

2012-003854

Klamath County, Oregon



00116620201200038540030031

04/12/2012 03:26:09 PM

Fee: \$47.00

**RECORDING COVER SHEET**

ORS 205.234

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any error in this cover sheet DOES NOT affect the transaction(s) contained in the instrument itself.

**1. AFTER RECORDING, RETURN TO:**

Required by ORS 205.180(4) & 205.238

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

**2. TITLE(S) FOR THE TRANSACTION(S):**

Required by ORS 205.234(1)(a)

Affidavit of Publication

**3. DIRECT PARTY / GRANTOR(S):**

**Name(s) and Address(es)**

Required by ORS 205.234(1)(b)

Big Springs Market, Inc.  
PO Box 301  
Bonanza, OR 97623

**4. INDIRECT PARTY / TRUSTEE(S):**

**Name(s) and Address(es)**

Required by ORS 205.234(1)(b)

James R. Uerlings, Successor Trustee  
803 Main Street, Ste 201  
Klamath Falls, OR 97601

**5. UNTIL A CHANGE IS REQUESTED,  
ALL TAX STATEMENTS SHALL BE  
SENT TO:**

**Name(s) and Address(es)**

For an instrument conveying or contracting to convey  
fee title, the information required by ORS 93.260

NA

**6. TRUE AND ACTUAL CONSIDERATION PAID:**

NA

Returned @ County

**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#14078 BIG SPRINGS MARKET

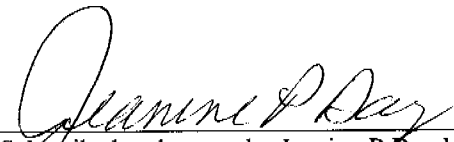
**TRUSTEE'S NOTICE OF SALE**

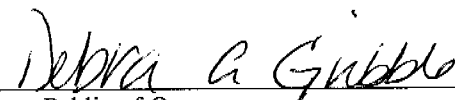
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

Insertion(s) in the following issues:

03/13/2012 03/20/2012 03/27/2012 04/03/2012

Total Cost: \$1090.94

  
Subscribed and sworn by Jeanine P. Day before me on:  
3rd day of April 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 Big Springs Market, Inc., as grantor, to First American Title\*, as trustee, in favor of Mark S. Gillispie (dec'd) and Lori M. Gillispie, nka, Lori M. Haury, as beneficiary, dated April 1, 2004, recorded on April 13, 2004, in the Records of Klamath County, Oregon, in volume No. M04 at page 21100, covering the following described real property situated in that county and state, to-wit:

The Easterly 100 feet of Lots 8, 9 and 10, and all of Lots 1 and 2 in Block 5 of the Town of Bonanza, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. \*James R. Uerlings was appointed as Successor Trustee on March 23, 2010; recorded on March 29, 2010 in the Records of Klamath County, Oregon, 2010-003810.

~~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) Failure to pay full balance due of principal and interest on 04/01/09, plus monthly late fees of \$75.17 from 11/03/11 until paid. 2) Failure to pay property taxes as due, plus interest as charged by Klamath County. 3) Costs/fees incurred by beneficiary due to failure to make payments on first trust deed as due of \$2,880.00, plus \$90/month thereafter, plus attorney fees, trustee fees, title fees, and other expenses of foreclosure and default. 4) Failure to pay insurance and provide proof to Grantor.~~

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: 1) \$223,001.08 plus interest at 7.5% per annum from 12/09/11 until paid. 2) Late fees of \$75.17, plus \$75.17/month from 12/09/11 until paid. 3) Property taxes plus interest as charged by Klamath County. 4) Costs/fees incurred by beneficiary due to failure to make payments as due of \$2,880.00, plus \$90/month thereafter, plus attorney fees/expenses incurred by beneficiary due to Grantor's failure to make payments on first trust deed. 5) Beneficiary's attorney fees, collection costs and title fees; Trustee's fees, collection costs and title report fees.

WHEREFORE, notice is hereby given that the undersigned trustee will on **May 1, 2012**, at the hour of **11 o'clock, A.M.**, in accord wit 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

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 December 15, 2011.

/s/James R. Uerlings, Successor Trustee  
803 Main Street, Ste 201, Klamath Falls, OR 97601  
(541) 884-8101

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/James R. Uerlings, Attorney for Trustee  
#14078 March 13, 20, 27, April 03, 2012.