

NT

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

2012-002711

Klamath County, Oregon



00115277201200027110140146

03/13/2012 02:44:15 PM

Fee: \$102.00

RE: Trust Deed from

Justin Throne

250 Main Street

Klamath Falls, OR 97601

To

Grantor

First American Title Company, Trustee

Neal G. Buchanan, Attorney at Law

435 Oak Avenue

Klamath Falls, OR 97601

Successor
Trustee

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

Neal G. Buchanan, Successor Trustee

Attorney at Law

435 Oak Avenue

Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath ss:I, Neal G. Buchanan, Successor Trustee, 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

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

General Credit Service, Inc., P.O. Box 8, Medford, OR 97501

Oregon Employment Department, 875 Union Street, NE, Room 107, Salem, OR 97311

Oregon Department of Revenue, P. O. Box 14725, Salem, OR 97309-5018

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 Neal G. Buchanan, 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 November 17, 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.

Neal G. Buchanan
Neal G. Buchanan, Attorney at Law

Subscribed and sworn to before me on November 17, 2011



Margaret A. John
Notary Public for Oregon

My commission expires 9-12-14

EN

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



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Justin Throne, as grantor, to First American Title Company, Neal G. Buchanan, Successor Trustee, as trustee, in favor of Joseph Weir Emmert and Betty Jane Emmert, Husband and Wife, as beneficiary, dated 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, or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. _____ (indicate which), covering the following described real property situated in that county and state, to-wit:

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

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:

- 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 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:

- a. The remaining unpaid balance owing pursuant to the Trust Deed dated the 1st day of December, 2004 securing payment of Promissory Note in the 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

WHEREFORE, notice is hereby given that the undersigned trustee will on March 22, 2012, at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at 435 Oak Avenue

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.

(CONTINUED)



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, Attorney at Law

Successor Trustee

435 Oak Avenue
ADDRESS

Klamath Falls, OR 97601
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.

Neal G. Buchanan

Attorney for Trustee
Successor

NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is February 20, 2012. The name of the trustee and the trustee's mailing address are listed on this notice.

Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at www.osbar.org. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to www.oregonlawhelp.org.

SERVE:* Occupants and Parties in Possession

1030 Addison Street

Klamath Falls, OR 97601

*If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in the name and address of party to be served. 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. The effective date of a notice served by posting and mailing in accordance with ORS 86.750(1)(b) is governed by ORS 86.750(1)(c).

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)**Notice of Federal Tax Lien**

Area:

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

Serial Number

636368610

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 PO BOX 285
MALIN, OR 97632-0285

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	12/31/2004	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

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

2010-004700

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 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)
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

00089879201000106160010010

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 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)
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

00089883201000106200010018

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. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

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

NT

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

RE: Trust Deed from

Justin Throne
250 Main Street

Klamath Falls, OR 97601

To

Grantor

First American Title Company, Neal
G. Buchanan, Attorney at Law,
435 Oak Avenue Successor
Klamath Falls, OR 97601 Trustee

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

Neal G. Buchanan Successor Trustee
Attorney at Law
Klamath Falls, RO 97601

STATE OF OREGON, County of Klamath) ss:
I, Neal G. Buchanan, Successor Trustee

, 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

Occupants and Parties in Possession

1030 Addison Street
Klamath Falls, OR 97601

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 Neal G. Buchanan, Attorney at Law, 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 November 19, 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.



Subscribed and sworn to before me on November 22, 2011
Margaret A. John
Notary Public for Oregon
My commission expires 9-12-14

EE

**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S
NOTICE OF SALE UPON OCCUPANT PURSUANT
TO ORS 86.750 (1) AND PROOF OF SERVICE
(120-Day Notice)**

RE: Trust Deed from

Justin Throne

250 Main Street

Klamath Falls, OR 97601

To

Grantor

First American Title Company, Trustee

Neal G. Buchanan, Successor Trustee

435 Oak Avenue

Klamath Falls, OR 97601

Trustee

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

Neal G. Buchanan, Attorney at Law

435 Oak Avenue

Klamath Falls, OR 97601

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON,

County of Klamath } ss.

I, the undersigned, being first duly sworn, depose and say:

I am the Trustee or attorney for the Trustee in the trust deed described in the attached Trustee's Notice of Sale.

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3) upon the occupant of the property described in the Notice of Sale.

The name of the person to be served, if known, and the property address of the property described in the trust deed are as follows:

Name of person to be served
(If unknown, so state)

Property Address

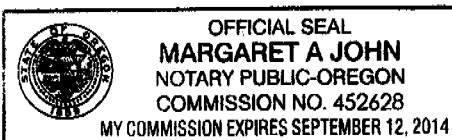
Occupant and Parties in Possession

1030 Addison Street
Klamath Falls, OR 97601

If the occupant is indicated as "unknown," or if you find the property at this address to be occupied by someone other than the person named, then you are to serve the person or persons whom you find to be occupying the property.

