

1st 1799038

2012-003704
Klamath County, Oregon

After recording, return to:
ROBERT A. SMEJKAL
PO Box 1758
Eugene, OR 97440



04/10/2012 10:45:07 AM

Fee: \$87.00

Grantor:
STACIE L. ALBERTS
875 Fairway View Drive
Eugene, OR 97401

Trustee:
ROBERT A. SMEJKAL
PO Box 1758
Eugene, OR 97440

Beneficiaries:
RICHARD T. HAUN
ROGENE C. MANAS
PO Box 182
Walterville, OR 97489

RECORDING COVER SHEET

Robert A. Smejkal, the Trustee herein, hereby requests that First American Title Insurance Company record, in the Records of Klamath County, Oregon, as one complete document, the following documents:

- ✓ 1. Affidavit of Publication;
- ✓ 2. Affidavit of Mailing Trustee's Notice of Sale;
- ✓ 3. Proof of Service; and
4. Trustee's Notice of Sale.

DATED this 6th day of April, 2012.

Requested by:
Robert A. Smejkal, Trustee
PO Box 1758
Eugene, OR 97440
Telephone: (541) 345-3330

Deed Reference: 2008-9662

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

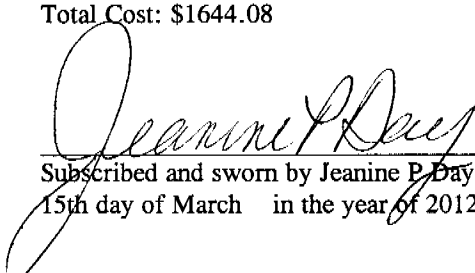
I, Jeanine P. Day, Finance Director, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#14050 SALE ALBERTS TNOS-HAUN-ALBERTS

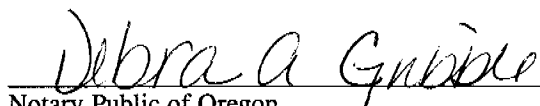
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

Insertion(s) in the following issues:

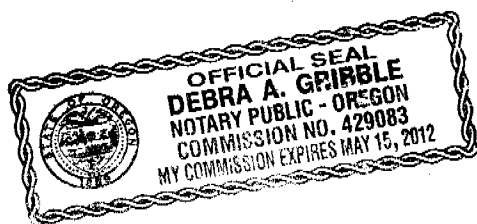
02/23/2012 03/01/2012 03/08/2012 03/15/2012

Total Cost: \$1644.08


Subscribed and sworn by Jeanine P. Day before me on:
15th day of March in the year of 2012


Notary Public of Oregon

My commission expires on May 15, 2012



TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiaries, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby. **A. PARTIES TO THE TRUST DEED:** Grantor: STACIE L. ALBERTS, Trustee: ROBERT A. SMEJKAL, Attorney at Law, Beneficiaries: RICHARD T. HAUN and ROGENE C. MANAS, husband and wife or the survivor. **B. DESCRIPTION OF THE PROPERTY:** "A portion of the SW1/4 of Section 17, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, more particularly described as follows: All of that portion of the SW1/4 of Section 17, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon situated on the Southwesterly side of the Southwesterly line of Highway right of way of Oregon State Highway 58, EXCEPT a rectangular portion commencing at a point where the North-South center line of said Section 17 intersects the Southwesterly line of the highway right of way of Oregon State Highway 58; thence along the Southwesterly line of said right of way in a generally Northwesterly direction a distance of 650 feet to a point which is the true point of beginning; thence at right angles to said highway right of way in a generally Southwesterly direction 250 feet to a point; thence at right angles to said last course in a generally Northwesterly direction a distance of 175 feet to a point; thence at right angles to said last course and in a generally Northwesterly direction a distance of 250 feet, more or less, to the said Southwesterly right of way line of said Oregon State Highway 58; thence along said Southwesterly line of said right of way in a generally Southeasterly direction a distance of 175 feet, more or less, to the point of beginning." **C. TRUST DEED INFORMATION:** Dated: July 2, 2008, Recording Date: July 2, 2008, Recording No.: 2008-9662, Recording Place: Records of Klamath County, Oregon. **D. DEFAULT:** The Grantor is in default and the Beneficiaries elect to foreclose the Trust Deed by reason of the Grantor's failure to pay monthly payments in the amount of \$2,500.00 each, commencing with the payment due October 2, 2009, and continuing each month thereafter. **E. AMOUNT DUE:** By reason of the default, the Beneficiaries have declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount of \$250,000.00, plus interest at the rate of 12% per annum from September 2, 2009, until paid; plus late fees, foreclosure costs and attorney fees, and amounts, if any, advanced by the Beneficiaries pursuant to the terms of the Trust Deed and/or applicable law. **F. ELECTION TO SELL:** NOTICE IS HEREBY GIVEN that the Beneficiaries and the Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor or successor in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of the Trustee's attorney. **G. DATE, TIME AND PLACE OF SALE:** Date & Time: April 27, 2012, at 1:00 p.m. Place: Inside the front entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon. **H. RIGHT TO REINSTATE:** NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee of the entire amount then due (other than a 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 said sums or by tendering the performance necessary to cure the default, by paying all costs and expenses to the Trustee actually incurred by the Beneficiaries and the Trustee in enforcing the obligation and Trust Deed, together with the Trustee's fees and attorney's fees. **I. NOTICE:** The Federal Fair Debt Practices Act requires we state that this is an attempt to collect a debt and any information obtained will be used for that purpose. **J. MISCELLANEOUS:** In construing this Notice, the singular includes the

