

ATC 54690

Vol M02 Page 47136

State of Oregon, County of Klamath

Recorded 08/21/2002 2:46 p. m.

Vol M02, Pg 47136-49

Linda Smith, County Clerk

Fee \$ 86.00 # of Pgs 14

'02 AUG 21 PM2:46

**PLEASE RECORD IMMEDIATELY**

After recording return to:

Christy Melhorn

PRESTON GATES & ELLIS LLP

222 SW Columbia, Suite 1400

Portland, OR 97201

Facsimile: (503) 248-9085

37543-50293/Robert C. Neal

Title Order Number 54690

County Klamath

Property Address 148945 Paul Drive, La Pine, OR 97739

**Recording Cover Sheet**

This cover sheet has been prepared by the person presenting the attached instrument for recording, as provided by ORS 205.234. Any Errors in this Sheet do not affect the transactions contained in the instrument itself. PLEASE FAX US THE RECORDING NUMBERS AND COSTS. Then, please issue an endorsement to the Trustee's Sale Guarantee. Include our file number and grantor name on all correspondence.

- A) Names of the transactions described in the attached instruments:
- |               |   |
|---------------|---|
| <u>X</u>      | Affidavit of Mailing Trustee's Notice of Sale with original |
| <u>X</u>      | Trustee's Notice of Sale attached                           |
| <u>X</u>      | Affidavit of Service on Occupant                            |
| <u>      </u> | Affidavit of Mailing Notice of Substitute Service           |
| <u>      </u> | Affidavit of Notice of Non-Occupancy                        |
| <u>      </u> | Affidavit of Publication of Trustee's Notice of Sale        |
| <u>      </u> | Affidavit of Mailing Notice to IRS                          |
| <u>X</u>      | Affidavit of Mailing Amended Trustee's Notice of Sale       |
| <u>X</u>      | Original Amended Trustee's Notice of Sale                   |

86A

47137

After recording return to:  
Christy Melhorn  
PRESTON GATES & ELLIS LLP  
222 SW Columbia St., Suite 1400  
Portland, OR 97201

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

*Client Matter Number 37543-50293/Robert C. Neal*

STATE OF OREGON, County of Multnomah ) ss:

I, Christy Melhorn, being first duly sworn, depose, 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 *Trustee's Notice of Sale* given under the terms of that certain deed described in said notice.

I gave notice of the real property described in the attached *Trustee's 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:

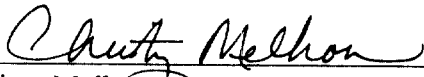
NAME	ADDRESS
Robert C. Neal	148945 Paul Drive La Pine, OR 97739
All Residents and/or Occupants	148945 Paul Drive La Pine, OR 97739
Midstate Electric Cooperative, Inc.	PO Box 127 La Pine, OR 97739

Bill A. Kopacz as Registered Agent for Midstate Electric Cooperative, Inc.	51340 N. Hwy. 97 La Pine, OR 97739
State of Oregon/Case No. 0001072CR Hardy Myers, Atty General	100 Justice Building Salem, OR 97301
Klamath County Circuit Court Case No. 0001072CR	316 Main St., 2nd Floor 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.

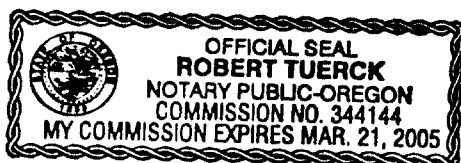
Each of the *Trustee's Notice of Sale* so mailed was certified by an attorney of record to be a true copy of the original *Trustee's Notice of Sale*, each such copy was contained in a sealed envelope, with postage fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on March 22, 2002. With respect to each person listed above, one such notice was mailed with postage 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 in the amount sufficient to accomplish the same. Each of said *Trustee's Notice of Sale* 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.

  
Christy Melhorn

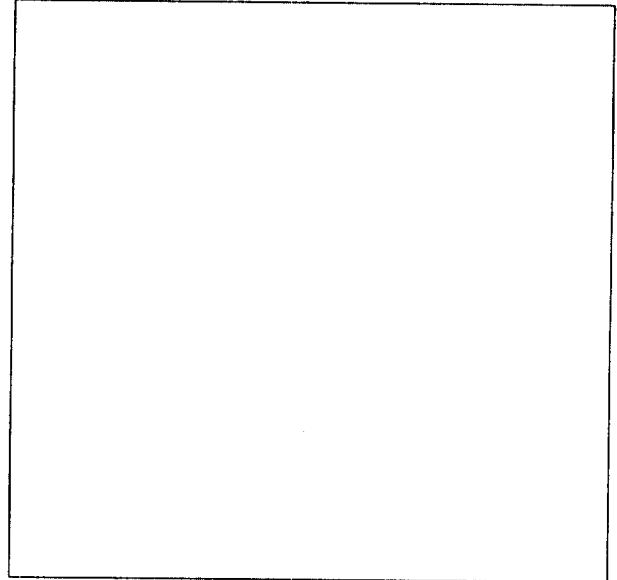
STATE OF OREGON )  
 ) ss.  
COUNTY OF MULTNOMAH )

I certify that Christy Melhorn has appeared before me and was authorized to execute this instrument on the 22<sup>nd</sup> day of March, 2002.



