

NOT 88792

2011-003694

Klamath County, Oregon

RECORDING COVER SHEET

Pursuant to ORS 205.234



00099108201100036940070078

03/17/2011 02:59:50 PM

Fee: \$77.00

AFTER RECORDING RETURN TO:

JOHN A. BERGE
AS SUCCESSOR TRUSTEE
BRYANT, LOVLIE & JARVIS, P.C.
591 SW Mill View Way
Bend, OR 97702

1. AFFIDAVIT OF PUBLICATION
2. AFFIDAVIT OF MAILING NOTICE OF SALE
3. AFFIDAVIT OF NON-OCCUPANCY

Original Grantors on Trust Deed: Michael A. Duke and Gail E. Duke

Beneficiary: Running Y Resort, Inc.

Consideration: \$-0-

THIS COVERSHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE
ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN THIS
COVERSHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE
INSTRUMENT ITSELF.

BRYANT, LOVLIE & JARVIS, PC
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way

Bend, Oregon 97702 (541) 382-4331 fax (541) 389-3386 WWW.BLJLAWYERS.COM

T7Amf

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 # 13055

Notice of Sale

Berge

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 21, 28, February 04, 11, 2011

Total Cost: \$627.32

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

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



NOTICE OF SALE

John A. Berge, Successor Trustee under the Trust Deed described below, hereby elects to sell, pursuant to Oregon Revised Statutes Sections 86.705 to 86.795, the real property described below at **11:00 a.m. on Friday, March 31, 2011**, on the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon.

All obligations of performance which are secured by the Trust Deed hereinafter described are in default for reasons set forth below and the beneficiary declares all sums due under the note secured by the trust deed described herein immediately due and payable.

GRANTOR: Michael A. Duke and Gail E. Duke

BENEFICIARY: Running Y Resort, Inc.

TRUST DEED RECORDED: September 4, 2001, in Volume M01 at page 44831, Microfilm Records, Klamath County, Oregon.

PROPERTY COVERED BY TRUST DEED: Lot 588 of Running Y Resort, Phase 5 Plat, in Klamath County, Oregon.

DEFAULT: Failure to pay:

1. Regular installment payments due at \$869.67 each for April, May, June, July, August, September, and October 2010 for a total of **\$46,040.25**, plus interest through and including September 30, 2010, in the amount of **\$2,815.72**;
2. Late charges for installments due for May, June, July, August, September, and October, 2010 which were more than 15 days delinquent for a total amount of **\$260.88**;
3. Other - Trustee's Sale Guarantee: **\$315.00**.

SUM OWING ON OBLIGATION SECURED BY TRUST DEED: Principal balance of **\$46,040.25** with interest at 12.5 percent per annum from April 1, 2010, until paid.

Notice is given that any person named pursuant to Section 86.753, Oregon Revised Statutes, has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by curing the above-described defaults, by payment of the entire amount due (other than such portions of principal as would not then be due had not default occurred), and by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees, at any time prior to five days before the date last set for the sale.

JOHN A. BERGE, Successor Trustee
#13055 January 21, 28, February 04, 11, 2011.

**AFFIDAVIT OF MAILING NOTICE OF SALE
OF TRUST DEED FORECLOSURE**


STATE OF OREGON, County of Deschutes) ss:

I, John A. Berge, being first duly sworn, depose and say:

That I am the Successor Trustee under a Trust Deed between Michael A. Duke and Gail E. Duke, as Grantors, and Running Y Resort, Inc., as Beneficiary, recorded September 4, 2001, in Volume M01 at page 44831, Microfilm Records, Klamath County, Oregon, and covering the property described in the attached **NOTICE OF SALE**.

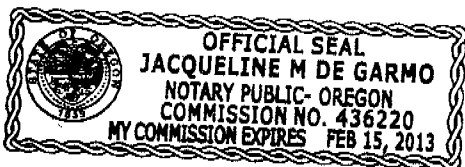
I hereby certify that I mailed, by first class mail and by certified mail, return receipt requested, a copy of the attached **NOTICE OF SALE** to the persons listed below, on the date and to the addresses indicated, which were the last known addresses to the Successor Trustee and the Beneficiary, by placing said **NOTICE** in a sealed envelope, with postage fully paid thereon, and depositing the same in the United State Mail:


<u>Person</u>	<u>Address</u>	<u>Date</u>
Michael A. Duke	5106 Sulphur Drive Mira Loma, CA 91752	11/12/2010 7008 1830 0004 3450 7640
Gail E. Duke	5106 Sulphur Drive Mira Loma, CA 97152	11/12/2010 7008 1830 0004 3450 5639
Xerox Corporation	c/o John W. Weil 1001 SW Fifth Ave, Ste 2150 Portland, OR 97204-2150	11/12/2010 7008 1830 0004 3450 5646



JOHN A. BERGE, OSB 871663

SUBSCRIBED AND SWORN TO before me this 15th day of March, 2011, by John A. Berge.





