

2012-003855

Klamath County, Oregon



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04/12/2012 03:27:53 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)

Ernst Brothers, LLC
PO Box 637
Gilchrist, OR 97737

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

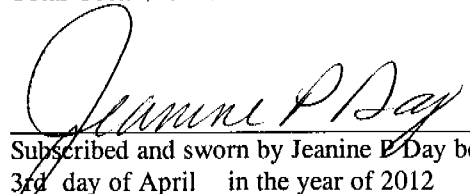
Returned to Counter

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

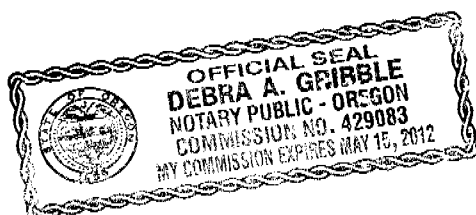
I, Jeanine P. Day, Finance Director, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#14081 SALE ERNST BROTHER VOL M03 PAGE 2790 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: \$1328.00


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 Ernst Brothers, LLC, as grantor, to EARNCO*, as trustee, in favor of South Valley Bank & Trust, as beneficiary, dated December 30, 2002, recorded on January 15, 2003, in the Records of Klamath County, Oregon, in volume No. M03 at page 2790, covering the following described real property situated in that county and state, to-wit:

Property Address: 150 MOUNTAIN VIEW DRIVE, GILCHRIST, OREGON 97737

Legal Description:

Lot 3 of TRACT 1318 - GILCHRIST TOWNSITE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

EXCEPTING THEREFROM: Beginning at a 5/8 inch iron rod marking the Southeast corner of Lot 4 TRACT 1318 - GILCHRIST TOWNSITE as shown on the original plat thereof, thence North 75°15'28" West, 169.29 feet to a 5/8 inch iron rod; thence North 14°49'53" East, 84.00 feet to a 5/8 inch iron rod marking the Southeast corner of Lot 4, of said Tract 1318 - Gilchrist Townsite, from which a 5/8 inch iron rod marking the original Northwest corner of Lot 4, Tract 1318 - Gilchrist Townsite as shown on the original plat thereof bears South 14°49'53" West, 20.00 feet; thence South 75°15'28" East, 170.34 feet to a 5/8 inch iron rod marking the Westerly right-of-way of Manzanita Street from which a 5/8 inch iron rod marking the original Northeast corner of Lot 4, Tract 1318 - Gilchrist Townsite as shown on the original plat thereof bears South 15°32'50" West, 20.00 feet; thence South 15°32'50" West, 84.01 feet along the said Westerly right-of-way of Manzanita Street to the point of beginning.

*James R. Uerlings was appointed Successor Trustee on October 26, 2010 and recorded October 26, 2010 in Volume No. 2010-012615 in the Microfilm Records of Klamath County, 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:

1) Failure to make payments due: Principal past due: \$26,764.24, Interest Past due: \$11,805.33, Late charges past due: \$300.00, Plus principal, interest and late charges due after 08/15/2011. 2) Failure to pay property taxes and provide proof of payment to beneficiary. 3) Failure to pay liens filed against collateral. 4) Failure to pay advances made by beneficiary to protect collateral. 5) Failure to remediate probability of hazardous substance and/or environmental contamination of property and provide proof of such to beneficiary. 6) Failure to provide proof of insurance on collateral to beneficiary. 7) Failure to provide current financial information on Grantor from 2008 to present.

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) Principal \$602,093.65, 2) Accrued interest to 07/26/2011 \$23,022.28, 3) Late charges to 07/26/2011 \$300.00, 4) Expenses advanced by beneficiary to protect collateral \$120,897.68, 5) Attorney fees, as incurred, 6) Trustee fees, as incurred, 7) Plus interest, late fees, foreclosure costs and other advances after 07/26/2011.

WHEREFORE, notice is hereby given that the undersigned trustee will on **April 24, 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 set for the sale, to have this foreclosure proceeding dismissed and the trust deed re-instituted 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 30, 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
#14081 March 13, 20, 27, April 03, 2012.