

2015-008801

Klamath County, Oregon



00174203201500088010030038

08/07/2015 09:42:37 AM

Fee: \$52.00

**RECORDING COVER SHEET (Please Print or Type)**

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

THIS SPACE RESERVED FOR USE BY  
THE COUNTY RECORDING OFFICE

Returned at Counter

**AFTER RECORDING RETURN TO:**

**PATRICK J. KELLY, ATTORNEY AT LAW**  
717 NW 5<sup>th</sup> Street  
GRANTS PASS, OR 97526

- 1) **TITLE(S) OF THE TRANSACTION(S)** ORS 205.234(a)  
Affidavit of Publication
- 2) **DIRECT PARTY / GRANTORS(S)** ORS 205.125(1)(b) and 205.160  
Herald and News  
PO Box 788  
Klamath Falls, OR 97601
- 3) **INDIRECT PARTY / GRANTEE(S)** ORS 205.125(1)(a) and 205.160  
Daniel S. Miller  
PO Box 139  
Chemult, OR 97731

- 4) **TRUE AND ACTUAL CONSIDERATION**  
ORS 93.030(5) - Amount in dollars or other

\$ -0-

☐ Other

- 5) **SEND TAX STATEMENTS TO:**

No Change

- 6) **SATISFACTION of ORDER or WARRANT**  
ORS 205.125(1)(e)

CHECK ONE: ☐ FULL  
(If applicable) ☐ PARTIAL

- 7) **The amount of the monetary obligation imposed by the order or warrant.** ORS 205.125(1)(c)

\$ -0-

- 8) **If this instrument is being Re-Recorded, complete the following statement, in accordance with (ORS 205.244: 'RERECORDED AT THE REQUEST OF \_\_\_\_\_, TO CORRECT PREVIOUSLY RECORDED IN BOOK \_\_\_\_\_ AND PAGE \_\_\_\_\_, OR AS FEE NUMBER #\_\_\_\_\_.'**

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

I, Dawn Megles, Classified Manager, 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#16516 SALE MILLER

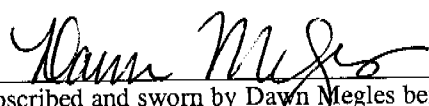
**TRUSTEE'S NOTICE OF SALE**

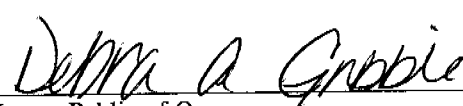
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

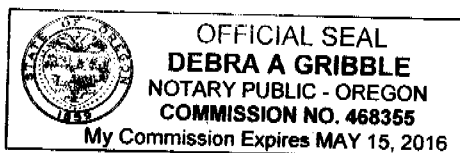
Insertion(s) in the following issues:

06/30/2015 07/07/2015 07/14/2015 07/21/2015

Total Cost: \$1501.32

  
Subscribed and sworn by Dawn Megles before me on:  
21st day of July in the year of 2015

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



**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made by Daniel S. Miller, as Grantor, to AmeriTitle, an Oregon Corporation, as Trustee, in favor of Owen W. MacPhee and Neva K. MacPhee, Trustees of the Owen MacPhee Family Trust, as Beneficiary, dated April 6, 2012, recorded on April 18, 2012, in the Official Records of Klamath County, Oregon, in, as Document #2012-004047 covering the following described real property situated in that county and state, to-wit:

**EXHIBIT "A"**

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 5, NORTH CHEMULT, in the County of Klamath, State of Oregon;  
ALSO: All that portion of Lot 9, Block 5, NORTH CHEMULT, vacated Chemult Road, and Lot 7, Block 4 of Chemult, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the Easterly line of said Lot 9, which is 480 feet South of the most Northerly corner of Lot 1 of said Block 5; thence Southwesterly parallel with the Northerly line of said Lot 9 to a point on the Westerly line of said Lot 7, Block 4; thence Northwesterly along the Westerly line of said Lot 7 to a point on the South line of vacated Chemult Road; thence Westerly along the South line of vacated Chemult Road to a point on the West line of Section 21, Township 27 South, Range 8 East of the Willamette Meridian; thence North along said section line to the Northwest corner of said Lot 9, Block 5; thence Northeasterly along the Northerly line of said Lot 9 to the Northeast corner thereof; thence Southeasterly along the Easterly line of said Lot 9 to the point of beginning.

LESS AND EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation as recorded February 22, 2001 in MOI, page 7134 and MOI, page 7139.

Said real property is commonly known as: 109716, 109718, and 109370 Hwy 97 North, Chemult, Oregon.

PATRICK J. KELLY, Attorney at Law, OSB #79-2882, is now the successor trustee. His office is located at 717 NW Fifth St., Grants Pass, OR 97526. His telephone number is (541) 474-1908.

The beneficiary's interest in said trust deed was assigned to: None

Both the beneficiary and/or the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.752(3); the default for which the foreclosure is made in grantor's failure to pay when due the following sums:

The April 16, 2014 monthly installment in the amount of \$720.00 and each month thereafter, plus buyer's fees of \$105.00, plus late charges of \$360.00.

By reason of the default just described, the beneficiary has declared all sums owing on the obligation that the trust deed secures immediately due and payable, those sums being the following, to-wit:

The unpaid principal balance in the amount of \$55,517.21 with interest thereon at 12% per annum from June 6, 2014 until paid, plus late charges of \$360.00.

WHEREFORE, notice is hereby given that on August 7, 2015, at the hour of 11:00 o'clock, am, in accord with the standard of time established by ORS 187.110, at the front steps of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath State of Oregon, the interest in the real property described above which the grantor had or had power to convey at the time the grantor executed the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed will be sold by the undersigned trustee at public auction to the highest bidder for cash to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.778 that the right exists under ORS 86.778 to have the proceeding dismissed and the trust deed reinstated by paying the entire amount then due, together with costs, trustee's fees and attorney fees, and by curing any other default complained of in the notice of default, at any time that is not later than five days before the date last set for the sale.

In construing this notice, 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale.

**FAIR DEBT COLLECTION PRACTICES ACT NOTICE**

Trustee is a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED: March 3, 2015

~~/s/PATRICK J. KELLY, OSB #792882~~

Attorney at Law

717 NW Fifth St., Grants Pass, OR 97526, (541) 474-1908

State of Oregon, County of Josephine ) ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

/s/PATRICK J. KELLY Attorney for Trustee

#16516 June 30, July 07, 14, 21, 2015