

Returned to Counter

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

2011-007025
Klamath County, Oregon



06/08/2011 12:07:32 PM

Fee: \$57.00

AFFIDAVIT OF MAILING NOTICE

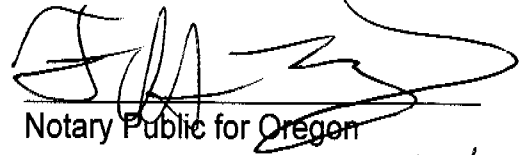
STATE OF OREGON)
) ss
County of Douglas)

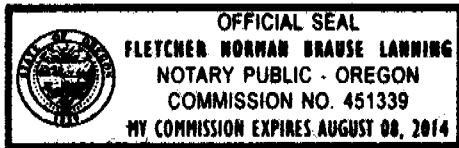
I, Mark Hendershott, being first duly sworn, say:

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 ROYS 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. On May 16, 2011, after dismissal of Bankruptcy case No. 09-65361-fra13, and the termination of the automatic stay, I gave the attached notice of Sale to Jeffrey O. Cully, 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. No other persons were present at the time and place first set for sale. Copies of the post office receipts for certified mail are attached hereto.


MARK HENDERSHOTT

SUBSCRIBED and sworn to before me this 7th day of June, 2011.


Notary Public for Oregon



My Commission Expires: 8/8/14

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.

The sale was stayed by proceedings in the United States Bankruptcy Court, Case No. 09-65361-fra13 which stay was terminated by Order of the Court on May 9, 2011.

WHEREFORE, notice is given the Successor Trustee will on June 8, 2009, at 1:00 p.m., 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 16, 2009.

A handwritten signature in black ink, appearing to read 'Mark Hendershott', is written over a horizontal line.

MARK HENDERSHOTT
Successor Trustee

UNITED STATES POSTAL SERVICE OR 975

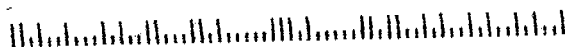
04 JUN 2011 PM 1 L



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

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

Mark Henderson
Lawyer
P.O. Box P
Salem, Oregon
97479



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 Hildreth
Klamath Falls, Oregon
97603

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Jeffrey O. Culley

☐ Agent

☒ Addressee

B. Received by (Printed Name)

JEFFREY O. CULLEY

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If 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

2. Article Number

(Transfer from service label)

7008 0150 0002 7244 0301