Vol\_M02\_Page\_14847

State of Oregon, County of Klamath

Recorded 03/13/2002 11:09a m.

Vol M02, Pg 14847 - 57

Linda Smith, County Clerk

Fee \$ 96° # of Pgs 11

RECORDING COVER SHEET Pursuant to ORS 205.234

After recording return to:

Northwest Trustee Services, LLC Attention: Danni Johnson P.O. Box 4143 Bellevue, WA 98009-4143

7006.20667

K57565

- 1. AFFIDAVIT OF MAILING
- ✓2. TRUSTEE'S NOTICE OF SALE
- ✓ 3. PROOF OF SERVICE
- ✓ 4. AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE
- ✓ 5. AMENDED TRUSTEE'S NOTICE OF SALE
- ✓6. AFFIDAVIT OF PUBLICATION

Original Grantor(s) on Trust Deed: Gary W. Shepherd and Sherry L. Shepherd, an estate in fee simple as tenants by the entirety

Beneficiary: Diversified Mortgage Services

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

K71' +25 96-

## 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 and certify 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:

Gary W. Shepherd 5462 Brentwood Drive Klamath Falls, OR 97603

Empire Funding Corporation 9737 Great Hills Trail Austin, TX 78759

Empire Funding Corporation c/o Mina A. Brees, Esq. 111 Congress Avenue, Suite 2010 Austin, TX 78701 Sherry L. Shepherd 5462 Brentwood Drive Klamath Falls, OR 97603

Empire Funding Corporation c/o Joe E. Marshall, Esq. 1445 Ross Avenue, Suite 4000 Dallas, TX 75202

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 10-5-01. 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.

STATE OF WASHINGTON

COUNTY OF KING

) ss.

I certify that I know or have satisfactory evidence that **BEN NOFK**s 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: 10.3.91

NOTARY PUBLIC in and for the State of

Washington, residing at

My commission expires

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

**RE: Trust Deed from** 

Shepherd, Gary W. and Sherry L.

Grantor

to

Northwest Trustee Services, LLC,

Trustee

File No. 7006.20667

After recording return to: Northwest Trustee Services, LLC Attn: Danni Marcott P.O. Box 4143 Bellevue, WA 98009-4143 KEN L. PATNER
STATE OF WASHINGTON
NOTARY ---- PUBLIC
NY CONNISSION EXPIRES 1-30-06

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Gary W. Shepherd and Sherry L. Shepherd, an estate in fee simple as tenants by the entirety, as grantor, to First American Title, as trustee, in favor of Diversified Mortgage Services, as beneficiary, dated 04/30/98, recorded 05/11/98, in the mortgage records of Klamath County, Oregon, as Volume M98 Page 15971 and subsequently assigned to Manufacturers & Traders Trust Company, One M & T Plaza, Buffalo, NY 14203-2399, Trustee for Securitization Series 1998-2, Agreement dated 6-01-98 by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 6 in Block 13 Tract No. 1064, First Addition to Gatewood, according to the Official Plat thereof on File in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 5462 Brentwood Drive Klamath Falls, OR 97603

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 \$819.99 beginning 03/30/01; plus late charges of \$41.00 each month beginning 04/16/01; plus prior accrued late charges of \$205.00; plus advances of \$134.05; 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: \$99,846.88 with interest thereon at the rate of 8.99 percent per annum beginning 02/28/01; plus late charges of \$41.00 each month beginning 04/16/01 until paid; plus prior accrued late charges of \$205.00; plus advances of \$134.05; 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 February 8, 2002 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.
Dated:
For further information, please contact:
Danni Marcott
Northwest Trustee Services, LLC
P.O. Box 4143
Bellevuc, WA 98009-4143
(425) 586-1900
File No.7006.20667/Shepherd, Gary W. and Sherry L.
the 1101/000.2000//Shepherd, Gary W. and Sherry D.
State of Washington, County of King) ss:
omic of Washington, County of King) 55.
I the undersigned certify that the foregoing is a complete and assume a survey of the state of t
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.
1 3 1 3 1 3 1 3 1 3 1 3 1 3 1 3 1 3 1 3