Service should be made by November 22, 2011, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, and the property appears occupied, persist in attempting to make service until it has been accomplished.

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

SIGNED AND SWORN TO before me on November 17, 2011

Neal G. Buchanan
(ATTORNEY FOR) TRUSTEE

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

**PROOF OF SERVICE OF TRUSTEE'S
NOTICE OF SALE UPON OCCUPANT PURSUANT
TO ORS 86.750(1)**

STATE OF OREGON, County of KLAMATH) ss.

I hereby certify that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made, and that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto nor a successor to either, nor an officer, director, an employee of, or attorney for, the beneficiary or trustee, or successor of either, corporate or otherwise.

I made service of the attached Trustee's Notice of Sale upon the individuals and other legal entities named below by delivering true copies of the Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, as follows:

1) Attempted Service

I attempted service of the documents on the dates and times as follows:

November 17, 2011 at 5:30 p.m.
November 18, 2011 at 1:30 p.m.
November 19, 2011 at 10:00 a.m.

2) Service Pursuant to ORS 86.750

Because personal service could not be made on the occupant in person (in part because the occupant chose not to answer the door), I proceeded with service pursuant to ORS 86.750 as follows:


On November 21, 2011, a pickup which appeared to be the property of the occupant was parked in the driveway, however the occupant would not answer the door. Thus having attempted such service on November 21, 2011, I posted the Notice in a conspicuous place on the property at 7:35 a.m.

An additional attempt (referred to herein as a second attempt) was made to serve the occupant on November 23, 2011 at 7:58 a.m. A pickup which appeared to be the property of the occupant was parked in the driveway, however the occupant would not answer the door. Because the occupant could not be served on the second attempt the Notice was again posted in a conspicuous place on the property.

An additional attempt (referred to herein as a third attempt) was made to serve the occupant on November 25, 2011 at 8:02 a.m. A pickup which appeared to be the property of the occupant was parked in the driveway, however the occupant would not answer the door. Because the

occupant could not be served on the third attempt the Notice was again posted in a conspicuous place on the property.

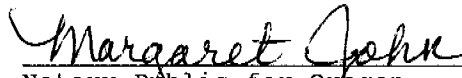
Each of the persons, firms and corporations served by me is the identical person, firm or corporation named in the Trustee's Instructions to me in connection therewith.


Terry Griffin

STATE OF OREGON, County of Klamath) ss.

SIGNED AND SWORN TO before me on December 7, 2011.




Notary Public for Oregon
My Commission Expires: 9-12-14

**AFFIDAVIT OF PUBLICATION
STATE OF OREGON,
COUNTY OF KLAMATH**

I, Jeanine P. Day, Finance Director, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#13997 SALE THRONE

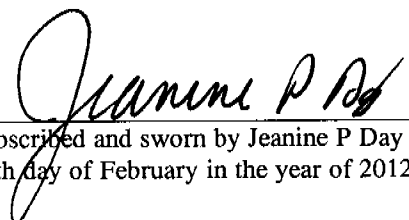
FILE NO. 11-08

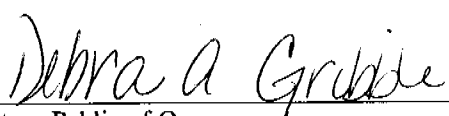
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

Insertion(s) in the following issues:

01/26/2012 02/02/2012 02/09/2012 02/16/2012

Total Cost: \$1538.72


Subscribed and sworn by Jeanine P Day before me on:
16th day of February in the year of 2012


Notary Public of Oregon
My commission expires on May 15, 2012



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Justin Throne, as grantor, to First American Title Company, Neal G. Buchanan, Successor Trustee, as trustee, in favor of Joseph Weir Emmert and Betty Jane Emmert, Husband and Wife, as beneficiary, dated 1st day of December, 2004, recorded on the 1st day of December, 2004, in the Records of Klamath County, Oregon, volume No. M04 at page 82818, covering the following described real property situated in that county and state, to-wit:
Lots 1 and 2 of Block 34, City of Klamath Falls, 2nd Addition, Klamath County, State of Oregon.

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:

- 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 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:

- a. The remaining unpaid balance owing pursuant to the Trust Deed dated the 1st day of December 2004 securing payment of Promissory Note in the 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 Count 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.

WHEREFORE, notice is hereby given that the undersigned trustee will on March 22, 2012, at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at 435 Oak Avenue, 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 November 16, 2011.

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

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.

/s/Neal G. Buchanan, Attorney for Successor Trustee

NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. ~~The date that is 30 days before the date of the sale is February 20, 2012. The name of the trustee and the trustee's mailing address are listed on this notice.~~

Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at www.osbar.org. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to www.oregonlawhelp.org.

SERVE: Occupants and Parties in Possession,
1030 Addison Street, Klamath Falls, OR 97601
#13997 January 26, February 02, 09, 16, 2012.