

1st 1870704

2012-012097

Klamath County, Oregon

10/31/2012 11:28:57 AM

Fee: \$72.00

1. **AFTER RECORDING RETURN TO -**
Required by ORS 205.180(4) & 205.238:

Wendell Kusnerus
Davis Wright Tremaine LLP
1300 SW Fifth Ave. STE 2400
Portland OR 97201-5630

2. **TITLE(S) OF THE TRANSACTION(S)** - Required by ORS 205.234(1)(a)
Note: "Transaction" means any action required or permitted by law to be recorded, including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. Enter descriptive title for the instrument:

AFFIDAVIT PACKET
(affidavits of mailing, posting and publication)

3. **DIRECT PARTY / GRANTOR and Address** - Required by ORS 234(1)(b)
(Grantor) Venezia Properties, LLC

Grantor's Address:
520 Klamath Avenue, Klamath Falls, Oregon 97601

4. **INDIRECT PARTY / GRANTEE and Address** - Required by ORS 234(1)(b)
(Grantee) US Bank NA, c/o Davis Wright Tremaine LLP

Grantee's Address: 1300 SW Fifth Ave. STE 2400, Portland OR 97201-5630

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

**UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING
ADDRESS:**

U.S. Bank N.A.
Collateral Department
POB 5308
Portland, OR 97228-5308

6. **TRUE AND ACTUAL
CONSIDERATION** - Required by
ORS 93.030 for an instrument
conveying or contracting to convey
fee title or any memorandum of
such instrument:

\$

7. **TAX ACCOUNT NUMBER OF THE PROPERTY, IF THE INSTRUMENT CREATES A
LIEN OR OTHER INTEREST THAT COULD BE SUBJECT TO TAX FORECLOSURE -**
Required by ORS 312.125(4)(b)(B):

AFFIDAVIT OF MAILING OF TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) ss.
County of Multnomah)

I, Michele Bradley, solemnly affirm 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 21 years, and not the Beneficiary, or his successor in interest, named in the Trust Deed.

Attached is an original Trustee's Notice of Sale (the "Notice of Sale") given under the terms of that certain Deed of Trust (the "Trust Deed") delivered by Venezia Properties, LLC, as Grantor, to U.S. Bank Trust Company, N.A., as Trustee, to secure certain obligations in favor of U.S. Bank, N.A., as Beneficiary, dated June 8, 2007, and recorded on June 12, 2007, as Document No. 2007 010612, of the official records of Klamath County, Oregon.

On June 27, 2012, I gave notice of the sale of the real property described in the Notice Of Sale by mailing two copies thereof to each of the following named persons (the "Recipients"), or their legal representatives where so indicated, at the following addresses:

Venezia Properties, LLC
3271 Twin Oaks Drive
Napa CA 94553

Venezia Properties, LLC
c/o Sally R. Bailo, RA
3036 Front St
Klamath Falls, Oregon

Venezia Properties, LLC
2910 Bristol Avenue
Klamath Falls, OR 97603

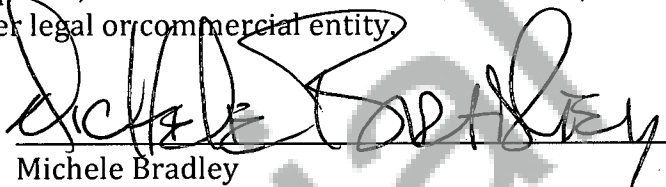
Heather A. Kmetz, Partner, Chair: Tax
Sussman Shank LLP
1000 SW Broadway, Suite 1400
Portland, OR 97205

Venezia Properties LLC
Sandina Bailo, Successor Trustee
Lino J. Bailo 1988 Trust
U/A January 6, 1988, Member
3271 Twin Oaks Drive
Napa, CA 94558

The Recipients 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 required by ORS 86.785. The addresses listed above include the last known address for each Recipient.


