



2014-012396

Klamath County, Oregon

12/01/2014 12:28:13 PM

Fee: \$97.00

After recording return to:

Umpqua Bank

Attn.: Ky Fullerton

1 S.W. Columbia Street, Suite 1200

Portland, Oregon 97258

### AFFIDAVIT OF MAILING

STATE OF OREGON           )  
  ) ss.  
County of Multnomah       )

I, Ky Fullerton, being first duly sworn, depose and say:

I am the Successor Trustee under the terms of the Deed of Trust dated May 21, 2008, given by JST Properties, LLC, an Oregon limited liability company, as Grantor to Brad Williams as Trustee for the benefit of Sterling Savings Bank and recorded in the official records of Klamath County, Oregon, on May 30, 2008, as Document No. 2008-007913.

1. Pursuant to ORS 86.764, I mailed with postage prepaid a true and correct copy of the attached Notice of Default, Election to Sell, and Notice of Sale recorded in the official records of Klamath County, Oregon, on July 17, 2014, as Document No. 2014-007527, by certified mail, return receipt requested on July 31, 2014, and by first-class mail on July 31, 2014, to each of the following parties:

JST Properties, LLC  
c/o Samuel L. Gressett, Reg. Agent  
4182 N. Roxy Drive  
Medford, Oregon 97504

JST Properties, LLC  
P.O. Box 1326  
Medford, Oregon 97501

JST Properties, LLC  
4182 N. Roxy Drive  
Medford, Oregon 97504

2. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below each party's name, which, to the best of my knowledge, were the parties' last known addresses as of the date of mailing.

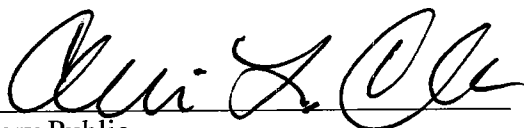
DATED this 25th day of November, 2014.

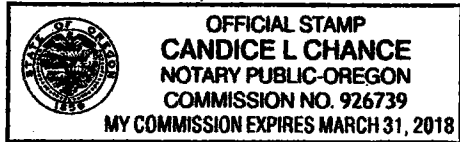
Ky Fullerton

[NOTARIAL CERTIFICATE ON FOLLOWING PAGE]

0200

Subscribed and sworn to before me on the 25th day of November, 2014, by Ky  
Fullerton, Successor Trustee.

  
\_\_\_\_\_  
Notary Public



After recording return to:  
Ky Fullerton  
Umpqua Bank  
MC 030-12-LEGL  
1 S.W. Columbia Street, Suite 1200  
Portland, Oregon 97258

**NOTICE OF DEFAULT, ELECTION TO SELL, AND NOTICE OF SALE**

PLEASE TAKE NOTICE that the undersigned Trustee elects to foreclose the following Deed of Trust by advertisement and sale proceedings and to sell the property covered by the Deed of Trust to satisfy the obligations secured thereby:

Deed of Trust dated May 21, 2008, given by JST Properties, LLC, an Oregon limited liability company, as Grantor to Brad Williams as Trustee for the benefit of Sterling Savings Bank and recorded in the official records of Klamath County, Oregon, on May 30, 2008, as Document No. 2008-007913.

The present Beneficiary, Umpqua Bank, as successor in interest by merger to Sterling Savings Bank, has appointed Ky Fullerton, an active member of the Oregon State Bar, as successor Trustee. The successor Trustee's mailing address is: 1 S.W. Columbia Street, Suite 1200, Portland, Oregon 97258.

The following property is covered by the Deed of Trust: See Exhibit A attached, which is incorporated herein by reference.

The Beneficiary has directed the Trustee to foreclose the Deed of Trust as a result of the following default(s): Grantor's failure to comply with the terms of the various agreements relating to Grantor's loan(s) with Umpqua Bank, including but not limited to Grantor's failure to pay all sums due Umpqua Bank in connection with said loan(s).

The Beneficiary has declared the entire unpaid balance of all obligations secured by the Deed of Trust immediately due, owing, and payable, in the sum of \$669,696.46 with interest at the applicable rate until paid, together with all costs, fees, future advances by the Beneficiary to protect its security interest, and other expenses allowed by law.

