		
10IN	A		97	S 08/19,26	09/02,09		

## PAYMENT INFORMATION

Pay Date 08/16/2010 \$858.99 VI \*\*\*\*\*9115 01521BY &lt;APP&gt;85899&lt;B

## AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(AD COPY ON NEXT PAGE)