

EC

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

CL

**NOTICE OF DEFAULT  
AND ELECTION TO SELL****2011-012847****Klamath County, Oregon**

00110261201100128470070079

11/16/2011 02:56:45 PM

Fee: \$67.00

RE: Trust Deed from

Justin Throne250 Main StreetKlamath Falls, OR 97601

To

Grantor

First American Title Company422 Main StreetKlamath Falls, OR 97601Neal G. Buchanan, Successor Trustee

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

Neal G. Buchanan, Successor TrusteeAttorney at Law435 Oak AvenueKlamath Falls, OR 97601Reference is made to that certain trust deed made by Justin Throne

\_\_\_\_\_, as grantor, to  
First American Title Company (Neal G. Buchanan as Successor Trustee), as trustee,  
 in favor of Joseph Weir Emmert and Betty Jane Emmert, Husband and Wife, as beneficiary,  
 dated the 1st day of December, 2004, recorded on the 1st day of December, 2004, in the Records of  
Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. M04 at page 82818,  
 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:

Lots 1 and 2 of Block 34, City of Klamath Falls, 2nd Addition, Klamath  
 County, State of Oregon

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the Records of the county or counties in which the above-described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, or by the successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantor's failure to pay when due the following sums:

- a. Monthly payments due in the sum of \$490.42 commencing with the payment due November 1, 2010 and the first day each month thereafter
  - b. Failure to pay the real property taxes assessed for the tax year 2008-9 and thereafter in violation of paragraph 5 of the Trust Deed.
  - c. Failing to maintain the premises in good condition and repair as required by paragraph 2 of the Trust Deed.
- By reason of the default, 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. The remaining unpaid balance owing pursuant to the Trust Deed dated December 1, 2004 securing payment of Promissory Note in sum of \$ 44,491.57 together with interest thereon at the rate of 7.5% from November 7, 2011 until paid.
- b. Real Property Taxes owing to the County of Klamath
- c. Costs of Title Search (paragraph 6 of the Trust Deed); and
- d. Costs and expenses incurred in enforcing the obligation, including Trustee's and Attorney's fees

(OVER)



Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110 on March 22, 2012, at the following place: 435 Oak Avenue in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property, except:

Name and Last Known Address	Nature of Right, Lien or Interest
Justin Throne, 250 Main St, Klamath Falls, OR 97601	Grantor, Fee Owner and Party in possession
IRS Advisory Group, 915 2nd Ave, MS W245, Seattle, WA 98174	See Attached
General Credit Service, Inc., P.O. Box 8, Medford, OR 97501	Judgment in Case 1003970CVT
Oregon Employment Department, 875 Union Street NE, Room 107, Salem, OR 97311	Liens recorded 2011-003326
Oregon Department of Revenue, P.O. Box 14725, Salem, OR 97309-5018	Liens recorded 2011-008249
	Liens recorded 2011-004511,
	2011-004512, 2011-006240,
	2011-010738 and 2011-011223

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 the 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 fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED November 16, 2011

Neal G. Buchanan  
Neal G. Buchanan

Successor ☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss.  
This instrument was acknowledged before me on November 16, 2011  
by Neal G. Buchanan, Attorney at Law, Successor Trustee  
This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_



Margaret A. John  
Notary Public for Oregon  
My commission expires 9-12-14

## NOTICE OF SALE

Information pursuant to Section 7425

1. The name, address and telephone number of the person submitting the Notice is as follows:

Neal G. Buchanan  
Attorney at Law  
435 Oak Avenue  
Klamath Falls, OR 97601

2. A copy of each form 668(Y)(c) Notice of Federal Tax Lien will be found attached hereto.
3. The physical address of the property to be foreclosed is as follows:

1030 Addison Street  
Klamath Falls, OR 97601

The legal description is set forth on the foregoing.

4. N/A
5. The date, time and place of the sale is set forth on the foregoing. The terms of the sale are cash at the time of such sale.
6. The amount of principal obligation, including interest, is as set forth on the foregoing. Expenses are estimated as follows:
  1. Cost of Title information: \$280.00
  2. Recordation, mailing and services expenses estimated at: \$200.00
  3. Trustee's/Attorney's fees estimated at: \$2,000.00