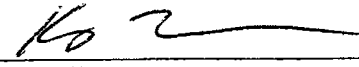
THE TRUSTEE WILL SELL THE DESCRIBED PROPERTY to satisfy the obligations secured by the Deed of Trust on December 4, 2014, at the hour of 10:00 a.m. based on the standard of time established by ORS 187.110, at the main entrance to the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, at public auction to the highest bidder for cash. The Grantor, the Grantor's successor in interest to all or any part of the trust property, any Beneficiary under a subordinate trust deed, or any person having a subordinate lien or encumbrance of record on the property may cure the default or defaults at any time prior to five days before the date last set for the Trustee's sale and thereby have the proceeding dismissed and the Deed of Trust reinstated pursuant to ORS 86.778. If the default consists of a failure to pay, when due, sums secured by the Deed of Trust, the default may be cured by paying the entire amount due at the time of cure under the terms of the obligations, other than such portion as would not then be due had no default occurred. Any other default of the Deed of Trust obligation that is capable of being cured may be cured by tendering the performance required under the obligation or Deed of Trust. In any case, and in addition to paying the sums or tendering the performance necessary to cure the

default(s), the person effecting the cure shall pay the Beneficiary all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and attorney fees as allowed by law.

The undersigned Trustee certifies that, upon recording of this Notice, no assignments of the Deed of Trust have been made by the Trustee or by the Beneficiary; no appointments of a successor Trustee have been made except as recorded in the official records of the county or counties in which the above-described real property is situated; the Beneficiary is the owner and holder of the obligations secured by said Deed of Trust; and no action has been instituted to recover the debt, or any part thereof, now remaining secured by said Deed of Trust, or if such action has been instituted, the action has been dismissed.

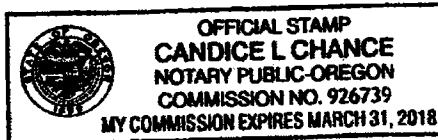
Whenever the context of this Notice so requires, the word "Grantor" includes any successor in interest to the Grantor as well as each and every person owing an obligation secured by the Deed of Trust; the word "Trustee" includes any successor Trustee; and the word "Beneficiary" includes any successor in interest of the original Beneficiary named above.

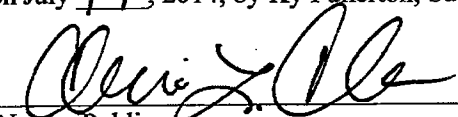
DATED this 14 day of July, 2014.

  
Ky Fullerton  
Successor Trustee

STATE OF OREGON                     )  
  ) ss.  
County of Multnomah                )

The foregoing instrument was acknowledged before me on July 14, 2014, by Ky Fullerton, Successor Trustee.



  
Notary Public

This Notice of Default, Election to Sell, and Notice of Sale was duly recorded on July \_\_\_\_\_, 2014, in the official records of Klamath County, Oregon, as Document No. 2014-\_\_\_\_\_. I hereby certify that this document is a true, correct, and complete copy of the original.

DATED this \_\_\_\_\_ day of July, 2014.

\_\_\_\_\_  
Ky Fullerton  
Successor Trustee

## **EXHIBIT A**

A parcel of land situated in the NW1/4 NW1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:  
Commencing at an iron pin on the Northerly right of way line of South Sixth Street which bears South 0 degrees 00' 30" East a distance of 826.8 feet and South 55° 52' 30" East a distance of 475.2 feet from the iron pin monument marking the Northwest corner of said Section 3, said beginning point also being the Southwesterly corner of parcel described in Deed Volume M69, page 4221, Deed Records of Klamath County, Oregon; thence North 34° 07' 30" East along the Northwesterly line of last mentioned parcel a distance of 175.0 feet to the Southerly right of way line of Pershing Way; thence along said right of way line North 55° 52' 30" West a distance of 142.04 feet, more or less, to a point; thence South 34° 07' 30" West a distance of 175.0 feet to the Northerly line of South Sixth Street; thence along said right of way, South 55° 52' 30" East a distance of 142.04 feet, more or less to the point of beginning.

## AFFIDAVIT OF POSTING

STATE OF OREGON

County of Klamath

ss.

I, Robert Bolenbaugh, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Notice of Default, Election to Sell, and Notice of Sale; Exhibit A upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "**Property Address**":

**2725 South 6th Street, Unit A  
Klamath Falls, OR 97603**

As follows:

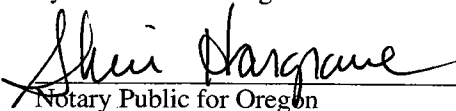
On 07/29/2014 at 12:18 PM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.774 (1)(b)(A).

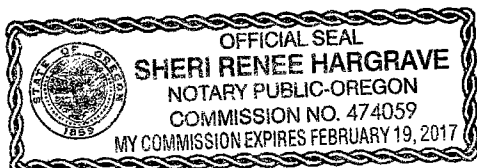
On 08/01/2014 at 9:40 AM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.774 (1)(b)(B).


