

02 DEC 6 AM 10:34

Vol M02 Page 70770

**RECORDING COVER SHEET FOR NOTICE
OF SALE PROOF OF COMPLIANCE PER
O.R.S. 205.234**

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

State of Oregon, County of Klamath
Recorded 12/06/2002 10:34 a.m.
Vol M02, Pg 70770-76
Linda Smith, County Clerk
Fee \$ 61.00 # of Pgs 7

WHEN RECORDED MAIL TO

REGIONAL TRUSTEE SERVICES CORPORATION, as Trustee
720 Seventh Avenue, Suite 400
Seattle, WA 98104

Trustee's Sale No: 09-SR-30829



MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.

☒ **AFFIDAVIT OF MAILING NOTICE OF SALE** (must have trustee's notice of sale attached)

☒ **AFFIDAVIT OF PUBLICATION NOTICE OF SALE**

☒ **PROOF OF SERVICE /AFFIDAVIT OF NON-OCCUPANCY**

Original Grantor on Trust Deed

FERNANDO H. RAYAS

Beneficiary

SECURITY BANK, ITS SUCCESSORS AND/OR ASSIGNS

51 A
+10

AFFIDAVIT OF MAILING

70771

STATE OF WASHINGTON)
)ss
 COUNTY OF KING)

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:

Klamath First Federal Savings & Loan
 Association
 540 Main Street
 Klamath Falls, OR 97601

Fernando H. Rayas
 10410 Kincheloe Avenue
 Klamath Falls, OR 97603

Falcon Heights Condominium Association, Inc.
 P.O. Box 127
 Klamath Falls, OR 97601


Occupant(s)
 10410 Kincheloe Avenue
 Klamath Falls, OR 97603

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 by SUSAN J. ROBINSON, attorney for the trustee named in said notice, 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 Seattle, Washington, on August 16, 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 notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

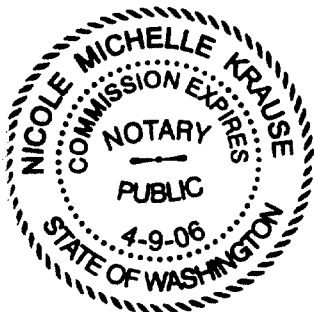
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.


DATED this 16th day of August, 2002



Katrina N. Schultz

SIGNED AND SWORN TO (or affirmed) before me on August 16, 2002 by Katrina N. Schultz.




NOTARY PUBLIC in and for the State
of Washington, Residing at Lynnwood
NICOLE MICHELLE KRAUSE
(Printed or Stamped Name of Notary)
My appointment expires: 4/9/2006

TRUSTEE'S NOTICE OF SALE

70773

Reference is made to that certain trust deed made by FERNANDO H. RAYAS, as Grantor, to AMERITITLE, as Trustee, in favor of SECURITY BANK, ITS SUCCESSORS AND/OR ASSIGNS as beneficiary, NOW KNOWN AS UMPQUA BANK dated MAY 31, 2001, recorded JUNE 5, 2001, in the mortgage records of Klamath County, Oregon, Book M-01, Page 26442, covering the following described real property situated in said county and state, to-wit:

UNIT 10410 (KINCHELOE AVENUE), TRACT 1365, FALCON HEIGHTS CONDOMINIUM, STAGE 2, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 10410 Kincheloe Avenue, Klamath Falls, OR 97603

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:

5 PAYMENTS OF \$564.00 (4/1/02 - 8/1/02) \$2,820.00
ACCRUED LATE CHARGES OF \$97.16
TOTAL \$2,917.16

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:

PRINCIPAL BALANCE OF \$69,024.05

INTEREST FROM 3/01/01 TO 8/12/02 @ 7.5% \$2,313.61
OR PER DIEM OF \$14.1377 THEREAFTER

LATE CHARGES \$97.16

TRUSTEE'S FEE OF \$675.00

ESTIMATED TRUSTEE'S COSTS (ITEMIZED)

TITLE REPORT \$370.00
RECORDING FEES \$100.00
PUBLICATION \$1,000.00
CERTIFIED MAILING \$25.00
PROCESS SERVICE \$200.00

TOTAL: \$73,804.82

WHEREFORE, notice hereby is given that the undersigned trustee will on MONDAY, DECEMBER 16, 2002, at the hour of 10:00 o'clock A.M., in accord with the standard of time established by ORS 187.110, Outside the front entrance, to the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for set 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 him of the said trust deed, together with any interest which the grantor or his 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 sum 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 amount provided by said ORS 86.753.

70774

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

PLEASE BE ADVISED THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND ANYTHING THAT YOU SAY CAN BE USED FOR THAT PURPOSE.

DATED: August 13, 2002.

Susan J. Robinson
Susan J. Robinson, Successor Trustee

If the foregoing is a copy to be served pursuant to ORS 86 740 or ORS 86.750(1), fill in opposite the name and address of party to be served.

SERVE: FERNANDO H. RAYAS,
other unknown occupants.

