

2010-013795

Klamath County, Oregon



00093601201000137950070077

12/02/2010 03:22:38 PM

Fee: \$67.00

RE: Trust Deed from

Francisco Mendez and
Cruz Hilda Mendez
P.O. Box 22
Merrill, OR 97633

Grantor**- TO -**

Aspen Title & Escrow, Inc.
(Neal G. Buchanan, Attorney at Law
as Successor)
435 Oak Avenue
Klamath Falls OR 97601

Trustee**After recording return to:**

Neal G. Buchanan, Attorney at Law
435 Oak Avenue
Klamath Falls, Oregon 97601

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath) ss:

I, NEAL G. BUCHANAN, 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
Francisco Mendez and Cruz Hilda Mendez	P.O. Box 22, Merrill OR 97633
Klamath County Planning Department	305 Main Street, Klamath Falls OR 97601
Carter-Jones Collection Service, Inc. c/o Kent Pedersen, President	1143 Pine Street, Klamath Falls OR 97601

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 NEAL G. BUCHANAN, 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 July 26, 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.

DATED: July 26, 2010

Neal G. Buchanan
NEAL G. BUCHANAN, Attorney at Law
Successor Trustee

SUBSCRIBED AND SWORN TO before me on July 26, 2010, by Neal G. Buchanan, Attorney at Law,
Successor Trustee



Sharon L. Brown
NOTARY PUBLIC FOR OREGON
My commission expires: 2-13-11

RE: Trust Deed from

Francisco Mendez and
Cruz Hilda Mendez
P.O. Box 22
Merrill, OR 97633

Grantor

--TO--

Aspen Title & Escrow, Inc.
(Neal G. Buchanan, Attorney at Law
as Successor)
435 Oak Street
Klamath Falls OR 97601 **Trustee**

After recording return to:

Neal G. Buchanan, Attorney at Law
435 Oak Avenue
Klamath Falls, Oregon 97601

**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S
NOTICE OF SALE UPON OCCUPANT PURSUANT TO
ORS 86.750(1) AND PROOF OF SERVICE
(120-Day Notice)**

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON, County of Klamath) ss.

I, the undersigned, being first duly sworn, depose, and say:

I am the Successor Trustee or attorney for the Successor Trustee in the trust deed described in the attached Trustee's Notice of Sale.

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3) upon the occupant of the property described in the Notice of Sale.

The name of the person to be served, if known, and the property address of the property described in the trust deed are as follows:

Name of Person to be Served	Property Address
Francisco Mendez and Cruz Hilda Mendez	130 S. Main Street, Merrill OR 97633

If the occupant is indicated as "unknown," or if you find the property at this address to be occupied by someone other than the person named, then you are to serve the person or persons whom you find to be occupying the property.

Service should be made by **Thursday, August 5, 2010**, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, and the property appears occupied, persist in attempting to make service until it has been accomplished.

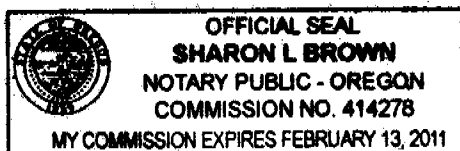
As used herein, the singular includes the plural, "trustee" includes any successor trustee, and "person" includes a corporation or any other legal or commercial entity.


DATED: 7-26, 2010


NEAL G. BUCHANAN, Attorney at Law
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

SIGNED AND SWORN TO before me on July 26, 2010, by Neal G. Buchanan, Attorney at Law, Successor Trustee.




NOTARY PUBLIC FOR OREGON
My commission expires: 2-13-11

PROOF OF SERVICE

STATE OF Oregon, County of Klamath ss.



I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state where in the service hereinafter set forth was made, and that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor a successor to either, nor an officer, director, employee of, or attorney for, the beneficiary or trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities named below by delivering true copies of the Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, as follows:

Personal Service Upon Individual(s)

Upon Francisco Mendez, by delivering such true copy to him/her, personally and in person,
at 130 S. Main St. Merrill, on 7-26-2010, at 5:11 o'clock P.M.
Upon _____, by delivering such true copy to him/her, personally and in person,
at _____, on _____, at _____ o'clock _____M.