NEOUS: 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 "Beneficiaries" include their respective successors in interest, if any. **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 March 28, 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. The purchaser at the foreclosure sale is not responsible to a tenant to refund any deposit or prepaid rent that was paid to a landlord. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the Lawyer Referral Service. Contact information for the Oregon State Bar is included with this Notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included in this notice. There are government agencies and nonprofit organizations that give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 1-800-SAFENET (1-800-723-3638). You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 1-503-684-3763, or toll free in Oregon at 1-800-452-7636, or you may visit its website at www.osbar.org/public/ris/ris.html. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.lawhelp.org/program/694/index.cfm>. DATED this 7th day of December, 2011.
ROBERT A. SMEJKAL, Trustee,
PO Box 654 (now PO Box 1758), Eugene, OR 97440.
#14050 February 23, March 01, 08, 15, 2012.

After recording, return to:
ROBERT A. SMEJKAL
c/o Arnold Gallagher, et al
PO Box 1758
Eugene, OR 97440

Re Trust Deed from Grantor:
STACIE L. ALBERTS
875 Fairway View Drive
Eugene, OR 97401

To Beneficiaries:
RICHARD T. HAUN
ROGENE C. MANAS
PO Box 182
Walterville, OR 97489

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) ss.
County of Lane)

I, ROBERT A. SMEJKAL, being first duly sworn, depose and say that:

At all times hereinafter mentioned, I was and am a resident of the State of Oregon, a competent person over the age of eighteen years, and not one of the Beneficiaries nor the Beneficiaries' successor in interest named in the attached original Trustee's Notice of Sale given under the terms of that certain Trust Deed described in the Trustee's 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 persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

Name	Address	Date
Stacie L. Alberts	875 Fairway View Drive Eugene, OR 97401	December 8, 2011
Stacie L. Alberts	17750 Highway 58 Crescent Lake, OR 97733	December 8, 2011

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 Beneficiaries 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 Beneficiaries 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 Trustee's Notice of Sale by ROBERT A. SMEJKAL, 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 Eugene, Oregon, on the date or dates indicated herein. 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 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.

Robert A. Smejkal
ROBERT A. SMEJKAL

STATE OF OREGON, County of Lane) ss.

SUBSCRIBED AND SWORN to before me this 8th day of December, 2011, by
ROBERT A. SMEJKAL.



Annette Kay Kayser
NOTARY PUBLIC FOR OREGON

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **17750 Hwy 58 Crescent Lake, OR 97733**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to __ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to __, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1st Attempt: December 13, 2011

8:32 AM Posted to locked gate

2nd Attempt: December 19, 2011

8:00 AM Posted to locked gate

3rd Attempt: December 22, 2011

11:00 AM Posted to locked gate

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on __ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of December 27, 2011, I mailed a copy of the Trustee's Notice of Sale addressed to All Known Occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed

Chesley Chambers

**17750 Hwy 58 Crescent Lake, OR 97733
ADDRESS OF SERVICE**

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

December 13, 2011

8:32 AM

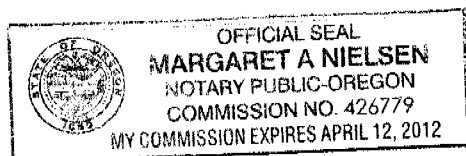
DATE OF SERVICE

TIME OF SERVICE

☐ or non occupancy

By: Erick S. Kaber

Subscribed and sworn to before on this 27 day of December, 2011.



