

2012-003856

Klamath County, Oregon



00116622201200038560030034

04/12/2012 03:28:06 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

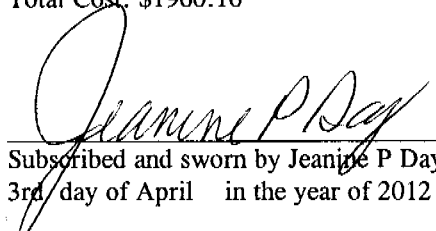
Returned to Counter

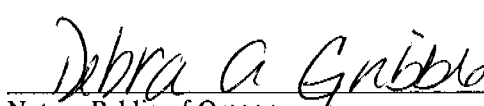
**AFFIDAVIT OF PUBLICATION
STATE OF OREGON,
COUNTY OF KLAMATH**

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#14080 SALE ERNST BROTHER VOL M98 PAGE 5335 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: \$1960.16


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 William P. Brandsness*, as trustee, in favor of South Valley Bank & Trust, as beneficiary, dated May 28, 1997, recorded on February 19, 1998, in the Records of Klamath County, Oregon, in volume No. M98 at page 5335, covering the following described real property situated in that county and state, to-wit:

PARCEL 1:

A parcel of land the same containing portions of the SW1/4 SW1/4 and the SE1/4 SW1/4 of Section 30, Township 24 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, the said parcel of land being described as follows:

Beginning at a point on the East line of the said SW1/4 SW1/4 of said Section 30, which point is marked by a 30 inch steel bar monument and which point is located South 0°17'46" West a distance of 331.74 feet from the Northeast corner of the said SW1/4 SW1/4 of Section 30 (said corner being also marked by a 30 inch steel bar monument); thence South 89°10'03" East for 77.42 feet along the South line of the N1/2 of the NW1/4 of the SE1/4 of the SW1/4 to an intersection with the Westerly boundary of the right of way of the Dalles-California State Highway, said right of way having a total width of 60 feet, to a 30 inch steel bar monument; thence in a Southwesterly direction along the curved Westerly boundary of said right of way, the said curve having a radius of 1,940.00 feet, for a distance of 145.10 feet (the cord of said portion of said curve bearing South 32°35'42" West for a distance of 145.06 feet) to a 30 inch steel bar monument located on the East boundary of the SW1/4 of the SW1/4 of Section 30; thence North 0°17'46" East along the said subdivision line for a distance of 38.66 feet to a steel bar monument, which point is further located South 0°17'46" West a distance of 84.72 feet from the point of beginning above described; thence South 39°33'20" West for 157.82 feet to a 30 inch steel bar monument; thence North 50°26'40" West for 154.53 feet to a 30-inch steel bar monument located on the Southeasterly boundary of the right of way of the Gilchrist Lumber Company Railroad, said right of way having a width of 100 feet; thence North 39°37'00" East along said right of way boundary for a distance of 346.42 feet to a 30 inch steel bar monument located on the East line of the said SW1/4 of the SW1/4 of Section 30, which point is also located South 0°17'46" West, a distance of 172.90 feet from the Northeast corner of the said SW1/4 of the SW1/4 of said Section 30; thence along said subdivision line South 0°17'46" West, a distance of 158.84 feet to the point of beginning.

PARCEL 2:

That portion of Lot 4 (SW1/4 SW1/4) of Section 30, Township 24 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point on the East side of said Lot 4, which is South 0°17'46" West, a distance of 430.76 feet from the Northeast corner of said Lot 4, which point is also the intersection of the relocated Westerly right of way line of The Dalles-California Highway with the Easterly line of said Lot 4; thence North 0°17'46" East a distance of 14.3 feet to a point; thence South 39°33'20" West along the Easterly line of property conveyed to Standard Oil Company of California by Deed recorded in Volume 125 at page 318, Deed Records of Klamath County, Oregon, a distance of 132.82 feet; thence South 50°26'40" East a distance of 34.0 feet, more or less, to the relocated Westerly right of way line of The Dalles-California Highway; thence Northeasterly along said Westerly right of way line to the point of beginning.

EXCEPTING THEREFROM that portion of the SW1/4 of the SW1/4 of Section 30, Township 24 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point which is South 0°17'46" West, a distance of 416.46 feet, and South 39°33'20" West, a distance of 132.82 feet from the Northeast corner of said SW1/4 of the SW1/4 of Section 30; thence South 39°33'20" West, a dis-

SW1/4 of Section 30; thence South 39°33'20" West, a distance of 25 feet to a point; thence 50°26'40" West, a distance of 154.53 feet to a point; thence North 39°37' East, a distance of 25 feet to a point; thence South 50°26'40" East, a distance of 154.53 feet, more or less, to the point of beginning.

EXCEPT from the above described Parcel 1 that portion conveyed to the State of Oregon, by and through its State Highway Commission by Bargain and Sale Deed recorded December 11, 1943, in Volume 160 page 405, Deed Records of Klamath County, Oregon.

Including all improvements, fixtures, buildings and appurtenances thereon and thereto.

*James R. Uerlings was appointed Successor Trustee on August 12, 2011 and recorded August 15, 2011 in Volume No. 2011-009409 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: \$83,952.08, Interest past due: \$20,041.24, Late charges past due: \$320.00, 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 \$316,916.38, 2) Accrued interest to 07/26/2011 \$5,581.17, 3) Late charges to 07/26/2011 \$320.00, 4) Expenses advanced by beneficiary to protect collateral \$134,213.47, 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 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 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
#J4080 March 13, 20, 27, April 03, 2012.