

**AFFIDAVIT OF MAILING TRUSTEE'S  
NOTICE OF SALE**

**2014-012230**

**Klamath County, Oregon**



**11/24/2014 02:02:35 PM**

**Fee: \$62.00**

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE:**

**Trust Deed**

**From Aaron M. Spinney and Kristin M. Spinney**

**To Arthur L. Fry and Jeanette L. Fry**

**After recording return to:**

**Scott D. MacArthur, Successor Trustee**

**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:**

**Aaron M. Spinney  
Kristin M. Spinney**

**24572 Gellettly Way  
Philomath, OR 97370**

**Aaron M. Spinney  
Kristin M. Spinney**

**3911 Greensprings Drive  
Klamath Falls, OR 97601**


**Aaron M. Spinney  
Kristin M. Spinney**

**4850 Wocus Road #11  
Klamath Falls, OR 97601**

**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.**

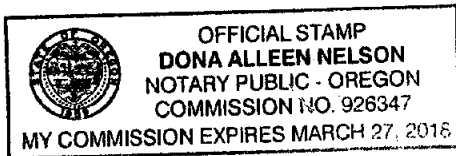
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on July 13, 2014. 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.

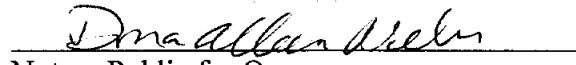
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.



Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 28<sup>th</sup> day of November, 2014, by Scott D. MacArthur.



  
Notary Public for Oregon  
My commission expires 3-27-2018

# AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON, County of Klamath) ss.

I, SCOTT D. MacARTHUR, being first duly sworn, depose and certify that:

I am the Successor Trustee under the Trust Deed delivered by AARON M. SPINNEY and KRISTIN M. SPINNEY as grantor to Amerititle, Inc., as Trustee to ARTHUR L. FRY and JEANETTE L. FRY, dated March 22, 2011 and recorded March 28, 2011 at Volume 2011, page 004057 of the Mortgage Records of Klamath County, Oregon covering the following described property situated in Klamath County, Oregon

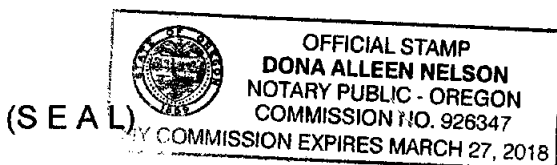
Lot 44 in Block 30 of FOURTH ADDITION TO NIMROD PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

I hereby certify that the above described real property was not occupied at the time the Notice of Default and Election to Sell was recorded on July 23, 2014.

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*

Subscribed and sworn to before me this 24<sup>th</sup> day of November, 2014, by  
Scott D. MacArthur.



*Dona Alleen Nelson*  
Notary Public for Oregon  
My Commission Expires: 3-27-2018

CERTIFICATE OF NON-OCCUPANCY STATE OF OREGON, County of Klamath)ss.

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

**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#15949 SALE SPINNEY

**NOTICE OF DEFAULT AND ELE**

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:

09/26/2014 10/03/2014 10/10/2014 10/17/2014

Total Cost: \$1472.20

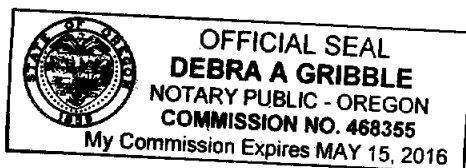
*Linda Culp*

Subscribed and sworn by Linda Culp before me on:  
17th day of October in the year of 2014

*Debra A Gribble*

Notary Public of Oregon

My commission expires on May 15, 2016



**NOTICE OF DEFAULT AND ELECTION TO SELL**

KNOW ALL MEN BY THESE PRESENTS, that AARON SPINNEY and KRISTIN M. SPINNEY, as tenants by the entirety is the grantor, and AMERITITLE INC., an Oregon Corporation is the trustee, and ARTHUR L. FRY and JEANETTE L. FRY, husband and wife is the beneficiary under that certain trust deed dated March 22, 2011, and recorded March 28, 2011, in book/reel/volume No. 2011 at page 004057 of the Mortgage (Microfilm) Records of Klamath County, Oregon. The property is legally described as: Lot 44 in Block 30 of FOURTH ADDITION TO NIMROD RIVER PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell 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:

Failure to make monthly payments in the amount of \$210.00 per month from October 23, 2011 to the present.

Failure to make payment of the real property taxes for the tax year 2013-2014 in the amount of \$85.78, plus interest.

Failure to make payment of the real property taxes for the tax year 2012-2013 in the amount of \$84.37, plus interest.

Failure to make Payment of the real property taxes for the tax year 2011-2012 in the amount of \$49.75, 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: \$22,072.00 as of September 23, 2011, plus interest and costs.

WHEREFORE, notice hereby is given that the undersigned trustee will on November 26, 2014 at the hour of 11:00 a.m. Standard time, as established by Section 187.110, Oregon Revised Statutes, at 125 S. 6<sup>th</sup> 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 costs 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**

If you are a tenant of this property, foreclosure could effect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed term lease, the purchaser may require you to move out after giving you a 30 day notice on or after the date of the sale. If you have a fixed term lease, you may be entitled to receive after the date of sale a 60 day notice of the purchaser's requirement that you move out. To be entitled to a 30 day or 60 day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is October 26, 2014. 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. The fair Debt Collection Practices Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings. This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

DATED: September 22, 2014.

/s/ Scott D. MacArthur, Successor Trustee  
125 S. 6<sup>th</sup> Street, Klamath Falls, OR 97601

#15949 September 26, October 03, 10, 17, 2014.