Substituted Service Upon Individual(s)

Upon Cruz Hilda Mendez, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: 130 S. Main St. Merrill OR
to Francisco Mendez, who is a person 14 years
of age or older and a member of the household of the person served on 7-26-2010, at 5:11 o'clock P.M.
Upon _____, by delivering such true copy at his/her dwelling house
or usual place of abode, to-wit: _____,
to _____, who is a person 14 years
of age or older and a member of the household of the person served on _____, at _____ o'clock _____M.

Office Service Upon Individual(s)

Upon _____, at the office which he/she maintains for the conduct of
business at _____,
by leaving such true copy with _____, the person who
is apparently in charge, on _____, during normal working hours, at _____ o'clock, _____M.

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

Upon _____, by
(NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.)
(a) delivering such true copy, personally and in person, to _____ who is a/the
_____ (Specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof; OR
(b) leaving such true copy with _____, the person who is apparently in charge of the
office of _____, who is a/the _____
(Specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof;
at _____, on _____, at _____ o'clock _____M.

EACH OF THE PERSONS, FIRMS AND CORPORATIONS SERVED BY ME IS THE IDENTICAL PERSON, FIRM OR CORPORATION NAMED IN THE TRUSTEE'S INSTRUCTIONS TO ME IN CONNECTION HERewith.

Jerry L Duffin

SIGNED AND SWORN TO before me on July 27, 2010



Margaret John
Notary Public for Oregon
My commission expires 9-12-10

PUBLISHER'S NOTE: ORS 86.750 (1) requires the Notice of Sale to be served upon the occupant in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3). The Proof of Service above contains **most, but not all**, of the permissible methods of service. For example, this form does not include proof of service upon a minor, an incapacitated person, or tenant(s) of a mail agent. See ORCP 7 D(2) and 7 D(3) for permissible service methods with respect to particular parties. Also, an attorney who serves the Notice of Sale by mail, in accordance with law, should delete "or attorney for," from the first paragraph above before this document is recorded.

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by FRANCISCO MENDEZ and CRUZ HILDA MENDEZ as Grantor, to Aspen Title & Escrow, Inc., (Neal G. Buchanan, Attorney at Law, as Successor) as Trustee, in favor of CAMILLE LAROYCE WILLIAMS aka CAMILLE L. WILLIAMS-NAYLOR as beneficiary dated February 2, 2010, recorded on February 23, 2010, in the records of Klamath County, Oregon, in Book 2010 at Page 002589, covering the following described real property situated in the above-mentioned county and state, to-wit:

All those portions of Tracts 52 and 54 of MERRILL TRACTS, being more particularly described as follows:

Beginning at a point on the West line of Main Street in the City of Merrill which is West a distance of 50 feet and South a distance of 255.0 feet from the corner common to Sections 1, 2, 11 and 12, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County; thence West, at right angles to Main Street, a distance of 122.0 feet, thence North parallel to Main Street, a distance of 90.0 feet; thence East, at right angles to Main Street, a distance of 122.0 feet to the West line of Main Street; thence South along the West line of Main Street, a distance of 90.0 feet to the point of beginning.

By appointment of Successor Trustee recorded at Volume 2010, Page 008788, Neal G. Buchanan, Attorney at Law, was appointed as Successor Trustee.

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:

- (1) Payment due March 21, 2010, and each month thereafter in the sum of \$398.32;
- (2) Failure to pay real property taxes before the same become past due or delinquent;
- (3) Failure to maintain insurance on the premises and to provide copies of the policies of insurance to the Beneficiary; and
- (4) Failure to provide proof that non-compliance with sewer disposal requirements has been remedied

By reason of the default, 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:

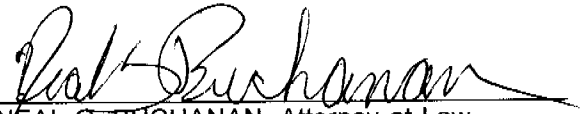
- (1) Principal balance in the sum of \$21,113.75, together with interest thereon at the rate of 9% per annum from February 22, 2010, until paid;
- (2) Real property taxes that are past due or delinquent;
- (3) Providing of proof of insurance and a copy of the insurance policy consistent with the requirements of the trust deed; and,
- (4) Proof that the non-compliance with sewer disposal requirements has been remedied.