  
Notary Public for Oregon  
My commission expires 3/21/05

47139



After recording return to:  
Christy Melhorn  
PRESTON GATES & ELLIS LLP  
222 SW Columbia St., Suite 1400  
Portland, OR 97201

*Client Matter Number 37543-50293/Robert C. Neal*

### TRUSTEE'S NOTICE OF SALE

**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.**

Reference is made to that certain trust deed made by Robert C. Neal, an unmarried man, grantor(s), to First American Title, as trustee, in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for GreenPoint Mortgage Funding, Inc., as beneficiary, dated June 19, 2000, recorded June 26, 2000, in Book M-00, Page 23096, in the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to wit:

Lot 4, Block 4, DORREEN MEADOWS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 148945 Paul Drive, La Pine, OR 97739

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*Client Matter Number 37543-50293/Robert C. Neal*

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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 \$1,121.59 beginning December 1, 2001; plus late charges of \$47.61 each month beginning December 16, 2001; 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, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

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: \$105,489.16 with interest thereon at the rate of 10.25 percent per annum beginning November 1, 2001; plus late charges of \$47.61 each month beginning December 16, 2001, until paid; 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. As a further default, Grantor has failed to pay property taxes as required by the trust deed, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

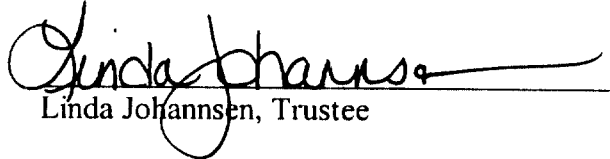
WHEREFORE, notice hereby is given that the undersigned trustee will on **Friday, July 26, 2002, at the hour of 11:00 A.M.**, in accordance with the standard of time established by ORS 187.110, at the following place: at the office of Brandsness Brandsness & Rudd 411 Pine Street, in the City of Klamath 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 grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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

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Client Matter Number 37543-50293/Robert C. Neal

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 March 21, 2002.

  
Linda Johanssen, Trustee

For further information, please contact:  
Christy Melhorn  
Preston Gates & Ellis LLP  
222 SW Columbia St., Suite 1400  
Portland, OR 97201  
(503) 228-3200

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

\_\_\_\_\_  
Attorney of Record

KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

47142

State of Oregon )  
County of Klamath )

Court Case No.  
Sheriff's Case No. 02-01388

Received for Service 05/07/02

I hereby certify that I received for service on  
NEAL, ROBERT CARL  
the within:

TRUSTEE'S NOTICE OF SALE  
AMENDED

NEAL, ROBERT CARL  
was served personally, and in person, at  
148945 PAUL DR  
LAPINE , OR, on 05/24/02,  
at 08:10 hours.

All search and service was made within Klamath County, State of  
Oregon.

Timothy M. Evinger, Sheriff  
Klamath County, Oregon

By   
FRANK, DARREN

Copy to:

PRESTON GATES & ELLIS, ATTORNEYS  
222 SW COLUMBIA STREET SUITE  
PORTLAND OR 97201

47143

37543-50293/Robert C. Neal

STATE OF OREGON                   )  
County of Multnomah         ) ss:

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



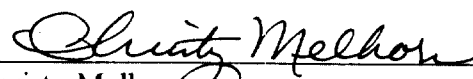
the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

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NAME	ADDRESS
Robert C. Neal	148945 Paul Drive La Pine, OR 97739
All Residents and/or Occupants	148945 Paul Drive La Pine, OR 97739
Midstate Electric Cooperative, Inc.	PO Box 127 La Pine, OR 97739
Bill A. Kopacz as Registered Agent for Midstate Electric Cooperative, Inc.	51340 N. Hwy. 97 La Pine, OR 97739
State of Oregon-Case No. 0001072CR Hardu Myers, Atty General	100 Justice Building Salem, OR 97301
State of Oregon-Case No. 0001072CR	316 Main St., 2 <sup>nd</sup> Floor Klamath Falls, OR 97601

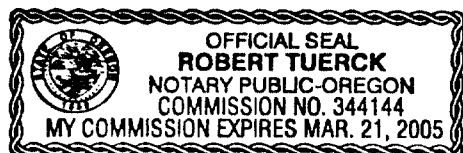
Each of the Amended Trustee's Notice of Sale so mailed was certified to be a true copy of the original Amended Trustee's Notice of Sale; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on May 6, 2002. 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 Amended Trustee's Notice of Sale 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.

