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



# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

2012-000095

Klamath County, Oregon



00112181201200000950040041

RE: Trust Deed from

Gilbertson Enterprises, LLC  
2301 Mountain View Blvd, Ste E  
Klamath Falls, OR 97601

To

Grantor

Amerititle

300 Klamath Avenue  
Klamath Falls, OR 97601

Trustee

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

James R. Uerlings  
Boivin, Uerlings & DiIaconi, P.C.  
803 Main Street, Ste 201  
Klamath Falls, OR 97601

SPACE RES

01/05/2012 03:38:42 PM

Fee: \$52.00

FOR

No. \_\_\_\_\_, Records of this County.

RECORDER'S USE

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy.

STATE OF OREGON, County of Klamath ) ss:I, James R. Uerlings, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached 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:

NAME

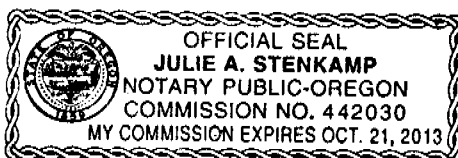
ADDRESS

Refer to Exhibit A, attached herto and incorporated by this reference.

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.\*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by James R. Uerlings, attorney for the trustee named in the 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 August 16, 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 Notice of Default and Election to Sell described in the notice of sale was recorded.

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



James R. Uerlings, Successor Trustee

SIGNED AND SWORN TO before me on 01/05/2012

Notary Public for Oregon

My commission expires 10/21/2013

\* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date. Pursuant to ORS 86.740(2), a notice served by mail in accordance with ORS 86.740(1) is effective when the notice is mailed.  
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

## **Exhibit A**

### **Service List by 1<sup>st</sup> Class Mail and Certified Mail**

Gilbertson Enterprises, LLC  
c/o Barbara Gilbertson, Reg. Agt/Member  
2121 Kimberly Drive  
Klamath Falls, OR 97603

Gilbertson Enterprises, LLC  
c/o Barbara Gilbertson, Reg. Agt/Member  
2301 Mountain View Blvd, Ste E  
Klamath Falls, OR 97601

Sterling Savings Bank  
PO Box 2224  
Spokane, WA 99210

Sterling Savings Bank  
111 N Wall Street  
Spokane, WA 99201

Sterling Savings Bank  
PO Box 2131  
Spokane, WA 99210

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## AMENDED TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Gilbertson Enterprises, LLC, an  
Oregon Limited Liability Company, as grantor,  
 to Amerititle, an Oregon Corporation, as trustee,  
 in favor of South Valley Bank & Trust, as beneficiary,  
 dated April 26, 2004, recorded on May 6, 2004, in the Records of  
Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. M04 at page 27734,  
 and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. \_\_\_\_\_ (indicate which), covering the following  
 described real property situated in that county and state, to-wit:

Refer to Exhibit A, attached hereto and incorporated by this reference.

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 Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made in grantor's failure to pay when due the following sums:

- 1) Monthly payments of \$705.55 due on April, May, June and July 15, 2011 and the 15th of each month thereafter.
- 2) Late fees of \$35.28 for the months of April through July 2011 and each month thereafter.
- 3) Klamath County Property Taxes for the following years: 2008-9, 2009-10, 2010-11, totaling \$8,150.86, plus interest thereafter.

By reason of the default just described, 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:

\$79,392.49, plus interest at 8% per annum from August 1, 2011 until paid, late fees of \$141.12, plus \$35.28 for August 2011 and thereafter, plus attorney fees, trustee fees, appraisal fees, title reports and other costs of foreclosure and advances.

WHEREFORE, notice is hereby given that the undersigned trustee will on January 11, 2012, at the hour of 11 o'clock, A M., in accord with the standard of time established by ORS 187.110, at 803 Main Street, Ste 201

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 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.

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 August 15, 2011

James R. Uerlings, Successor Trustee

\_\_\_\_\_, Trustee

803 Main Street, Ste 201

ADDRESS

Klamath Falls, OR 97601 (541) 884-8101

CITY

STATE

ZIP

PHONE

I certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

(CONTINUED)

Attorney for Trustee

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

PARCEL 1

Lot 7, Block 5 of TRACT NO. 1163 - CAMPUS VIEW, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PARCEL 2

A parcel of land being the S1/2 of Lot 6, Block 5 of "Tract No. 1163 - Campus View", a duly recorded subdivision, situated in the SE1/4 NW1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Easterly corner common to Lots 6 and 7 of said Block 5; thence North 47 degrees 42' 17" West 240.74 feet to the Westerly corner common to said Lots 6 and 7; thence Northeasterly along the Westerly line of said Lot 6 on the arc of a curve to the left (radius point bears North 47° 42' 17" West 333.64 feet and central angle equals 07° 41' 37") 44.80 feet; thence South 56° 37' 13" East 261.41 feet to a point on the Easterly line of said Lot 6; thence Southwesterly along the Easterly line of said Lot 6 on the arc of a curve to the right (radius point bears North 43° 11' 21" West 445.28 feet and central angle equals 08° 05' 59") 62.95 feet and South 54 degrees 54' 38" West 23.55 feet to the point of beginning.