Margaret A. Nielsen
Notary Public for Oregon

TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiaries, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby.

A. PARTIES TO THE TRUST DEED:

Grantor: STACIE L. ALBERTS
Trustee: ROBERT A. SMEJKAL, Attorney at Law
Beneficiaries: RICHARD T. HAUN and ROGENE C. MANAS,
husband and wife or the survivor

B. DESCRIPTION OF THE PROPERTY:

"A portion of the SW1/4 of Section 17, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, more particularly described as follows:

All of that portion of the SW1/4 of Section 17, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon situated on the Southwesterly side of the Southwesterly line of Highway right of way of Oregon State Highway 58, EXCEPT a rectangular portion commencing at a point where the North-South center line of said Section 17 intersects the Southwesterly line of the highway right of way of Oregon State Highway 58; thence along the Southwesterly line of said right of way in a generally Northwesterly direction a distance of 850 feet to a point which is the true point of beginning; thence at right angles to said highway right of way in a generally Southwesterly direction 250 feet to a point; thence at right angles to said last course in a generally Northwesterly direction a distance of 175 feet to a point; thence at right angles to said last course and in a generally Northwesterly direction a distance of 250 feet, more or less, to the said Southwesterly right of way line of said Oregon State Highway 58; thence along said Southwesterly line of said right of way in a generally Southeasterly direction a distance of 175 feet, more or less, to the point of beginning."

C. TRUST DEED INFORMATION:

Dated: July 2, 2008
Recording Date: July 2, 2008
Recording No.: 2008-9662
Recording Place: Records of Klamath County, Oregon.

D. DEFAULT: The Grantor is in default and the Beneficiaries elect to foreclose the Trust Deed by reason of the Grantor's failure to pay monthly payments in the amount of \$2,500.00 each, commencing with the payment due October 2, 2009, and continuing each month thereafter.

E. AMOUNT DUE: By reason of the default, the Beneficiaries have declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount of \$250,000.00, plus interest at the rate of 12% per annum from September 2, 2009, until paid; plus late fees, foreclosure costs and attorney fees, and amounts, if any, advanced by the Beneficiaries pursuant to the terms of the Trust Deed and/or applicable law.

F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiaries and the Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor or successor in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of the Trustee's attorney.

G. DATE, TIME AND PLACE OF SALE:

Date & Time: April 27, 2012, at 1:00 p.m.

Place: Inside the front entrance of the Klamath County Courthouse,
316 Main Street, Klamath Falls, Oregon

- H. RIGHT TO REINSTATE:** NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee of the entire amount then due (other than a 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 said sums or by tendering the performance necessary to cure the default, by paying all costs and expenses to the Trustee actually incurred by the Beneficiaries and the Trustee in enforcing the obligation and Trust Deed, together with the Trustee's fees and attorney's fees.
- I. NOTICE:** The Federal Fair Debt Practices Act requires we state that this is an attempt to collect a debt and any information obtained will be used for that purpose.
- J. MISCELLANEOUS:** 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 "Beneficiaries" include their respective successors in interest, if any.

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 March 28, 2012.** The name of the Trustee and the Trustee's mailing address are listed on this notice.

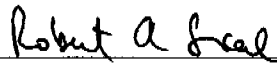
Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

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. The purchaser at the foreclosure sale is not responsible to a tenant to refund any deposit or prepaid rent that was paid to a landlord.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the Lawyer Referral Service. Contact information for the Oregon State Bar is included with this Notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included in this notice.

There are government agencies and nonprofit organizations that give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 1-800-SAFENET (1-800-723-3638). You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 1-503-684-3763, or toll free in Oregon at 1-800-452-7636, or you may visit its website at www.osbar.org/public/ris/ris.html. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.lawhelp.org/program/694/index.cfm>.

DATED this 7th day of December, 2011.



ROBERT A. SMEJKAL, Trustee
PO Box 654
Eugene, OR 97440

STATE OF OREGON, County of Lane) ss.

I, the undersigned, 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.

Attorney for said Trustee