  
Christy Melhorn

STATE OF OREGON )  
 ) ss.  
COUNTY OF MULTNOMAH )

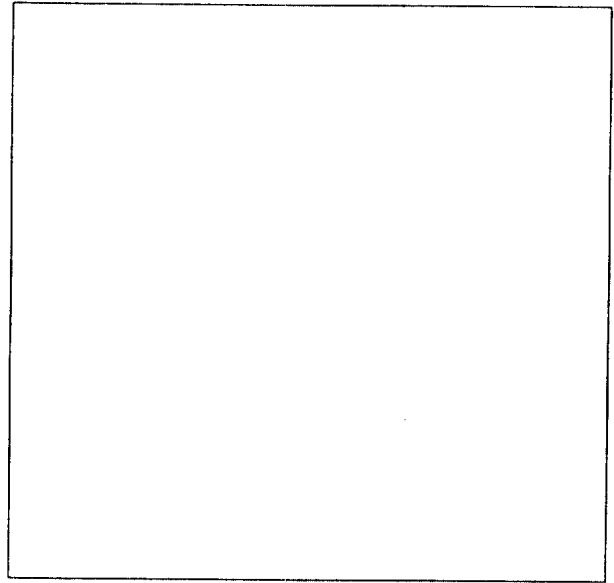
I certify that Christy Melhorn has appeared before me and was authorized to execute this instrument on the 6<sup>th</sup> day of May, 2002.



  
Notary Public for Oregon

My commission expires: 3/21/05

47145



After recording return to:  
*Christy Melhorn*  
PRESTON GATES & ELLIS LLP  
222 SW Columbia St., Suite 1400  
Portland, OR 97201

*37543-50293/Robert C. Neal*

**AMENDED TRUSTEE'S NOTICE OF SALE**  
**(due to service delay issues)**

Reference is made to that certain deed of trust made by Robert C. Neal, an unmarried man as grantor, to First American Title as trustee, in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for GreenPoint Mortgage Funding, Inc. as beneficiary, dated June 19, 2000, recorded June 26, 2000, in Book M-00, Page 23096, in the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

Lot 4, Block 4, DORREEN MEADOWS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

Property Address: 148945 Paul Drive, La Pine, OR 97739

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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 \$1,121.59 beginning December 1, 2001; plus late charges of \$47.61 each month beginning December 16, 2001; 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, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

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: \$105,489.16 with interest thereon at the rate of 10.25 percent per annum beginning November 1, 2001; plus late charges of \$47.61 each month beginning December 16, 2001 until paid; 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, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on July 26, 2002, at the hour of 11:00 o'clock A.M., in accordance with the standard time established by ORS 187.110, at: the office of Brandsness Brandsness & Rudd, 411 Pine Street, in the City of Klamath Falls, County of Klamath, State of Oregon; however, proceedings have been amended due to delays in service.

WHEREFORE, notice hereby is given that the undersigned trustee will on Friday, September 13, 2002, at the hour of 11:00 o'clock, A.M., in accordance with the standard of time established by ORS 187.110 at: the office of Brandsness Brandsness & Rudd, 411 Pine Street in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the new date, time and place set for said sale) sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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.

47147

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: May 6, 2002

Linda Johansen  
Linda Johansen, Trustee

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original Trustee's Notice of Sale.

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Attorney of Record

# Affidavit of Publication

47148

## 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 # 5036

Notice of Sale/Neal

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:  
July 18, 25, August 1, 8, 2002

Total Cost: \$769.50

*Larry L. Wells*  
Subscribed and sworn

before me on: August 8, 2002

*Debra A. Gribble*  
Notary Public of Oregon

My commission expires March 15, 2004

### AMENDED TRUSTEE'S NOTICE OF SALE (due to service delay issues)

Reference is made to that certain deed of trust made by Robert C. Neal, an unmarried man as grantor, to First American Title as trustee, in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for Green Point Mortgage Funding, Inc. as beneficiary, dated June 19, 2000, recorded June 26, 2000, in Book M-00, Page 23096, in the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit: Lot 4, Block 4, DORREEN MEADOWS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon. Property Address: 148945 Paul Drive, La Pine, OR 97739.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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 \$1,121.59 beginning December 1, 2001; plus late charges of \$47.61 each month beginning December 16, 2001; together with title expense, costs, trustee's fees and attorney's fees incurred herein by

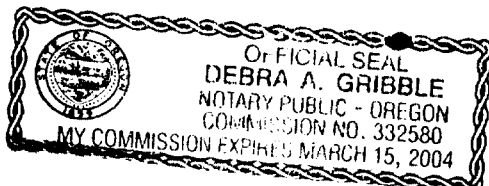
reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

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: \$105,489.16 with interest thereon at the rate of 10.25 percent per annum beginning November 1, 2001; plus late charges of \$47.61 each month beginning December 16, 2001 until paid; 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, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on July 26, 2002 at the hour of 11:00 AM, in accordance with the standard time established by ORS 187.110, at the office of Brandsness Brandsness & Rudd, 411 Pine Street, in the City of Klamath Falls, County of Klamath, State of Oregon; however, proceedings have been amended due to de-

lays in service.

WHEREFORE, notice hereby is given that the undersigned trustee will on Friday, September 13, 2002 at the hour of 11:00 AM, in accordance with the standard of time established by ORS 187.110 at the office of Brandsness Brandsness & Rudd, 411 Pine Street in the City of Klamath Falls, County of Klamath, State of Oregon, (which is the new date, time and place set for said sale) sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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: May 6, 2002.

Linda Johannsen,  
Trustee.

#5036 July 18, 25, August 1, 8, 2002.