With respect to each Recipient: (1) one copy of the Notice of Sale was mailed with postage sufficient for first class delivery to the address indicated, and (2) another copy of the Notice of Sale was mailed with a proper form and with sufficient postage to request and obtain a return receipt for delivery to the address indicated. Each such Notice of Sale was mailed at Portland Oregon, after the Notice of Default and Election to Sell described in the Notice of Sale had been recorded. Each copy of the Notice of Sale was certified by Wendell Kusnerus, the trustee named in such Notice of Sale, to be a true copy of the original Notice of Sale.

As used herein, the singular includes the plural, Trustee includes Successor Trustee, and person includes corporation and any other legal or commercial entity.


Michele Bradley
Paralegal to Wendell Kusnerus

Subscribed and sworn to before me this 22nd day of October, 2012.




Notary Public for Oregon
My Commission expires: 6/16/2015

TRUSTEE'S NOTICE OF SALE

Reference is made to a Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing, (the "Trust Deed") made, executed, and delivered by Venezia Properties LLC, an Oregon Limited Liability Company, as Grantor, to U.S. Bank Trust Company, N.A., as Trustee, to secure certain obligations in favor of U.S. Bank N.A., as Beneficiary, dated June 8, 2007, and recorded June 12, 2007, as Document No. 2007-010612 of the official records of Multnomah County, Oregon, covering the following described real property (the "Property") in such county and state:

Parcel 2 of Land Partition 82-06, being a replat of Tract 13, 14, 15 and 16 of the "SUPPLEMENTAL PLAT OF ALTAMONT RANCH TRACTS", situated in the S1/2 SW1/4 of Section 10, Township 39, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Wendell Kusnerus was appointed Successor Trustee by a certain instrument dated June 21, 2012, and recorded June 27, 2012, in the records of Klamath County, Oregon, as Instrument No. 2012-7073, and is now vested with all the powers of said former Trustee. The mailing address and telephone number of the Successor Trustee is:

Wendell Kusnerus
Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2300
Portland, OR 97201-5630
Phone: 503-778-5338

Beneficiary has elected to sell the Real Property to satisfy the obligations secured by the Trust Deed and to foreclose the Trust Deed by advertisement and sale. The default for which the foreclosure is made is the failure of Grantor to pay when due the following sums:

the failure of the Grantor to pay when due all principal and all accrued interest owing pursuant to the Secured Note, which was due on June 15, 2012 (the "Maturity Date"). The total amount due as of the Maturity Date is \$631,931.02

By reason of said default, Beneficiary has declared the entire amount of all obligations secured by the Trust Deed to be immediately due and payable. The sum owing on all obligations secured by the Trust Deed is as follows:

Principal	604,290.88
Interest (to June 21, 2012)	27,640.14
Late Charges (to June 21, 2012)	1,200.73
Trustee's Sale Guaranty	1,542.00
Appraisal Charge	2,999.50
Environmental Survey (Phase 1)	2,943.20
Attorney Fees (to June 20, 2012)	8,401.40
Total:	\$649,017.85

The Beneficiary and the Successor Trustee have elected to sell the Real Property to satisfy the obligation secured. A notice of default and election to sell and to foreclose was duly recorded on June 27, 2012, in the records of Klamath County, Oregon, as Instrument No. 7012-7074, reference thereto hereby being expressly made.

AFFIDAVIT OF SERVICE

Trustee's Notice of Sale

Case Number: _____

Beneficiary:
US Bank NA

vs.

Grantor:
Venezia Properties LLC

For: Wendell Kusnerus
Davis Wright Tremaine LLP

Received by PI Services LLC to be served on **All Occupants, 2910 Bristol Ave., Klamath Falls, OR 97603.** I, Andrew Thompson, being duly sworn, depose and say that on the 29 day of June, 2012 at 3:05 pm., executed service by delivering a true copy of the **Trustee's Notice of Sale** in accordance with state statutes in the manner marked below:

() CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME: By serving _____ who is the []Registered Agent []President []Corporate Secretary of the within-named agency.

