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Vol M01 Page 43528

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

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, 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 address, to-wit:

Orin G. Kirk  
704 Highway 422 North  
Chiloquin, OR 97624

Orin G. Kirk  
P.O. Box 1079  
Chiloquin, OR 97624

WMGPS Trust  
c/o William M. Ganong, Authorized Rep.  
514 Walnut Avenue  
Klamath Falls, OR 97601

Hardy Myers  
Attorney General/State of Oregon  
1162 Court Street Northeast  
Salem, OR 97310

State of Oregon  
c/o Cheryl, Revenue Agent  
P.O. Box 14725  
Salem, OR 97309-5018

District Director-Internal Revenue Service  
Attn: Chief, Special Procedures  
915 Second Avenue M/S W245  
Seattle, WA 98174

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, 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 Bellevue, Washington, on 5-21-01. 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.

I certify that I know or have satisfactory evidence that [Signature] is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 5/21/01

[Signature]  
(Signature)

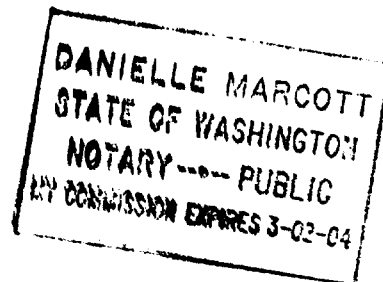
(Seal or Stamp)

Foreclosure Assistant  
Title Snohomish County  
My appointment  
Expires \_\_\_\_\_

<b>AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE</b>	
RE: Trust Deed from	
Kirk, Orin G.	
Grantor	
to	
Northwest Trustee Services, LLC,	
Trustee	File No. 7069.22987

After recording return to:

Northwest Trustee Services, LLC  
Attn: Kathy Taggart  
PO Box 4143  
Bellevue, WA 98009-4143



51A

**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made by Orin G. Kirk, an estate in fee simple, as grantor, to Mark H. Peterman, as trustee, in favor of BNC Mortgage, Inc., a Delaware corporation, as beneficiary, dated 10/06/98, recorded 10/19/98, in the mortgage records of Klamath County, Oregon, as Book M-98 Page 38278 and subsequently assigned to Bank One, N.A., as Trustee, fka The First National Bank of Chicago, as Trustee by Assignment, covering the following described real property situated in said county and state, to wit:

Lots 147 and 148 of Spinks Subdivision and more particularly described as follows, to-wit: Beginning at a point on the Southerly line of the Chiloquin-Klamath Agency County Road or Market Road which point is South 47 degrees 04' East, 432.4 feet from the intersection of the Southerly line of said road with a line running East and West through the center of Section 34, Township 34 South, Range 7 East of the Willamette Meridian; thence along said road South 47 degrees 04' East 100.3 feet; thence South 47 degrees 21' West 215 feet; thence North 42 degrees 39' West 100 feet; thence North 47 degrees 21' East 207.1 feet more or less to the Point of Beginning, being a portion of Lot 6, Section 34, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

PROPERTY ADDRESS: 704 Highway 422 North  
Chiloquin, OR 97624

Both the beneficiary and 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 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$478.60 beginning 02/01/01; plus late charges of \$47.86 each month beginning 02/16/01; plus prior accrued late charges of \$342.15; plus advances of \$8.58; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$47,026.58 with interest thereon at the rate of 11.74 percent per annum beginning 01/01/01; plus late charges of \$47.86 each month beginning 02/16/01 until paid; plus prior accrued late charges of \$342.15; plus advances of \$8.58; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned trustee will on 09/21/01 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main 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 the described real property which the grantor had or 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 after 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 prior to five days before the date last set for 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 ORS 86.753.

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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Northwest Trustee Services, LLC

DATED 5-17, 2009

By

  
Authorized Signature

For further information, please contact:

**Kathy Taggart**  
**Northwest Trustee Services, LLC**  
**PO Box 4143**  
**Bellevue, WA 98009-4143**  
**(425) 586-1900**  
**File No.7069.22987/Kirk, Orin G.**

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

\_\_\_\_\_  
By Authorized Signer

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE**

## PROOF OF SERVICE

43531

STATE OF OREGON       )  
                                   ) ss.  
 County of Klamath       )

I 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 Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, along with a copy of Notice Under the Fair Debt Collection Practices Act, upon the OCCUPANTS at the following address:

**704 HIGHWAY 422 NORTH, CHILOQUIN, OREGON 97624**, as follows:

Personal service upon ORin Kirk, by delivering said true copy, personally and in person, at the above address on May 23, 2001 at 3:39 P.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2001 at \_\_\_\_\_:\_\_\_\_\_.m.

