

Acq 68195

2011-003057

Klamath County, Oregon



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03/02/2011 03:02:01 PM

Fee: \$62.00

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON REPRESENTING 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:
Davis Hearn & Bridges
515 East Main Street
Ashland, OR 97520

1. Name(s) of the Transaction(s):

Affidavit of Mailing
Affidavit of Publication

2. Direct Party (Grantor):

Erik S. B. Toner
Theresa C. Toner

3. Indirect Party (Grantee):

4. True and Actual Consideration Paid:

5. Legal Description:

See attached

Unofficial Copy

62A111

AFFIDAVIT OF MAILING

STATE OF OREGON)
) §
COUNTY OF JACKSON)

I, JOAN CHRISTOPHER, of DAVIS, HEARN, SALADOFF & BRIDGES, P.C. of Ashland, Oregon, hereby certify that I mailed a copy of the Trustee's Notice of Sale which is attached hereto unto the following persons or entities pursuant to the provisions of ORS 86.740(1). The Notice was sent by Certified and First Class Mail on October 21, 2010, in letters addressed to:

Erik S. B. Toner and Theresa C. Toner
1425 Michigan Street
Fairfield CA 94533

State of Oregon
Klamath County Circuit Court
316 Main Street
Klamath Falls OR 97601

State of Oregon, Department of Justice
1162 Court Street
Salem OR 97301

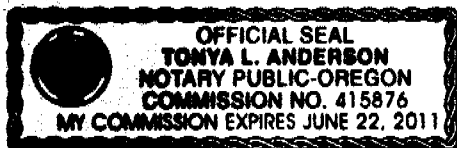
Carter-Jones Collection Service, Inc.
1143 Pine Street
Klamath Falls OR 97601

Southern Oregon Credit Service
841 Stewart Avenue #11
Medford OR 97501

Joan Christopher

JOAN CHRISTOPHER

SUBSCRIBED AND SWORN to before me this 21st day of Oct, 2010 by *Joan Christopher*



Tonya L. Anderson

Notary Public for Oregon
My Commission Expires: 6/22/2011

DAVIS, HEARN
SALADOFF & BRIDGES
A Professional Corporation
515 EAST MAIN STREET
ASHLAND, OREGON 97520
(541) 482-3111 FAX (541) 488-4455
www.davishearn.com

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by Erik S.B. Toner and Theresa C. Toner, tenants by the entirety, as grantor, to Aspen Title & Escrow, as trustee, to secure certain obligations in favor of Sam B. Davis and Jack H. Adams, Jr., as beneficiary, dated August 10, 2005, and recorded in Volume M-05-61815 of the Official Records of Klamath County, Oregon, on August 12, 2005, covering the following described real property, to wit:

Lot 16, Block 6, KLAMATH FOREST ESTATES, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon. This includes a 2005 Karsten mobile home VIN TKCSTOR-1605-26963 situated on the subject property.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and to foreclose said trust deed by advertisement and sale. The default for which the foreclosure is made is grantor's failure to pay when due the full unpaid balance which became due on August 12, 2010, and it remains unpaid.

By reason of said default, and grantor's failure to pay real property taxes for tax years 2008-2009 and 2009-2010, the beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed together with the interest thereon, immediately due, owing and payable, said sums being the following to wit

\$72,438.47, together with interest thereon at the rate of 15% per annum from December 9, 2009 until paid, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed.

A notice of default and election to sell and to foreclose was duly recorded and assigned No. 2010-012415 of the Official Records of Klamath County, State of Oregon. Said Notice of Default and Election to Sell was recorded October 20, 2010.

WHEREFORE, NOTICE HEREBY IS GIVEN that the undersigned trustee will on March 17, 2011, at the hour of 10:00 o'clock a.m., Pacific Time as established by Section 187.110, Oregon Revised Statutes, at the offices of AmeriTitle, 300 Klamath Avenue in Klamath Falls, Oregon 97601, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution of the said trust deed, together with any interest which the grantor or 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 certain persons referred to in the Oregon Revised Statutes have the right to

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have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred) together with costs, trustee's and attorney's fees at any time prior to five days before the date of said sale, provided that all other defaults referred to above are cured by then.

DATED this 21st day of October, 2010.

DAVIS, HEARN, SALADOFF & BRIDGES
A Professional Corporation



JACK DAVIS, Successor Trustee

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 # 13031

Trustee's Notice of Sale

Toner

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 18, 25, February 01, 08, 2011

Total Cost: \$781.40

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: February 11, 2011

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012

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Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and to foreclose said trust deed by advertisement and sale. The default for which the foreclosure is made is grantor's failure to pay when due the full unpaid balance which became due on August 12, 2010, and it remains un-

paid.

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•\$72,438.47, together with interest thereon at the rate of 15% per annum from December 9, 2009 until paid, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed.

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DATED this 21st day of October, 2010.
DAVIS, HEARN, SALADOFF & BRIDGES
A Professional Corporation
JACK DAVIS, Successor Trustee
#13031 January 18, 25, February 01, 08, 2011.