() CORPORATIONS, LIMITED PARTNERSHIPS OR UNINCORPORATED ASSOCIATIONS SUBJECT TO SUIT UNDER A COMMON NAME:: By serving _____ the person who is apparently in charge of the office of _____ who is the []Registered Agent []President []Corporate Secretary [] Other: _____ of the within-named agency.

☒ SUBSTITUTE MAILING: I mailed a true copy of the above service documents and a copy of this affidavit of service to the defendant at the above service address by first class mail on 7/2 /2012.

☒ POSTING: By posting the above documents in a conspicuous place on the property described within, pursuant to State Statutes.

() NON SERVICE: For the reason detailed in the Comments below.

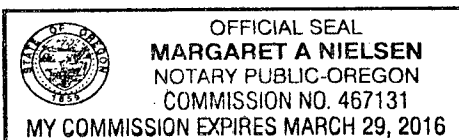
COMMENTS: Posted Front Door. Building is Vacant.

AFFIDAVIT OF SERVICE for

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 16th
day of July, 2012 by the affiant who
is personally known to me.

Margaret A. Nielsen
NOTARY PUBLIC



A. Thompson
PROCESS SERVER # A. Thompson
Appointed in accordance with State Statutes

PI Services LLC
P.O. Box 157
Beaverton, OR 97075-0157
(503) 643-4274

Our Job Serial Number: 2012001267

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

I, Paul M. Eves, 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#14578 SALE VENEZIA REFERENCE #17787-261 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:

09/23/2012-09/30/2012-10/07/2012-10/14/2012

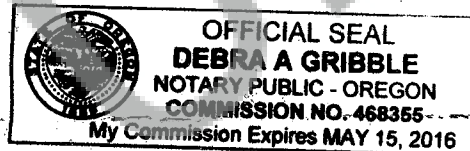
Total Cost: \$1172.00

Paul M. Eves

Subscribed and sworn by Paul M. Eves before me on:
15th day of October in the year of 2012

Debra A. Gribble

Notary Public of Oregon
My commission expires on May 15, 2016



TRUSTEE'S NOTICE OF SALE

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Wendell Kusnerus, Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2300,
Portland, OR 97201-5630
Phone: 503-778-5338

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Total:	\$649,017.85

The Beneficiary and the Successor Trustee have elected to sell the Real Property to satisfy the obligation secured. A notice of default and election to sell and to foreclose was duly recorded on June 27, 2012, in the records of Klamath County, Oregon, as Instrument No. 2012-7074, reference thereto hereby being expressly made.

WHEREFORE, NOTICE HEREBY IS GIVEN that the undersigned Trustee or Trustee's attorney will, on **Friday, November 9, 2012, at the hour of 1 p.m.** standard time as established by ORS 187.110, at the front entrance of the **Klamath County Courthouse, 316 Main Street, 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 that Grantor had or had power to convey at the time of the execution by Grantor of the Trust Deed, together with any interest that Grantor or the successors in interest to Grantor acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including the cost of a title search, a reasonable charge by Trustee, and a reasonable attorneys' fee for Trustee's attorneys. Notice is further given that Grantor, or any person named in ORS 86.753, has the right, at any time prior to five days before the Trustee's sale, to require that the foreclosure proceeding be dismissed and the Trust Deed reinstated by the payment of the entire amount due (other than such portion of the principal as would not be due had no default occurred) under the terms of the Trust Deed and the obligations secured thereby, including all costs and expenses actually incurred and Trustee's and attorneys' fees as provided by ORS 86.753.

In construing this notice, the word "Grantor" includes any successor in interest of Grantor, as well as any other person owing an obligation the performance of which is secured by the Trust Deed and their successors in interest; the word "Trustee" includes any successor trustee; and the word "Beneficiary" includes any successor in interest of Beneficiary named in the Trust Deed.

Dated at Portland, Oregon, June 27, 2012.

/s/ Wendell Kusnerus
Wendell Kusnerus, Trustee, Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400, Portland, OR 97201
503-778-5338

#14578 September 23, 30, October 7, 14, 2012.