70775

AFFIDAVIT OF SERVICE

Trustee's Sale No.: _____
 Trustee's Sale Date: 12/16/02
 Grantor/Successor: Fernando Rayas

STATE OF OREGON)
) ss.
 COUNTY OF Klamath)

I hereby certify and swear that I am now and at all times herein mentioned a citizen of the United States and resident of the State of Oregon, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness herein.

I made service of the attached Trustee's Notice of Sale upon the occupants of 10410 Kincheloe Ave. Klamath Falls, OR 97603, pursuant to ORC 86.745 and ORCP 7 D(2) and 7D(3):

PERSONAL SERVICE UPON OCCUPANTS OF PROPERTY

Upon Occupant by delivering a copy to Jennifer Ericks personally and in person, on 8/18/02, at 11:22 am.

SUBSTITUTED SERVICE UPON OCCUPANTS OF PROPERTY

Upon Occupant, _____ by delivering such true copy(s) at his/her dwelling house or usual place of abode, to _____, who is a person over the age of 14 years and an occupant of residence, on _____, at _____ am/pm.

SUBSTITUTE SERVICE MAILER

That on the 18 day of August, 2002, I deposited by regular/registered/certified mail with the United States Post Office a properly addressed, postage prepaid envelope containing a copy of said Trustee's Notice of Sale, addressed to Occupant(s), at the address stated in said Notice of Trustee Sale, with a statement of the date, time and place at which substitute service was made.
 () Substitute Service Mailer attached as a separate document.

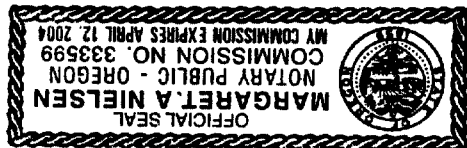
NON-OCCUPANCY

I certified that I received the within document for service on the _____ day of _____, 20____. After due search, careful inquiry and diligent attempts at the address listed in the Trustee's Notice of Sale, I have been unable to effect process upon the occupant being served due to non-occupancy of said property (address listed above). The following attempts were made:

By: Ed Foreman
 Print Name: Ed Foreman

Subscribed and Sworn before me this 19 day of August, 2002.

Margaret A. Nielsen
 Notary Public and for the State of Oregon
 Commission Expires: 4-12-04



Affidavit of Publication

RS-02

20829

70776

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 # 5281

503415

Notice of Sale/Rayas

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:

October 24, 31, November 7, 14, 2002

Total Cost:

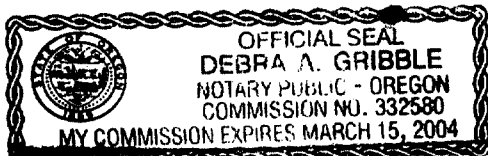
~~503415~~

Subscribed and sworn

before me on: November 14, 2002

Notary Public of Oregon

My commission expires March 15, 2004



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain deed of trust made by Fernando H. Rayas, as Grantor, to AmeriTitle, as Trustee, in favor of Security Bank, its successors and/or assigns as beneficiary, now known as Umpqua Bank dated May 31, 2001, recorded June 5, 2001, in the mortgage records of Klamath County, Oregon, Book M-01, Page 26442, covering the following described real property situated in said county and state, to-wit: Unit 10410 (Kinchee Avenue), Tract 1365, Falcon Heights Condominium, Stage 2, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon. Property Address: 10410 Kinchee Avenue, Klamath Falls, OR 97603.

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 86.753(3) the default for which the foreclosure is made is grantor's failure to pay when due the following sums: 5 Payments of \$564.00 (4/1/02 to 8/1/02) \$2,820.00 Accrued late charges of \$97.16 Total \$2,917.16.

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:

Principal Balance of \$69,024.05 Interest from 3/01/01 to 8/12/02 @ 7.5% \$2,313.61 or per diem of \$14,137.75 there after Late Charges \$97.16 Trustee's Fee of \$675.00 Estimated Trustee's Costs (Itemized) Title Report \$370.00 Recording Fees \$3100.00 Publication \$1000.00 Certified Mailing \$25.00 Process Service \$200.00 Total \$73,804.82

Wherefore, notice hereby is given that the undersigned trustee will on Monday, December 16, 2002, at the hour of 10:00 to 11:00 A.M., in accordance with the standard of time established by ORS 86.753(1), outside the front entrance to the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for 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 him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations, there by 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 sum 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 amount provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, 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. Please be advised that the undersigned is attempting to collect a debt, and anything that you say can be used for that purpose.

ing 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 sum 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 amount provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, 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. Please be advised that the undersigned is attempting to collect a debt, and anything that you say can be used for that purpose.

Dated: August 13, 2002 Susan J. Robinson Successor Trustee. If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of the party to be served. Serve: Fernando H. Rayas, other unknown occupants, ASAP 503415 10/24, 10/31, 11/7, 11/14. #5281 October 24, 31, November 7, 14, 2002.