7006.20667/Shepherd

14851

### PROOF OF SERVICE

STATE OF OREGON	)
	) ss
County of <u>Klamath</u>	)

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 the Notice Under the Federal Fair Debt Collection Practices Act, upon the OCCUPANTS at the following address:

## 5462 BRENTWOOD DRIVE, KLAMATH FALLS, OREGON 97603, as follows:

	by delivering said true copy, 2001 at 1 : 50 P.m.
Personal service upon	, by delivering said true copy, 2001 atm.
Substitute service upon Gary Shephard by dhis/her usual place of abode as indicated above, to Sherry Shephard the age of 14 years and a member of the household on October 8,	who is a person over 2001 at 1 : 50 P.m.
his/her usual place of abode as indicated above, to the age of 14 years and a member of the household on ,	who is a person over 2001 atm.
I declare under the penalty of perjury that the above statement is true  Dave Shuck	233483
SUBSCRIBED AND SWORN to before me this Gth day of Oct ,	2001 by ARVE Shuck
OFFICIAL SEAL MARGARET A NIELSEN NOTARY PUBLIC - OREGON COMMISSION NO. 333599 MY COMMISSION EXPIRES APRIL 12, 2004 NY COMMISSION EXPIRES APRIL 12, 2004	<u>A. Tielsen</u>

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, 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 Washington, a competent person over the age of eighteen years and not the 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:

Gary W. Shepherd 5462 Brentwood Drive Klamath Falls, OR 97603

Empire Funding Corporation 9737 Great Hills Trail Austin, TX 78759

Empire Funding Corporation c/o Mina A. Brees, Esq. 111 Congress Avenue, Suite 2010 Austin, TX 78701

Sherry L. Shepherd P.O. Box 525 Keno, OR 97627

Gary W. Shepherd and Sherry L. Shepherd c/o Douglas V. Osborne, Atty. 439 Pine St. Klamath Falls, OR 97601

Sherry L. Shepherd 5462 Brentwood Drive Klamath Falls, OR 97603

Empire Funding Corporation c/o Joe E. Marshall, Esq. 1445 Ross Avenue, Suite 4000 Dallas, TX 75202

Gary W. Shepherd P.O. Box 525 Keno, OR 97627

Candace Amborn, Ttee. P.O. Box 580 Medford, OR 97501-0214

AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE RE: Trust Deed from

Gary W. Shepherd and Sherry L. Shepherd, an estate in fee simple as tenants by the entirety

Grantor

to

Northwest Trustee Services, LLC

Trustee

File No.7006.20667

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 envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on  $\angle$ 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.

STATE OF WASHINGTON COUNTY OF KING

Jessica K. May I certify that I know or have satisfactory evidence that 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: 2.7.52

After recording return to: Northwest Trustee Services, LLC Attn: Danni Johnson P.O. Box 4143 Bellevue, WA 98009-4143

KEN L. PATNER STATE OF WASHINGTON NOTARY ---- PUBLIC MY COMMISSION EXPIRES 1-30-06 NOTARY PUBLIC in and for the State of Washington, residing at Seattle

My commission expires 1.39-

Reference is made to that certain trust deed made by Gary W. Shepherd and Sherry L. Shepherd, an estate in fee simple as tenants by the entirety, as grantor, to First American Title, as trustee, in favor of Diversified Mortgage Services, as beneficiary, dated 04/30/98, recorded 05/11/98, in the mortgage records of Klamath County, Oregon, in Volume M98 Page 15971, and subsequently assigned to Manufacturers & Traders Trust Company, One M & T Plaza, Buffalo, NY 14203-2399, Trustee for Securitization Series 1998-2, Agreement dated 6-01-98 by Assignment recorded as Vol: M01 Page: 50104, covering the following described real property situated in said county and state, to wit:

Lot 6 in Block 13 Tract No. 1064, First Addition to Gatewood, according to the Official Plat thereof on File in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 5462 Brentwood Drive, Klamath Falls, OR 97603

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 \$819.99 beginning 03/30/01; plus late charges of \$41.00 each month beginning 04/16/01; plus prior accrued late charges of \$205.00; plus advances of \$1,778.28; 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: \$99,846.88 with interest thereon at the rate of 8.99 percent per annum beginning 02/28/01; plus late charges of \$41.00 each month beginning 04/16/01 until paid; plus prior accrued late charges of \$205.00; plus advances of \$1,778.28; 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.

