

Returned to Originator

After Recording Return To:  
Mark Hendershott  
P.O. Box P  
Sutherlin, Oregon 97479

2011-007024

Klamath County, Oregon



00103071201100070240100106

06/08/2011 12:07:27 PM

Fee: \$92.00

AFFIDAVIT OF MAILING NOTICE

*AFFIDAVIT OF PUBLICATION  
PROOF OF SERVICE*

STATE OF OREGON )

) ss

County of Douglas )

I, Mark Hendershott, being first duly sworn, say:

I am the Successor Trustee under that certain Trust Deed made by JEFFREY O. CULLEY as Grantor, to AMERTITLE, INC. as Trustee, in favor of ROY S. PHELPS and IRENE W. PHELPS, as Trustees of the Phelps Family Revocable Trust of 1999 as Beneficiaries, dated May 30, 2008, and recorded June 2, 2008, in the Records of Klamath County, Oregon, as Recorder's No. 2008-007987. On May 8, 2009, I gave the attached notice of Sale to Jeffrey O. Culley, the Grantor named in the Trust Deed, by mailing a certified true copy of the Notice of Sale to the Grantor, by certified mail, return receipt requested, and, in addition, by first class mail. Copies of the post office receipts for certified mail are attached hereto.

I further gave the attached Notice advising of the imminent sale of the property as required by statute by first class mail to Jeffrey O. Culley.

  
MARK HENDERSHOTT

9a-

SUBSCRIBED and sworn to before me this 24<sup>th</sup> day of September, 2009.



Trissie Penland

Notary Public for Oregon

My Commission Expires: 6/2/10

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Jeffrey O. Culley  
5333 Hill Lake  
Klamath Falls, Oregon  
97603

## 2. Article Number

(Transfer from service label)

7008 0150 0002 7244 0172

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

J. D. Dwyer

☐ Agent☐ Addressee

## B. Received by (Printed Name)

J. D. Dwyer

## C. Date of Delivery

5/1/09

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

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Mark Wenders  
Lange  
P.O. Box P  
Seaside, Oregon  
97138

## TRUSTEE'S NOTICE OF SALE

REFERENCE is made to that certain Trust Deed made by JEFFREY O. CULLEY as Grantor, to AMERITITLE, INC. as Trustee, in favor of ROY S. PHELPS and IRENE W. PHELPS, Trustees of the Phelps Family Revocable Trust of 1999 as Beneficiaries, dated May 30, 2008, and recorded June 2, 2008, in the Records of Klamath County, Oregon, as Recorder's No. 2008-007987, covering the following real property:

Lot 16, SUMMERS HEIGHTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Successor Trustee is Mark Hendershott, Lawyer, P.O. Box P, Sutherlin, Oregon 97479, 541)459-9501.

Both the Beneficiary and the Successor 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 statute as Recorder's No. 2009-005966, Records of Klamath County, Oregon on April 30, 2009; the default for which foreclosure is made is Grantor's failure to pay when due the following sums:

Monthly installments of \$491.88 due December 2, 2008, and January 2, February 2, March 2, and April 2, 2009, together with late charges of \$24.59 on each past due installment. Failure to pay real property taxes for the 2008-2009 tax year in the amount of \$1,164.09 plus interest.

By reason of said default the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, as follows:

Principal balance of \$44,823.84 together with interest at the rate of 10.75% from December 12, 2008, and including accrued, unpaid interest to December 12, 2008, of \$155.60 plus late charges of \$24.59 on each past due installment. The sums due shall include insurance premiums, real property taxes and municipal liens of any kind advanced by beneficiaries pursuant to the terms of the trust deed.

WHEREFORE, notice is given the Successor Trustee will on October 2, 2009, at 12:00 noon, in accord with the standard of time established by ORS 187.110, at front entrance to the Klamath County Courthouse, in the City of Klamath Falls, County of Klamath, Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the Grantor had or had power to convey at the time of the execution of the Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable

charge for the Successor 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 sale date, 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 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 these sums or tendering the performance necessary to cure the default, by paying all the costs and expenses actually incurred in enforcing the obligations and Trust Deed, together with trustee's and attorney fees not exceeding the amount set by ORS 86.753.

In construing this notice, the masculine gender includes the feminine and neuter, the singular includes the plural, and 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 successors in interest, if any.

DATED May 7, 2009.

  
MARK HENDERSHOTT  
Successor Trustee

## NOTICE:

**YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU  
DO NOT TAKE ACTION IMMEDIATELY**

This notice is about your mortgage loan on your property  
at 5333 Hilldale, Klamath Falls, Oregon 97504.