WHEREFORE, notice is hereby given that the undersigned trustee will on **Friday, December 3, 2010**, at the hour of **1 o'clock PM**, in accord with the standard of time established by ORS 187.110, at 435 Oak Avenue, Klamath Falls, Oregon, 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.

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: 7-26, 2010


NEAL G. BUCHANAN, Attorney at Law
Successor Trustee
435 Oak Avenue, Klamath Falls OR 97601
(541) 882-6607

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.

NEAL G. BUCHANAN, 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 October 29, 2010. The name of the trustee and 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. 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.

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 # 12782

Trustee's Notice of Sale

Mendez

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:

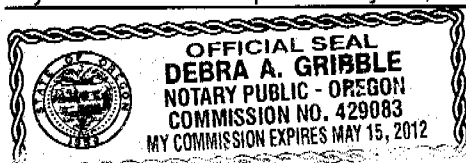
October 12, 19, 26, November 02, 2010

Total Cost: \$1,500.99

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: November 2, 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 FRANCISCO MENDEZ and CRUZ HILDA MENDEZ as Grantor, to Aspen Title & Escrow, Inc., (Neal G. Buchanan, Attorney at Law, as Successor) as Trustee, in favor of CAMILLE LAROYCE WILLIAMS aka CAMILLE L. WILLIAMS-NAYLOR as beneficiary dated February 2, 2010, recorded on February 23, 2010, in the records of Klamath County, Oregon, in Book 2010 at Page 002589, covering the following described real property situated in the above-mentioned county and state, to-wit: All those portions of Tracts 52 and 54 of MERRILL TRACTS, being more particularly described as follows: Beginning at a point on the West line of Main Street in the City of Merrill which is West a distance of 50 feet and South a distance of 255.0 feet from the corner common to Sections 1, 2, 11 and 12, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County; thence West, at right angles to Main Street, a distance of 122.0 feet; thence North parallel to Main Street, a distance of 90.0 feet; thence East, at right angles to Main Street, a distance of 122.0 feet to the West line of Main Street; thence South along the West line of Main Street, a distance of 90.0 feet to the point of beginning. By appointment of Successor Trustee recorded at Volume 2010, Page 008788, Neal G. Buchanan, Attorney at Law, was appointed as Successor Trustee.

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: (1) Payment due March 21, 2010, and each month thereafter in the sum of \$398.32; (2) Failure to pay real property taxes before the same become past due or delinquent; (3) Failure to maintain insurance on the premises and to provide copies of the policies of insurance to the Beneficiary; and (4) Failure to provide proof that non-compli-

Beneficiary; and (4) Failure to provide proof that non-compliance with sewer disposal requirements has been remedied.

By reason of the default, 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) Principal balance in the sum of \$21,113.75, together with interest thereon at the rate of 9% per annum from February 22, 2010, until paid; (2) Real property taxes that are past due or delinquent; (3) Providing of proof of insurance and a copy of the insurance policy consistent with the requirements of the trust deed; and, (4) Proof that the non-compliance with sewer disposal requirements has been remedied.

WHEREFORE, notice is hereby given that the undersigned trustee will on **Friday, December 3, 2010**, at the hour of **1 o'clock PM**, in accord with the standard of time established by ORS 187.110, at 435 Oak Avenue, Klamath Falls, Oregon, 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.

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: October 12, 2010**
NEAL G. BUCHANAN, Attorney at Law, Successor Trustee
435 Oak Avenue, Klamath Falls OR 97601, (541) 882-6607
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.
NEAL G. BUCHANAN, 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 October 29, 2010. The name of the trustee and 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. 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.
#12782 October 12, 19, 26, November 02, 2010.