Substitute service upon Kristin Kirk, by delivering said true copy, at his/her usual place of abode as indicated above, to ORin Kirk who is a person over the age of 14 years and a member of the household on May 23, 2001 at 3:39 P.m.

Substitute service upon \_\_\_\_\_, by delivering said true copy, at his/her usual place of abode as indicated above, to \_\_\_\_\_ who is a person over the age of 14 years and a member of the household on \_\_\_\_\_, 2001 at \_\_\_\_\_:\_\_\_\_\_.m.

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

SUBSCRIBED AND SWORN to before me this 24<sup>th</sup> day of May, 2001 by Ed Foreman <sup>226496</sup>



Margaret A. Nielsen  
 Notary Public for Oregon

# Affidavit of Publication

43532

STATE OF OREGON,  
COUNTY OF KLAMATH

I, Larry L. Wells, Business Manager, being first duly sworn, depose and say that I am the principal clerk of the publisher of the Herald and News a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state: that the

LEGAL #4187

TRUSTEE'S NOTICE OF SALE

KIRK

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

FOUR

Insertion(s) in the following issues:

JUNE 28, 2001

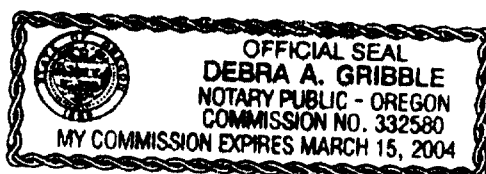
JULY 5, 12, 19, 2001

Total Cost: \$810.00

Subscribed and sworn before me this 19TH day of: JULY 2001

Notary Public of Oregon

My commission expires March 15, 2004



## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Orin G. Kirk, an estate in fee simple, as grantor, to Mark H. Peferman, as trustee, in favor of BNC Mortgage, Inc., a Delaware corporation, as beneficiary, dated 10/06/98, recorded 10/19/98, in the mortgage records of Klamath County, Oregon, as book M-98, Page 38278 and subsequently assigned to Bank One, N.A., as trustee, fka The First National Bank of Chicago, as Trustee by assignment, covering the following described real property situated in said county and state, to wit:

Lots 147 and 148 of Spinks Subdivision and more particularly described as follows, to-wit: Beginning at a point on the Southerly line of the Chiloquin-Klamath Agency County Road or Market Road which point is South 47 degrees 04' East 432.4 feet from the intersection of the Southerly line of said road with a line running East and West through the center of Section 34, Township 34 South, Range 7 East of the Willamette Meridian; thence along said road South 47 degrees 04' East 100.3 feet; thence South 47 degrees 21' West 215 feet; thence North 42 degrees 39' West 100 feet; thence North 47 degrees 21' East

207.1 feet more or less to the Point of Beginning, being a portion of Lot 6, Section 34, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

PROPERTY ADDRESS: 704 Highway 422 North, Chiloquin, OR. 97624.

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By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit:

\$47,026.58 with interest thereon at the rate of 11.74 percent per annum beginning 01/01/01; plus late charges of \$47.86 each month beginning 02/16/01 until paid; plus prior accrued late charges of \$342.15; plus advances of \$8.58; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned trustee will on 09/21/01 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main 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 the described real property which the grantor had or 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 after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of

43533

Received

JUL 24 2001

Routh, Crabtree & Fennell

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 prior to five days before the date last set for 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 ORS 86.753.

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 said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.  
Dated 5/17/2001.  
Northwest Trustee Services LLC, Kathy Taggart, Authorized Signature. June 28, 2001. July 5, 12, 19, 2001. #4187

# Northwest Trustee Services, LLC

PO Box 4143  
Bellevue, Washington 98009-4143  
Telephone (425) 586-1900 Facsimile (425) 586-1997

43534

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August 22, 2001

7069.22987/Kirk, Orin G.  
All Occupants  
704 Highway 422 North  
Chiloquin, OR 97624

RE: Ocwen Federal Bank, FSB 3744414  
RCF No.:7069.22987

Occupants:

Please be advised that the property in the above-referenced matter is scheduled to be sold at a Trustee's Sale on 09/21/01. According to ORS 86.755(5) the property must be vacated on or before the tenth day, 10/01/01, following the date of sale. Please vacate the property on or before that date.

If you have any questions, please contact an attorney.

Very truly yours,

Kathy Taggart  
Foreclosure Analyst

State of Oregon, County of Klamath  
Recorded 08/27/01 at 11:40 a. m.  
In Vol. M01 Page 43528  
Linda Smith,  
County Clerk Fee\$ 51.00