

2011-011723

Klamath County, Oregon



00108915201100117230050053

10/19/2011 03:48:20 PM

Fee: \$57.00

AFTER RECORDING RETURN TO:

Nathan J. Ratliff  
620 Main Street  
Klamath Falls OR 97601

Trust Deed Grantor:

Skate Warehouse, LLC,  
Grantor

Trust Deed Successor Trustee:

Nathan J. Ratliff

Trust Deed Beneficiary:

Galen Durant

**AFFIDAVIT OF MAILING**  
**AMENDED TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON; County of Klamath ) ss.

I, KAY HEATH, being first duly sworn, depose and say that:

1. 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 the beneficiary's successor in interested named in the attached amended notice of sale given under the terms of that certain deed described in the amended notice of sale.

2. I gave an amended notice of the sale of the real property described in the attached Amended Trustee's Notice of Sale by mailing copies 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:

<u>NAME</u>	<u>ADDRESS</u>
SKATE WAREHOUSE, LLC	800 So. Spring Street Klamath Falls, OR 97601
SKATE WAREHOUSE, LLC	c/o Erin Carter 4865 Highway 234 White City, OR 97503
MICHAEL L. POTTS	P. O. Box 1619 Paso Robles, CA 93447
CAROLYN POTTS	P. O. Box 1619 Paso Robles, CA 93447

3. These 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 set forth in ORS 86.785.

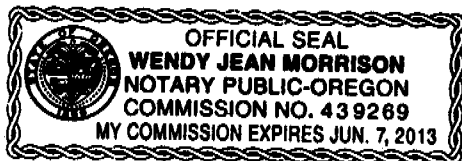
4. Each of the amended notices so mailed was certified to be a true copy of the original amended notice of sale by Nathan J. Ratliff, attorney for the successor trustee named in the amended notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on June 27, 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Amended Notice of Default and Election to Sell described in the notice of sale was recorded.

5. As used herein, the singular includes the plural, "trustee" includes a successor trustee, and "person" includes a corporation or any other or commercial entity.

DATED this 19 day of October, 2011.

Kay Heath  
Kay Heath

SUBSCRIBED AND SWORN TO BEFORE ME this 19<sup>th</sup> day of October, 2011, by Kay Heath.



Wendy Jean Morrison  
NOTARY PUBLIC FOR OREGON  
My Commission expires: June 7, 2013

**NOTICE TO BORROWER:** YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**AMENDED TRUSTEE'S NOTICE OF SALE**

REFERENCE IS HEREBY MADE to that certain Trustee's Notice of Sale dated May 26, 2011, which is hereby amended in certain particulars.

REFERENCE IS FURTHER HEREBY MADE to that certain Trust Deed made by **SKATE WAREHOUSE, LLC**, as grantor, to **NATHAN J. RATLIFF**, as successor trustee (the trustee), in favor of **GALEN DURANT**, as beneficiary, dated May 24, 2010, recorded May 28, 2010, in the records of Klamath County, Oregon, as Instrument No. 2010-006548, covering the following-described real property situated in the above-mentioned county and state, to-wit:

LOTS 7, 8 AND 9, BLOCK 18, SECOND RAILROAD 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.

Property ID.: R478398

Map Tax Lot No.: R-3809-033BC-09500

Both the beneficiary and the 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 ORS 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due, the following sums:

A. Original Loan, \$125,000.00 (2010-006548)	
1. Interest only payment in the amount of \$1,458.00 each for the payments due December 24, 2010, through and including May 24, 2011 (6 months)	\$ 8,748.00
2. Late fee at the rate of 5% of \$1,458.00 in the amount of \$72.90 per missed payments due December 24, 2010 through and including May 24, 2011 (6 months)	\$ 437.40
B. Loan Modification, \$39,000.00 (2010-013750)	
1. Interest only payment in the amount of \$420.00 each for the payments due January 1, 2011, through and including June 1, 2011 (6 months)	\$ 2,520.00
2. Late Fee at the rate of 5% of \$420.00 in the amount of \$21.00 per missed payments due January 1, 2011, through and including June 1, 2011 (6 months)	\$ 105.00
<b>TOTAL:</b>	<b>\$11,831.40</b>

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of such default described above, the beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following, to-wit:

- A. UNPAID PRINCIPAL IN THE AMOUNT OF \$125,000.00 ON THE ORIGINAL LOAN, PLUS INTEREST THEREON AT 14% FROM December 24, 2010 until paid, together with foreclosure costs, trustee fees, attorney fees, and sums required for the protection of the property and additional sums secured by the Deed of Trust.
- B. UNPAID PRINCIPAL IN THE AMOUNT OF \$39,000.00 ON THE LOAN MODIFICATION, PLUS INTEREST THEREON AT 14% FROM November 30, 2010, until paid, together with foreclosure costs, trustee fees, attorney fees, and sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, NOTICE IS HEREBY GIVEN that the undersigned trustee will on **OCTOBER 31, 2011**, at the hour of **10:00 A.M.**, in accord with the standard of time established by ORS 187.110, at 620 Main Street, Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above which the grantor had or had power to convey at the time of the execution by grantor of the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the 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 date last set for 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 then 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 those 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 and attorney fees not exceeding the amounts provided by ORS 86.753.

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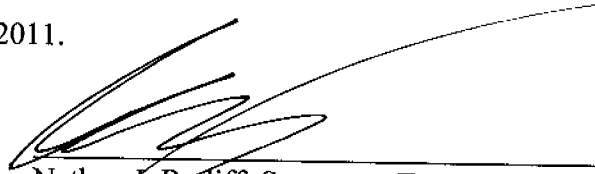
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In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED this 27 day of June, 2011.



Nathan J. Ratliff, Successor Trustee  
Parks & Ratliff, P.C.  
620 Main Street  
Klamath Falls, OR 97601  
Phone: 541-882-6331

I CERTIFY THAT I am the attorney for the above-named trustee and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

RATLIFF & RATLIFF, P.C.

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Nathan J. Ratliff, OSB #03426