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05/14/2013 02:13:12 PM

Fee: \$67.00

AFFIDAVIT OF MAILING TRUSTEE'S, *Proof of Source, &*
AMENDED NOTICE OF SALE *Affidavit of Publication*

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE:
Trust Deed from Justin N. Matthews and Jennifer Lynn Hunsaker

TO

Cheryl M. McAuliffe, Beneficiary

After recording return to: Successor trustee
Scott D. MacArthur,
125 S. 6th Street
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, being first duly sworn, depose, and say and certify 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 eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, together with Important Notice Regarding Alternatives to Foreclosure and Notice to Tenants where applicable, to-wit:

Justin N. Matthews, 14410 Falvey Road, Merrill, OR 97633.

Jennifer Lynn Hunsaker, 14410 Falvey Road, Merrill, OR 97633.

Justin N. Matthews, P.O. Box 100, Merrill, OR 97633.

Jennifer Lynn Hunsaker, P.O. Box 100, Merrill, OR 97633


Basin Fertilizer and Chemical Company, C/O Albert & Tweet, LLP, P.O. Box 968, Salem, OR 97308

Said 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 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.

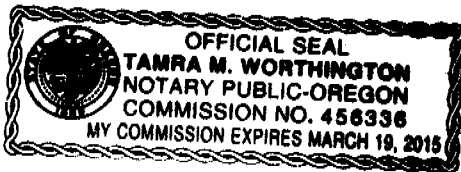
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls,

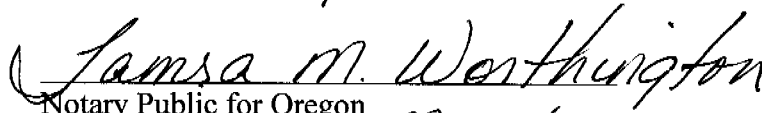
Oregon, on January 29, 2013, and Important Notice Regarding Alternatives to Foreclosure and Notice to Tenants on February 20, 2013. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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


Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 13th day of May, 2013.




Notary Public for Oregon
My commission expires March 19, 2015

AFFIDAVIT OF POSTING NOTICE OF SALE IN LIEU OF SERVICE

After Recording return to:
Scott D. MacArthur, P.C.
125 S. 6th Street
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Greg Rote, being first duly sworn, depose and certify 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 18 years and not the beneficiary or his successor in interest name in the notice of sale given under the terms of that certain trust deed described in said notice.

I posted the Notice of Sale of the real property in the Notice of Sale posting said notice on the premises of:

NAME:

Justin N. Mathews & Jennifer L.
Hunsaker

ADDRESS:

14410 Falvey Rd., Merrill, OR 97633

Each of the notices so posted was certified to be a true copy of the original notice of sale and Important Notice Regarding Alternatives To Foreclosure by Scott D. MacArthur, attorney for the trustee named in said notice; and was posted by me on 1-31, 2013. Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded and at least 90 days before the day fixed in said notice by the trustee for the trustee's sale.

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

Greg Rote

Subscribed and sworn to before me this 31 day of January, 2013.

Kathleen L. Eck
Notary Public for Oregon

My Commission Expires: Dec. 12, 2015



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

I, Linda Culp, Human Resources, 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#14833 SALE

MCAULIFFE/MATTHEWS

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:

04/05/2013 04/12/2013 04/19/2013 04/26/2013

Total Cost: \$1608.32

Linda Culp

Subscribed and sworn by Linda Culp before me on:
26th day of April in the year of 2013

Debra A Gribble

Notary Public of Oregon

My commission expires on May 15, 2016



NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by JUSTIN N. MATTHEWS and JENNIFER LYNN HUNSAKER, not as tenants in common, but with full right of survivorship, as grantor, to ASPEN TITLE & ESCROW, INC., an Oregon Corporation as trustee, in favor of CHERYL M. McAULIFFE, dated May 2, 2005 and recorded May 2, 2005, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M05 at page 031470, covering the following described real property situated in said county and state, to-wit: A portion of Lot 48, MERRILL TRACTS, in the County of Klamath, State of Oregon, described as follows:

A parcel of land situated in the NE1/4NW1/4 Section 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the quarter corner common to Sections 2 and 11, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence Westerly 700 feet along the section line between Sections 2 and 11, being the centerline of a county road, to a point on said section line; thence Southerly 30.00 feet at right angles to said section line to the Northwest corner of said parcel on the Southerly right of way line of said county road, being the true point of beginning; thence Easterly 115.00 feet along the Southerly right of way of said county road and parallel to said section line to a point; thence Southerly at right angles to said section line to the high water line of Lost River; thence Westerly along the high water line of Lost River to a point approximately 221 feet South of the point of beginning; thence North to the point of beginning.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a Notice of Default has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payments beginning February, 2011 in the amount of \$1,004.00, plus interest at 6.38% from May 6, 2011.

Taxes for the fiscal year 2012-2013, delinquent in the sum of \$730.00, plus interest.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: \$149,336.30 as of May 26, 2011, plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on May 31, 2013 at the hour of 11:00 a.m. Standard time, as established by Section 187.110, Oregon Revised Statutes, at 125 S. 6th 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 said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the cost or their successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 said 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's and attorney's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

NOTICE TO TENANTS/PROTECTION FROM EVICTION

IF YOU ARE A BONA FIDE TENANT OCCUPYING AND RENTING THIS PROPERTY AS A RESIDENTIAL DWELLING, YOU HAVE THE RIGHT TO CONTINUE LIVING IN THIS PROPERTY AFTER THE FORECLOSURE SALE FOR:

THE REMAINDER OF YOUR FIXED TERM LEASE, IF YOU HAVE A FIXED TERM LEASE;

OR

AT LEAST 90 DAYS FROM THE DATE YOU ARE GIVEN A WRITTEN TERMINATION NOTICE.

If the new owner wants to move in and use this property as a primary residence, the new owner can give you written notice and require you to move out after 90 days, even though you have a fixed term lease with more than 90 days left.

You must be provided at least 90 days' written notice after foreclosure sale before you can be required to move.

A bona fide tenant is a residential tenant who is not the borrower (property owner) or a child, spouse or parent of the borrower, and whose rental agreement:

Is the result of an arm's-length transaction;

Requires the payment of rent that is not substantially less than fair market rent for the property, unless the rent is reduced or subsidized due to a federal, state, or local subsidy; and

Was entered into prior to the date of the foreclosure sale.

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 prepaid rent toward your current obligations 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. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. The Oregon State Bar attorney referral service may be reached at (800)452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Legal Aid may be reached at (800)480-9160.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: April 2, 2013.

/s/Scott D. MacArthur, Successor Trustee
125 S. 6th Street, Klamath Falls, OR 97601
#14833 April 5, 12, 19, 26, 2013.