On 08/05/2014 at 9:00 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.774 (1)(b)(C).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 13<sup>th</sup> day of August, 2014  
by Robert Bolenbaugh.

  
Notary Public for Oregon



X   
Robert Bolenbaugh  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*389838\*

/ BRAD WILLIAMS

## AFFIDAVIT OF MAILING

STATE OF OREGON

County of Klamath

ss.

I, Robert Bolenbaugh, being first duly sworn, depose and say that at all times herein mentioned I was and am now a competent person 18 years of age or older and a resident of the state of Oregon; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

On August 07, 2014, I mailed a copy of the Notice of Default, Election to Sell, and Notice of Sale; Exhibit A, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.774(1)(b)(C).

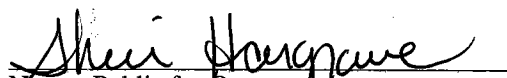
The envelope was addressed as follows:

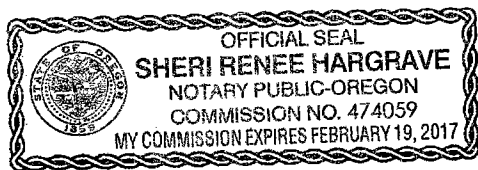
**OCCUPANT**  
**2725 South 6th Street, Unit A**  
**Klamath Falls, OR 97603**

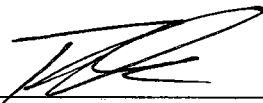
This mailing completes service upon an occupant at the above address with an effective date of **07/29/2014** as calculated pursuant to ORS 86.774 (1)(c).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 13<sup>th</sup> day of August, 2014  
by Robert Bolenbaugh.

  
Notary Public for Oregon



X   
Robert Bolenbaugh  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*309838\*

/ BRAD WILLIAMS

## AFFIDAVIT OF POSTING

STATE OF OREGON

County of Klamath

ss.

I, Robert Bolenbaugh, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Notice of Default, Election to Sell, and Notice of Sale; Exhibit A upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "**Property Address**":

**2725 South 6th Street, Unit B  
Klamath Falls, OR 97603**

As follows:

On 07/29/2014 at 12:19 PM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.774 (1)(b)(A).

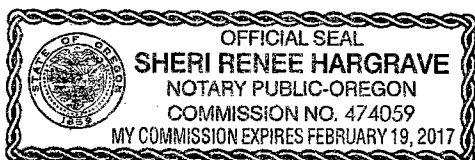
On 08/01/2014 at 9:41 AM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.774 (1)(b)(B).

On 08/05/2014 at 9:01 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.774 (1)(b)(C).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 13<sup>th</sup> day of August, 2014  
by Robert Bolenbaugh.

Sheri Hargrave  
Notary Public for Oregon



X [Signature]  
Robert Bolenbaugh  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*309838\*



/ BRAD WILLIAMS

## AFFIDAVIT OF MAILING

STATE OF OREGON

County of Klamath

ss.

I, Robert Bolenbaugh, being first duly sworn, depose and say that at all times herein mentioned I was and am now a competent person 18 years of age or older and a resident of the state of Oregon; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

On August 07, 2014, I mailed a copy of the Notice of Default, Election to Sell, and Notice of Sale; Exhibit A, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.774(1)(b)(C).

The envelope was addressed as follows:

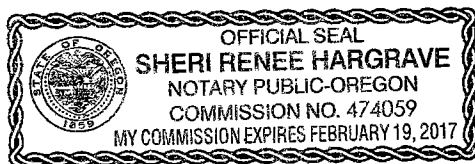
**OCCUPANT**  
**2725 South 6th Street, Unit B**  
**Klamath Falls, OR 97603**

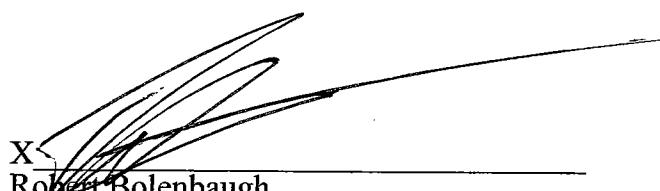
This mailing completes service upon an occupant at the above address with an effective date of 07/29/2014 as calculated pursuant to ORS 86.774 (1)(c).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 13 day of August, 20 14  
by Robert Bolenbaugh.