NOTARY PUBLIC for Oregon

14453-006 307

BRYANT, LOVLIE & JARVIS, PC
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 880 Bend, Oregon 97709-0880 (541) 382-4331 fax (541) 389-3386 WWW.BLJLAWYERS.COM

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JOHN A. BERGE, Successor Trustee

14453-006 304

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ATTORNEYS AT LAW, ESTABLISHED 1915

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7008 1830 0004 3450 5639

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

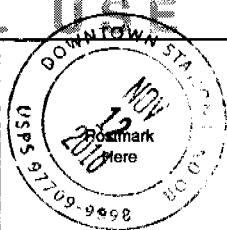
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$5.54

Sent To: Mail E. Duke
 Street, Apt. No., or PO Box No. 5106 Sulphur Dr.
 City, State, ZIP+4 Mira Loma CA 91752

PS Form 3800, August 2006 See Reverse for Instructions



COMPLETE THIS SECTION

2, and 3. Also complete Delivery is desired. address on the reverse of the card to you. the back of the mailpiece, if it permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature xma Duke ☐ Agent ☐ Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 11-15-10

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

Mail E. Duke
 5106 Sulphur Dr.
 Mira Loma CA 91752

7008 1830 0004 3450 7640

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

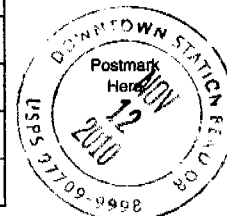
For delivery information visit our website at www.usps.com

OFFICIAL

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$5.54

Sent To: Michael A. Duke
 Street, Apt. No., or PO Box No. 5106 Sulphur Dr.
 City, State, ZIP+4 Mira Loma CA 91752

PS Form 3800, August 2006 See Reverse for Instructions



COMPLETE THIS SECTION

2. Article Number (Transfer from) 7008 1830 0004 3450 5639

PS Form 3811, February 2004 Domestic Return Receipt 14453-006/3B 102595-02-M-1540

and 3. Also complete delivery is desired. address on the reverse of the card to you. the back of the mailpiece, if it permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature xma Duke ☐ Agent ☐ Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 11-15-10

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

Michael A. Duke
 5106 Sulphur Drive
 Mira Loma CA 91752

2. Article Number (Transfer from) 7008 1830 0004 3450 7640

PS Form 3811, February 2004 Domestic Return Receipt 14453-006/3B 102595-02-M-1540

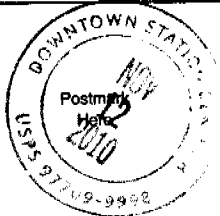
7008 1830 0004 3450 5646

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$5.54



Sent To Xerox Corporation
 Street, Apt. No., or PO Box No. 1001 SW Fifth Ave Ste 2150
 City, State, ZIP+4[®] Portland OR 97204-2150

PS Form 3800, August 2006 See Reverse for Instructions

THIS SECTION

and 3. Also complete delivery is desired. address on the reverse the card to you. a back of the mailpiece, e permits.

1. Article Addressed to:

Xerox Corporation
 c/o John W. Weil
 1001 SW Fifth Ave, Ste 2150
 Portland OR 97204-2150

2. Article Number

(Transfer from ser

7008 1830 0004 3450 5646

PS Form 3811, February 2004

Domestic Return Receipt

14453-004/3B

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature X <u>[Signature]</u>		<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) <u>[Signature]</u>	C. Date of Delivery <u>11-15-10</u>	
D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

BRYANT, LOVLIE & JARVIS, PC

ATTORNEYS AT LAW, ESTABLISHED 1915

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* EC *

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

RE: Trust Deed from

Michael A. & Gail E. Duke

To

Grantor

John A. Berge
Successor Trustee for
Running Y Resort, Inc.

Trustee

After recording, return to (Name, Address, Zip):

JOHN A. BERGE
Bryant, Lovlien & Jarvis, PC
591 SW Mill View Way
Bend, OR 97702

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON, } ss.
County of _____

I certify that the within instrument was
received for recording on _____,
at _____ o'clock _____ M., and recorded in
book/reel/volume No. _____ on page _____
and/or as fee/file/instrument/microfilm/reception
No. _____, Records of this County.

Witness my hand and seal of County affixed.

NAME

TITLE

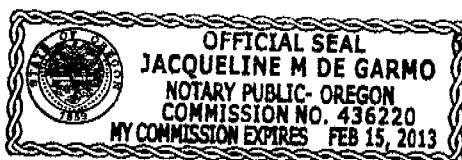
By _____, Deputy.

STATE OF OREGON, } ss.
County of Deschutes

I, John A. Berge
being first duly sworn, depose, say and certify that:
I am the successor trustee in that certain trust deed executed and delivered by
Michael A. Duke and Gail E. Duke, as grantor, to
AmeriTitle, as trustee,
in favor of Running Y Resort, Inc., as beneficiary,
dated August 19, 2001, recorded on September 4, 2001, in the Records of
Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. M01 at page 44831,
and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. _____ (indicate which), covering the following
described real property situated in the above-mentioned county and state, to-wit:

Lot 588 of Running Y Resort, Phase 5 Plat, in Klamath County, Oregon.

I hereby certify that on March 15, 2011, the above described real property was not occupied.
The word "trustee," as used in this affidavit means any successor trustee to the trustee named in the trust deed described above.



SIGNED AND SWORN TO before me on March 15, 2011

John A. Berge

Trustee

Jacqueline M. De Garmo

Notary Public for Oregon

My commission expires 2/15/2013