

2013-012651

Klamath County, Oregon



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11/13/2013 08:38:28 AM

Fee: \$57.00

After recording return to:
Bend Oregon Lawyers, LLC
205 NW Franklin Ave
Bend, OR 97701

AFFIDAVIT OF MAILING NOTICE OF POSTPONEMENT OF SALE

STATE OF OREGON)
) ss
County of Deschutes)

I, Jim N. Slothower, being duly sworn, state as follows:

1. I am the successor trustee of a Trust Deed made by Bruce Marvin Whitmore and Kathleen Ann Whitmore, as tenants by the entirety, grantor, to Amerititle, an Oregon corporation, as trustee, in favor of Patrick M. Gisler and Joel T. Gisler, as tenants in common, beneficiary, dated October 11, 2003, and recorded on October 17, 2003, in Volume M03, Page 77503, Klamath County Records, Oregon covering the following described real property:

Lot 10 in Block 1 Op Tract 1098 Split Rail Ranchos, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

2. On November 7, 2013, as required under ORS 86.755(2)(b), I gave notice of sale by mailing a true copy of the Notice of Postponement of Sale (attached hereto as Exhibit 1) by both first class and certified mail with return receipt requested, to the following named persons at their last known addresses, to-wit:

Bruce Marvin and Kathleen Ann Whitmore
765 E Buttercup
Yamhill, OR 97148

Michael Neuhalfen
Registered Agent
The Forest Meadows Road Association
10520 Split Rail Rd
La Pine, OR 97739

Oregon Secretary of State
Corporation Division/Process Service
255 Capitol St NE, Suite 151

Salem, OR 97310-1327

Oregon Department of Consumer and Business Services
Fiscal and Business Services
350 Winter St NE
PO Box 14480
Salem, OR 97309-0405

Said persons include (a) the grantors of the Trust Deed, (b) any successor in interest to the grantors whose interest appears of record, (c) any person having a lien or interest subsequent to the Trust Deed whose lien or interest appears of record, and (d) any person requesting notice, as required by ORS 86.785

3. Each of the notices mailed was certified to be a true copy of the original Notice of Postponement of Sale. Each copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by persons under my direction at the United States post office in Bend, Oregon on November 7, 2013. Each of the said notices was mailed at least 15 days before the new sale date as stated in the notice.

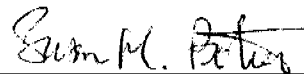
4. The foregoing is true and correct to the best of my knowledge, information and belief.

DATED this 7th day of November 2013.



Jim N. Slothower

SUBSCRIBED AND SWORN to before me this 7th day of November 2013.



Notary Public for Oregon

NOTICE OF POSTPONEMENT OF SALE

Pursuant to ORS 86.755(2)(b), you are hereby notified that the trustee's sale set forth in the Notice of Default and Election to Sell attached hereto is postponed. The new sale time, date, and place is:

Time: 10:00 o'clock AM

Date: December 4, 2013

**Place: Klamath County Courthouse
316 Main St
Klamath Falls, OR 97601**

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Bruce Marvin Whitmore and Kathleen Ann Whitmore, as tenants by the entirety, grantor, to Amerititle, an Oregon corporation, as trustee, in favor of Patrick M. Gisler and Joel T. Gisler, as tenants in common, beneficiary, dated October 11, 2003, and recorded on October 17, 2003, in Volume M03, Page 77503, Klamath County Records, Oregon covering the following described real property (the "Property"), to-wit:

Lot 10 in Block 1 Op Tract 1098 Split Rail Ranchos, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

The trust deed is security for a Promissory Note executed by the grantor in favor of the beneficiary on or about October 9, 2003 in the principal amount of \$17,500.

By instrument dated January 20, 2009, the beneficiary appointed Jim N. Slothower as successor trustee, with such assignment recorded in the Klamath County Records on February 26, 2009 as Document Number 2009-002955.

After default, on June 1, 2009 the beneficiary executed a new promissory note in favor of the beneficiary secured by the trust deed in the principal amount of \$19,137.54.

By instrument dated October 13, 2009, Patrick M. Gisler assigned all of his beneficial interest under the trust deed to Joel T. Gisler, with such assignment recorded in the Klamath County Records on July 12, 2013 as Document Number 2013-007904.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3). The defaults for which the foreclosure is made include: (1) Failure to pay monthly installments under the promissory note when due; (2) Failure to pay monthly taxes when due; and (3) Allowing attachment of a lien by the Oregon Department of Consumer and Business Services.

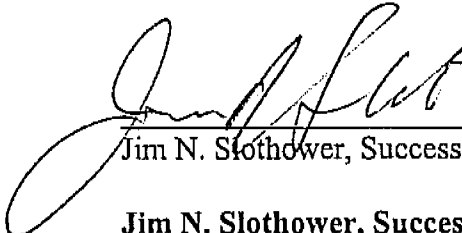
By reason of said defaults the Beneficiary has declared all sums owing on the obligation that the Trust Deed secures immediately due and payable, said sums being the following, to-wit: The outstanding balance owing on the promissory note secured by the trust deed of \$18,876.59 through December 31, 2012, together with all interest thereafter accruing at the rate of 8% until paid, title expenses, costs, and trustee's and attorney's fees incurred herein by reason of said default, and any sums advanced by the beneficiary for the protection of the above Property and its interest therein.

WHEREFORE, notice is hereby given that Jim N. Slothower, the undersigned Successor Trustee, will, on **November 27, 2013**, at the hour of **10:00 AM** in accord with the standard of time established by ORS 187.110, at the following place: **205 NW Franklin Avenue, Bend, Deschutes County, Oregon 97701**, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor 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 aft the execution of the 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 ORS 86.753 has the right, at any time that is not later than five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by paying Beneficiary 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 in the notice of default that is capable of being cured by tendering the performance required under the obligation that the Trust Deed secures, 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 that the Trust Deed secures, together with the Trustee's and attorney fees not exceeding the amounts provided by ORS 86.753. You may reach the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at: www.osbar.org. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, contact the Oregon State Bar at the phone numbers indicated above or go to <http://www.oregonlawhelp.org>.

Dated: July 15, 2013.



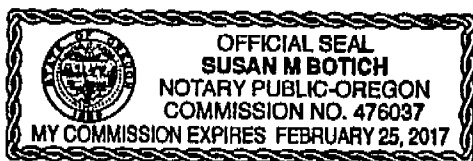
Jim N. Slothower, Successor Trustee

For further information, please contact:

Jim N. Slothower, Successor Trustee
Bend Oregon Lawyers, LLC
205 NW Franklin Ave
Bend, OR 97701
(541) 389-7001

STATE OF OREGON)
) ss.
County of Deschutes)

On July 15, 2013, before me, Susan M. Botich, notary public, personally appeared Jim N. Slothower, Successor Trustee, personally known to me, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Susan M. Botich

Notary Public of Oregon
My Commission Expires Feb. 25, 2017.