

2011-006270

Klamath County, Oregon



00102139201100062700050055

05/18/2011 02:19:25 PM

Fee: \$57.00

AFFIDAVIT OF POSTING NOTICE OF SALE IN LIEU OF SERVICE

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

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:

Stephen D. Stuart & Wendy E. Stuart

ADDRESS:

419 N. 10th Avenue, Klamath Falls, OR 97601

2120 & 2130 Stukel, Klamath Falls, OR 97601

344, 348 & 350 Martin Street, Klamath Falls, OR 97601

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 between January 8, 2011 and January 13, 2011. 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

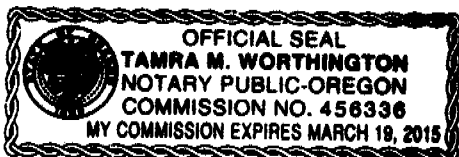
Subscribed and sworn to before me this 5th day of May, 2011.

TAMRA M. WORTHINGTON

Notary Public for Oregon

My Commission Expires: MARCH 19, 2015

(SEAL)



AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Trust Deed from Stephen D. Stuart
& Wendy E. Stuart, Grantor
To John Hintze & Wanda Hintze, 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:

Stephen D. Stuart, 419 N. 10th Street, Klamath Falls, OR 97601

Wendy E. Stuart, 419 N. 10th Street, Klamath Falls, OR 97601

District Director, 915 Second Avenue M/S W245, Seattle, WA 98174
Internal Revenue Service
Chief Special Procedures

General Credit Services, Inc. 2724 W. Main Street, Medford, OR 97501-0201

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 January 10, 2011 for all but General Credit Services, Inc., which was mailed January 31, 2011. 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

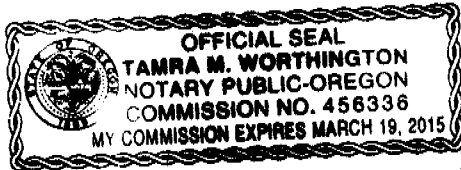
Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 11th day of May, 2011.

Tamra M. Worthington

Notary Public for Oregon

My commission expires March 19 2015



Affidavit of Publication

STATE OF OREGON,
COUNTY OF KLAMATH

I, Heidi Wright, Publisher,
being first duly sworn, depose and say
that I am 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 # 13162
Trustee's Notice of Sale
Stuart/Hintze

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:

March 11, 18, 25, April 1, 2011

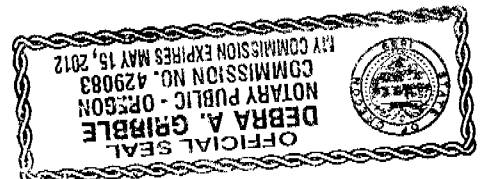
Subscribed and sworn by Heidi Wright

before me on: May 11, 2011

Notary Public of Oregon

Debra A. Grubbs

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by STEPHEN D. STUART & WENDY E. STUART, as grantor, to AMERITITLE, Inc., as the trustee, in favor of JOHN HINTZE & WANDA HINTZE, TRUSTEES OF THE HINTZE FAMILY TRUST as the beneficiary under that certain trust deed January 19, 2004, and recorded on January 28, 2004, in book/reel/volume No. M04 at page 005353 of the Mortgage Records of Klamath County, Oregon.
• The E1/2 of Lot 51 of and all of Lots 52 through 58, in Block 18, INDUSTRIAL ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.
EXCEPTING THEREFROM Beginning at the Northeast corner of Lot 58, Block 18, INDUSTRIAL ADDITION to the City of Klamath Falls, Oregon being the corner of Stukel and Martin Streets; thence Southerly along Southerly line of Martin Street, 70 feet; thence Southerly at right angles to Martin Street, 37 feet; thence Easterly parallel with Martin Street, 70 feet to the West line of Stukel Street, thence Northerly along Western line of Stukel Street, 37 feet to the place of beginning, being a portion of Lots 56, 57 and 58 in Block 18 of INDUSTRIAL ADDITION to the City of Klamath Falls, Oregon, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.
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:
• Monthly payments in the amount of \$1,929.23 since September 2010, plus interest.
• Taxes for the fiscal year 2008-2009, delinquent in the sum of \$2,117.58, plus interest.
• Taxes for the fiscal year 2009-2010, delinquent in the sum of \$2,193.75 plus interest.
• Taxes for the fiscal year 2010-2011, delinquent in the sum of \$2,239.01, plus interest.
• Allowing the property to become subject to a federal tax lien in the sum of \$63,444.28 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: \$117,177.61 together with interest thereon at the rate of 7.50% per annum from August 1, 2010, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.
WHEREFORE, notice hereby is given that the undersigned trustee will on May 13, 2011 at the hour of 11:00 a.m. Pacific 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 it 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 them be due had no default occurred) and by curing any other default committed of herein that is capable of being cured by tendering the performance required under the obligations of 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.

NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could effect 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 sale a 60 day notice of the purchaser's requirement that you move out. To be entitled to 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 April 13, 2011.** The name of the trustee and the 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 prepaid rent toward your current obligations 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 and ask for the lawyer referral service. The Oregon State Bar attorney referral service may be reached at (800)452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Legal Aid may be reached at (800) 480-9160.

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. The Fair Debt Collection Practices Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings. This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

DATED: MARCH 2, 2011.

/s/Scott D. MacArthur, Successor Trustee
635 Main Street, Klamath Falls, OR 97601
13162 March 11, 18, 25, April 1, 2011.