

WTC 88501

2011-002564
Klamath County, Oregon



00097765201100025640090096

02/25/2011 03:23:55 PM

Fee: \$77.00

After Recording Return to:
Joseph E. Kellerman
Hornecker, Cowling, Hassen & Heysell, LLP
717 Murphy Road
Medford, OR 97504

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

State of Oregon)
) ss.
County of Jackson)

I, Joseph E. Kellerman, being first duly sworn, depose and say and certify that:

1. I am the successor trustee under that certain Trust Deed executed and delivered by Kevin C. Westfall and Carol F. Westfall, as Grantor, to AmeriTitle, an Oregon corporation, as Trustee, in which PremierWest Bank is the beneficiary, recorded on March 18, 2003 as instrument number M03 page 16234 Microfilm Records of Klamath County, Oregon and covering the following described real property, to wit:

Lot 801, RUNNING Y RESORT – PHASE 10, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

2. I gave notice of the sale (as required by ORS 86.745) of the real property described in the attached Trustee's Notice of Sale by mailing a true copy thereof by both first-class and certified mail with return receipt requested to each of the following named persons or their legal representatives at their respective last known addresses, to wit:

Kevin C. Westfall
Carol F. Westfall
P.O. Box 1746
Klamath Falls, OR 97601

Kevin C. Westfall
Carol F. Westfall
1231 Madrone Avenue
Eureka, CA 95503

3. Said persons include (a) the Grantors in the Trust Deed, (b) any successor-in-interest to the Grantors 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

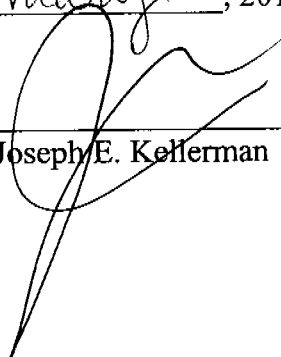
TJAN

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.

4. Each of the notices so mailed was certified to be a true copy of the original by the undersigned, attorney and successor Trustee named in said Notice; each such copy was contained in a sealed envelope, with postage thereon fully pre-paid, and was deposited by me in the United States Post Office at Medford, Oregon on the 26th day of October, 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 the proper form to request and obtain a return receipt 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.

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

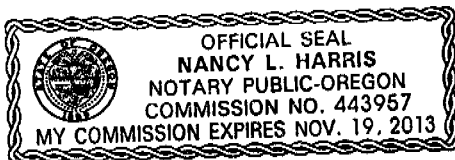
DATED this 23rd day of February, 2011.

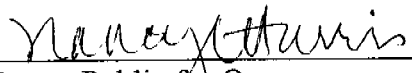


Joseph E. Kellerman

STATE OF OREGON)
) ss.
County of Jackson)

On this 23rd day of February 2011, Joseph E. Kellerman personally appeared in the above-named matter and acknowledged the foregoing instrument to be his voluntary act and deed.





Notary Public for Oregon
My commission expires: 11-19-2013

TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the Trust Deed described below is in default, and that the beneficiary has elected to foreclose the Trust Deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the Trust Deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. Grantor: Kevin C. Westfall and Carol F. Westfall
 Trustee: AmeriTitle, an Oregon corporation
 Successor Trustee: Joseph E. Kellerman
 717 Murphy Road
 Medford, OR 97504
 Beneficiary: PremierWest Bank
2. Property covered by the Trust Deed: Lot 801, RUNNING Y RESORT --
 PHASE 10, according to the official plat thereof on file in the office of the
 County Clerk of Klamath County, Oregon.
3. Trust Deed was recorded on March 18, 2003 as instrument number M03 page
 16234, Microfilm Records of Klamath County, Oregon and as thereafter
 modified, the last modification recorded June 2, 2010.
4. Default for which foreclosure is made is failure of Grantor to pay promissory note
 upon maturity date of September 5, 2010.
5. The sum owing on the obligation secured by the Trust Deed is \$50,071.56 as of
 October 14, 2010 plus interest, late fees, trustee's and attorney's costs and fees
 incurred, plus such sums as Beneficiary may hereafter advance for Grantor.
6. The Beneficiary has and does elect to sell the property to satisfy the obligation.
7. The property will be sold in the manner prescribed by law on the 11th day of
 March, 2011, at 10:00 a.m. standard time as established by ORS 187.110, at
 the front steps of the Klamath County Courthouse, 316 Main Street, Klamath
 Falls, Oregon, 97601, Klamath County, Oregon.
8. Interested persons are notified of the right under ORS 86.753 to have this
 proceeding dismissed and the Trust Deed reinstated by payment of the entire
 amount then due, other than such portion as would not then be due had no
 default occurred, together with costs, trustee and attorney's fees, and by curing
 any other default complained of in this Notice, at any time prior to five days
 before the date last set for sale.