Your lender has decided to sell this property because the money due  
on your mortgage loan has not been paid on time or because you have failed to  
fulfill some other obligation to your lender. This is sometimes called 'foreclosure.'

The amount you would have had to pay as of September 15, 2009 to bring your  
mortgage loan current was \$8,089.85. The amount you must now pay to bring  
your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if  
you ask. You may call 541)459-9501 to find out the exact amount you must pay to  
bring your mortgage loan current and to get other details about the amount  
you owe. You may also get these details by sending a request by certified mail to:  
P.O. Box P, Sutherlin, Oregon 97479.

**THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD  
IF YOU DO NOT TAKE ACTION:**

Date and time: 12:00 noon, October 2, 2009 at place: front entrance to Klamath  
County Courthouse, 316 Main Street, Klamath Falls, Oregon.

**THIS IS WHAT YOU CAN DO TO STOP THE SALE:**

1. You can pay the amount past due or correct any other  
default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full  
anytime before the sale.

3. You can call Mark Hendershott at 541)459-9501 to find out if your lender is willing to give you more time or change the terms of your loan.

4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 1-800-SAFENET or go to <http://www.cbs.state.or.us/dfcs/ml/foreclosure.html>. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 503)684-3763. or toll-free in Oregon at 800)4527636 or you may visit its website at: [www.osb.org/public/ris/ris.html#referral](http://www.osb.org/public/ris/ris.html#referral). Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, call 541) 273-0533.

**WARNING:** You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: September 15, 2009.



Mark Hendershott  
Successor Trustee  
P.O. Box P  
Sutherlin, Oregon 97479  
541)459-9501

# 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 # 11517

Notice of Sale/Jeffrey O. Culley

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:

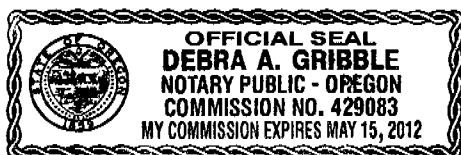
August 19, 26, September 2, 9, 2009

Total Cost: \$908.22

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: September 9, 2009

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



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WHEREFORE, notice is given the Successor Trustee will on October 2, 2009, at 12:00 noon, in accord with the standard of time established by ORS 187.110, at front entrance to the Klamath County Courthouse, in the City of Klamath Falls, County of Klamath, Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the Grantor had or had power to convey at the time of the execution of the Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge for the Successor 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 sale date, 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 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 these sums or tendering the performance necessary to cure the default, by paying all the costs and expenses actually incurred in enforcing the obligations and Trust Deed, together with trustee's and attorney fees not exceeding the amount set by ORS 86.753.

In construing this notice, the masculine gender includes the feminine and neuter, the singular includes the plural, and 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 successors in interest, if any.

DATED and first published this 19<sup>th</sup> day of August, 2009.  
s/ Mark Hendershott  
Successor Trustee  
#11517 August 19, 26, September 2, 9, 2009.



KLAMATH COUNTY SHERIFF'S OFFICE  
RETURN OF SERVICE

State of Oregon  
County of Klamath

Court Case No.  
Sheriff's Case No. **A09001513**

Received for Service **5/12/2009**

I hereby certify that I received for service on  
**CULLEY, JEFFREY OLAF**  
the within:  
**TRUSTEES NOTICE OF SALE**

**CULLEY, JEFFREY OLAF**  
was served personally, and in person, at  
**5333 HILDALE**  
**KLAMATH FALLS, OR 97603**  
on **5/12/2009** at **18:48** hours.

All search and service was made within Klamath County, State of Oregon.

Timothy M. Evinger, Sheriff  
Klamath County, Oregon

By

  
Deputy 4432 PATTY JOHNSON

Copy to:  
MARK HENDERSHOTT  
PO BOX 9  
SUTHERLIN, OR 97479

KLAMATH COUNTY SHERIFF'S OFFICE  
RETURN OF SERVICE

State of Oregon  
County of Klamath

Court Case No.  
Sheriff's Case No. **A09001513**

Received for Service **5/12/2009**

I hereby certify that I received for service on  
**OCCUPANTS,**  
the within:

**TRUSTEES NOTICE OF SALE**

**OCCUPANTS,**

was served by leaving a true copy with

**CULLEY, JEFFREY OLAF**

a person over the age of fourteen years who resides  
at the place of abode of the within named located at  
**5333 HILDALE**

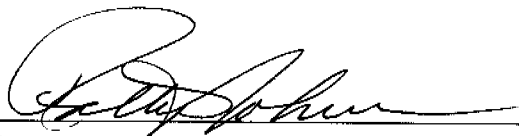
**KLAMATH FALLS, OR 97603**

on **5/12/2009** at **18:48** hours.

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Timothy M. Evinger, Sheriff  
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