The Notice of Default and original Notice of Sale given pursuant thereto stated the property would be sold on Friday, February 8, 2002, 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; However, subsequent to the recording of said Notice of Default the original proceedings were stayed by order of the court or by proceedings filed under the U.S. Bankruptcy Code or for other lawful reason. Said stay was terminated on 1/4/02.

WHEREFORE, notice hereby is given that the undersigned trustee will on March 29, 2002 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

Authorized Signature

For further information, please contact:

Danni Johnson Northwest Trustee Services, LLC P.O. Box 4143 Bellevue, WA 98009-4143 (425) 586-1900

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

### AMENDED TRUSTEE'S NOTICE OF SALE

**RE:** Trust Deed from

Gary W. Shepherd and Sherry L. Shepherd, an estate in fee simple as tenants by the entirety

Grantor

to

Northwest Trustee Services, LLC

Trustee

File No. 7006.20667

After recording return to:

Northwest Trustee Services, LLC Attn: Danni Johnson P.O. Box 4143 Bellevue, WA 98009-4143

14856

# 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 # 4615
Amended Notice of Sale/Shepherd
a printed copy of which is hereto annexed
was published in the entire issue of said
newspaper for: ( 4 )
Four
FOUI
Insertion(s) in the following issues:
February 14, 21, 28, March 1, 2002
Total Costs 6007.00
Total Cost: \$837.00
1
Da 2 With
Subscribed and sworn
before me on: March 1, 2002
111011111111111111111111111111111111111
1/0/0.00
DULU (1 / VNDDL)
Notary Public of Oregon

#### AMENDED TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Gary W. Shepherd and Sherry L. Shepherd, an estate in fee simple as tenants by the entirety, as grantor, to First American Title, as trustee, in favor of Diversified Mortgage Services, as beneficiary, data ed 04/30/98, recorded 05/11/98, in the mortgage records of Klamath County, Oregon, in Volume M98 Page 15971, and subsequently assigned to Manufacturers & Traders Trust Company, One M & T Plaza, Buffalo, NY 14203-2399, Trustee for Securitization Series 1998-2, Agreement dated 6-01-98 by Assignment recorded as Vol. M01 Page 50104, covering the following described real prop erty situated in said county and state, to wit: Lot 6 in Block 13 Tract No. 1064, First Addition to Gatewood, accord ing to the Official Plat thereof on File in the Office of the County Clerk of Klamath County, Oregon. Property Address: 5462 Brentwood Drive, Klamath Falls, OR

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 \$819.99 beginning 03/30/01; plus late charges of \$41.00 each month beginning 04/16/01; plus prior accrued late charges of \$205.00; plus advances of \$1,778.28; 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.

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\$1,778.28: 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.

The Notice of Default and original Notice of Sale given pursuant thereto stated the property would be sold on Friday, February 8, 2002, at the hour of 10:00 AM 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 Kla-math, State of Oregon; However, subsequent to the recording of said Notice of Default the original proceedings were stayed by order of the court or by proceedings filed under the U.S. Bankruptcy Code of for other lawful reason. Said stay was terminated on 1/4/02.

WHEREFORE,

notice hereby is given that the undersigned trustee will on March 29, 2002 at the hour of 10:00 o'clock AM in ac-cord with the stand-ard 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 Kla-math, 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 aftek 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 dis-- missed and the trust

My commission expires March 15, 2004

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 i trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not ex-ceeding 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 in-terest, if any.
Dated: 2/7/2002. By:
D. Johnson, North west Trustee Services, LLC. For further information please contact: Dan-ni Johnson, Northwest Trustee Services, LLC, PO Box 4143, Bellevue, WA 98009-4143, (425) 586-1900. #4615 February 14, 21, 28, March 1, 2002.

RECEIVED
MAR 1 1 2002
ROUTH CARBTREE FEWNELL