9. In construing this notice and whenever the context hereof so requires, 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 their successors in interest, the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the Trust Deed, and any collateral beneficiary, and their successors in interest.

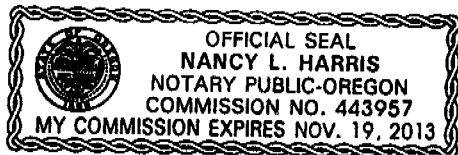
DATED this 26th day of October, 2010.

HORNECKER, COWLING,
HASSEN & HEYSELL, L.L.P.

By: _____
Joseph E. Kellerman, Successor Trustee

STATE OF OREGON)
) ss.
County of Jackson)

On this 26th day of October, 2010, personally appeared before me Joseph E. Kellerman, as Successor Trustee, and acknowledged said instrument to be his voluntary act and deed.



Nancy L. Harris
Notary Public for Oregon
My Commission Expires: 11-19-2013

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 # 13061

Trustee's Notice of Sale

Westfall

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:

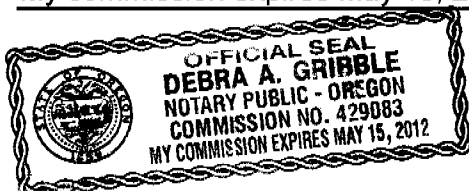
January 22, 29, February 05, 12, 2011

Total Cost: \$704.36

Subscribed and sworn by Jeanine P Day
before me on: February 14, 2011

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the Trust Deed described below is in default, and that the beneficiary has elected to foreclose the Trust Deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the Trust Deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. •Grantor: Kevin C. Westfall and Carol F. Westfall
Trustee: AmeriTitle, an Oregon corporation
•Successor Trustee: Joseph E. Kelleman, 717 Murphy Road, Medford, OR 97504
•Beneficiary: PremierWest Bank
2. Property covered by the Trust Deed: Lot 801, RUN-NING Y RESORT PHASE 10, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.
3. Trust Deed was recorded on March 18, 2003 as instrument number M03 page 16234, Microfilm Records of Klamath County, Oregon and as thereafter modified, the last modification recorded June 2, 2010.
4. Default for which foreclosure is made is failure of Grantor to pay promissory note upon maturity date of September 5, 2010.
5. The sum owing on the obligation secured by the Trust Deed is \$50,071.56 as of October 14, 2010 plus interest, late fees, trustee's and attorney's costs and fees incurred, plus such sums as Beneficiary may hereafter advance for Grantor.
6. The Beneficiary has and does elect to sell the property to satisfy the obligation.
7. The property will be sold in the manner prescribed by law on the 11th day of March, 2011, at 10:00 a.m. standard time as established by ORS 187.110, at the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, 97601, Klamath County, Oregon.
8. Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the Trust Deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale.
9. In construing this notice and whenever the context hereof so requires, 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 their successors in interest, the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the Trust Deed, and any collateral beneficiary, and their successors in interest.

DATED this 26th day of October 2010.

HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

By: Joseph E. Kelleman, Successor Trustee

#13061 January 22, 29, February 05, 12, 2011.

Department of Defense Manpower Data Center

Feb-23-2011 15:45:43



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
WESTFALL	KEVIN	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:TUBRF4UA79

Department of Defense Manpower Data Center

Feb-23-2011 15:46:19



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
WESTFALL	CAROL	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
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Report ID:RT6T5FGFRC