2010-003885

Klamath County, Oregon

00081956201000038850010013

03/30/2010 01:59:23 PM

Fee: \$5.00

10182		Department of the Treasury - Internal Revenue Service			
Form 668 (Y)(c) (Rev. February 2004)		<b>Notice of Federal Tax Lien</b>			
Area: SMALL BUSINESS/SELF EMPLOYED AREA #6 Lien Unit Phone: (800) 913-6050		Serial Number 636368610		For Optional Use by Recording Office	
<b>As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.</b>					
Name of Taxpayer JUSTIN E THRONE					
Residence PO BOX 285 MALIN, OR 97632-0285					
<b>IMPORTANT RELEASE INFORMATION:</b> For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).					
Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2004	XXX-XX-1138	02/08/2010	03/09/2020	44630.21
1040	12/31/2005	XXX-XX-1138	02/08/2010	03/09/2020	29135.28
1040	12/31/2006	XXX-XX-1138	02/08/2010	03/09/2020	22493.75
Place of Filing OFFICE OF COUNTY CLERK KLAMATH COUNTY KLAMATH FALLS, OR 97601					Total \$ 96259.24

This notice was prepared and signed at SEATTLE, WA, on this,

the 19th day of March, 2010.

Signature <i>R. A. Mitchell</i> for ERIC E BOHN	Title REVENUE OFFICER (541) 282-1338	26-04-1920
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(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien  
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)  
CAT. NO 60025X

2010-004700

Klamath County, Oregon

00082900201000047000010018

04/20/2010 08:12:59 AM

Fee: \$5.00

10185

Department of the Treasury - Internal Revenue Service

Form 668 (Y)(c)

(Rev. February 2004)

## Notice of Federal Tax Lien

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #6  
Lien Unit Phone: (800) 913-6050

Serial Number

642842810

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer JUSTIN E THRONE

Residence

280 MAIN STREET  
KLAMATH FALLS, OR 97601-0000

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
941	12/31/2009	45-0535100	03/15/2010	04/14/2020	1367.99

Place of Filing

OFFICE OF COUNTY CLERK  
KLAMATH COUNTY  
KLAMATH FALLS, OR 97601

Total

\$

1367.99

This notice was prepared and signed at SEATTLE, WA, on this,

the 08th day of April, 2010.

Signature

R. A. Mitchell

for ERIC E BOHN

Title

REVENUE OFFICER  
(541) 282-1338

26-04-1920

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien  
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)  
CAT. NO 60025X

2010-010616

Klamath County, Oregon

00089879201000108160010010

09/08/2010 10:57:01 AM

Fee: \$5.00

10182

Department of the Treasury - Internal Revenue Service

Form 668 (Y)(c)

(Rev. February 2004)

## Notice of Federal Tax Lien

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #6  
Lien Unit Phone: (800) 913-6050

Serial Number

694137210

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer JUSTIN E THRONE

Residence 280 MAIN STREET  
KLAMATH FALLS, OR 97601-0000

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
940	12/31/2009	45-0535100	07/12/2010	08/11/2020	74.45
941	03/31/2010	45-0535100	07/12/2010	08/11/2020	1447.64
Place of Filing OFFICE OF COUNTY CLERK KLAMATH COUNTY KLAMATH FALLS, OR 97601					Total \$ 1522.09

This notice was prepared and signed at SEATTLE, WA, on this,

the 27th day of August, 2010.

Signature

R. A. Mitchell

for ERIC E BOHN

Title

REVENUE OFFICER  
(541) 282-1338

26-04-1920

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien  
Rev. Rul. 71-466, 1971-2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)  
CAT. NO 60025X

2010-010620

Klamath County, Oregon

00089883201000106200010016

09/08/2010 10:57:01 AM

Fee: \$5.00

10182

Department of the Treasury - Internal Revenue Service

Form 668 (Y)(c)

(Rev. February 2004)

## Notice of Federal Tax Lien

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #6

Lien Unit Phone: (800) 913-6050

Serial Number

694159910

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer JUSTIN E THRONE

Residence

280 MAIN ST  
KLAMATH FALLS, OR 97601-6331

**IMPORTANT RELEASE INFORMATION:** For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2007	XXX-XX-1138	08/02/2010	09/01/2020	15722.82
Place of Filing OFFICE OF COUNTY CLERK KLAMATH COUNTY KLAMATH FALLS, OR 97601					Total \$ 15722.82

This notice was prepared and signed at SEATTLE, WA, on this,

the 27th day of August, 2010.

Signature

R. A. Mitchell

for ERIC E BOHN

Title

REVENUE OFFICER

(541) 282-1338

26-04-1920

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien  
Rev. Rul. 71-468, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)  
CAT. NO 60025X