  
Notary Public for Oregon



X   
Robert Bolenbaugh  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*309838\*

**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#15943 SALE

**JST PROPERTIES LLC**

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: \$1387.90

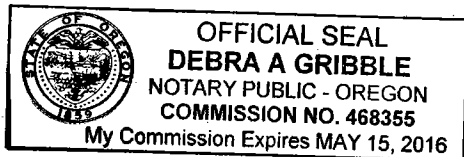
*Linda Culp*

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, ELECTION TO SELL,  
AND NOTICE OF SALE**

PLEASE TAKE NOTICE that the undersigned Trustee elects to foreclose the following Deed of Trust by advertisement and sale proceedings and to sell the property covered by the Deed of Trust to satisfy the obligations secured thereby: Deed of Trust dated May 21, 2008, given by JST Properties, LLC, an Oregon limited liability company, as Grantor to Brad Williams as Trustee for the benefit of Sterling Savings Bank and recorded in the official records of Klamath County, Oregon, on May 30, 2008, as Document No. 2008-007913.

The present Beneficiary, Umpqua Bank, as successor in interest by merger to Sterling Savings Bank, has appointed Ky Fullerton, an active member of the Oregon State Bar, as successor Trustee. The successor Trustee's mailing address is: 1 S.W. Columbia Street, Suite 1200, Portland, Oregon 97258.

The following property is covered by the Deed of Trust. See Exhibit A attached, which is incorporated herein by reference.

The Beneficiary has directed the Trustee to foreclose the Deed of Trust as a result of the following default(s): Grantor's failure to comply with the terms of the various agreements relating to Grantor's loan(s) with Umpqua Bank, including but not limited to Grantor's failure to pay all sums due Umpqua Bank in connection with said loan(s).

The Beneficiary has declared the entire unpaid balance of all obligations secured by the Deed of Trust immediately due, owing, and payable, in the sum of \$669,696.46 with interest at the applicable rate until paid, together with all costs, fees, future advances by the Beneficiary to protect its security interest, and other expenses allowed by law.

THE TRUSTEE WILL SELL THE DESCRIBED PROPERTY to satisfy the obligations secured by the Deed of Trust on December 4, 2014, at the hour of 10:00 a.m. based on the standard of time established by ORS 187.110, at the main entrance to the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, at public auction to the highest bidder for cash. The Grantor, the Grantor's successor in interest to all or any part of the trust property, any Beneficiary under a subordinate trust deed, or any person having a subordinate lien or encumbrance of record on the property may cure the default or defaults at any time prior to five days before the date last set for the Trustee's sale and thereby have the proceeding dismissed and the Deed of Trust reinstated pursuant to ORS 86.778. If the default consists of a failure to pay, when due, sums secured by the Deed of Trust, the default may be cured by paying the entire amount due at the time of cure under the terms of the obligations, other than such portion as would not then be due had no default occurred. Any other default of the Deed of Trust obligation that is capable of being cured may be cured by tendering the performance required under the obligation or Deed of Trust. In any case, and in addition to paying the sums or tendering the performance necessary to cure the default(s), the person effecting the cure shall pay the Beneficiary all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and attorney fees as allowed by law.

The undersigned Trustee certifies that, upon recording of this Notice, no assignments of the Deed of Trust have been made by the Trustee or by the Beneficiary; no appointments of a successor Trustee have been made except as recorded in the official records of the county or counties in which the above-described real property is situated; the Beneficiary is the owner and holder of the obligations secured by said Deed of Trust; and no action has been instituted to recover the debt, or any part thereof, now remaining secured by said Deed of Trust, or if such action has been instituted, the action has been dismissed.

Whenever the context of this Notice so requires, the word "Grantor" includes any successor in interest to the Grantor as well as each and every person owing an obligation secured by the Deed of Trust; the word "Trustee" includes any successor Trustee; and the word "Beneficiary" includes any successor in interest of the original Beneficiary named above.

DATED this 14th day of July, 2014.

/s/Ky Fullerton  
Successor Trustee

**EXHIBIT A**

A parcel of land situated in the NW 1/4 NW 1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at an iron pin on the Northerly right of way line of South Sixth Street which bears South 0 degrees 00' 30" East a distance of 826.8 feet and South 55° 52' 30" East a distance of 475.2 feet from the iron pin monument marking the Northwest corner of said Section 3, said beginning point also being the Southwesterly corner of parcel described in Deed Volume M69, page 4221, Deed Records of Klamath County, Oregon; thence North 34° 07' 30" East along the Northwesterly line of last mentioned parcel a distance of 175.0 feet to the Southerly right of way line of Pershing Way; thence along said right of way line North 55° 52' 30" West a distance of 142.04 feet, more or less, to a point; thence South 34° 07' 30" West a distance of 175.0 feet to the Northerly line of South Sixth Street; thence along said right of way, South 55° 52' 30" East a distance of 142.04 feet, more or less to the point of beginning.

#15943 September 26, October 03, 10, 17, 2014.