

84884

**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:

Beneficial Oregon, Inc., d/b/a Beneficial Mortgage  
c/o Bishop, Lynch & White, P.S.  
720 Olive Way, Suite 1301  
Seattle, WA 98101

Beneficial Oregon, Inc., d/b/a Beneficial Mortgage  
961 Weigel Drive  
Elmurst, IL 60126

Carter Jones Collections, LLC  
1143 Pine Street  
Klamath Falls, OR 97601

Carter Jones Collections, LLC  
P.O. Box 145  
Klamath Falls, OR 97601

Carter Jones Collections, LLC  
c/o B.J. Matzen, attorney at law  
435 Oak Avenue  
Klamath Falls, OR 97601

Beneficial Oregon, Inc., d/b/a Beneficial Mortgage  
1345 Center Drive, Suite D  
Medford, OR 97501

Walter Seput and Sara Morris  
10875 Sprague River Road  
Chiloquin, OR 97624

Sharon K. Halvina  
5709 Alva Avenue  
Klamath Falls, OR 97603-5111

William C. Havlina  
5709 Alva Avenue  
Klamath Falls, OR 97603-5111

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.

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

**RE: Trust Deed from**  
**Havlina, Sharon K. and William C.**  
**Grantor**  
**to**  
**Northwest Trustee Services, LLC,**  
**Trustee**

**File No. 7261.21600**

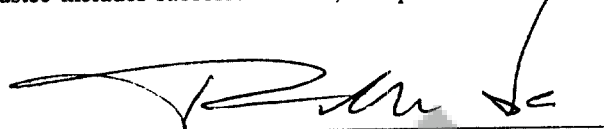
**After recording return to:**  
**Northwest Trustee Services, LLC**  
**Attn: Shannon Blood**  
**P.O. Box 4143**  
**Bellevue, WA 98009-4143**

**State of Oregon, County of Klamath**  
Recorded 05/16/2003 3:28 p. m.  
Vol M03 Pg 33303-09  
Linda Smith, County Clerk  
Fee \$ 51.00 # of Pgs 7

Sik

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 2-11-03. 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.

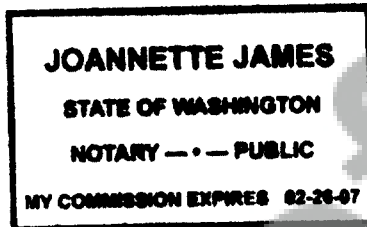



STATE OF WASHINGTON     )  
                                          ) ss.  
COUNTY OF KING         )

**Tim Murta**

I certify that I know or have satisfactory evidence that Tim Murta 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: 2/11/03


  
 NOTARY PUBLIC in and for the State of  
 Washington, residing at 154 0TH  
 My commission expires 02/26/07

Unofficial Copy

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by William C. Havlina and Sharon K. Havlina, husband and wife, as tenants by the entirety, as grantor, to First American Title Insurance Company of Oregon, as trustee, in favor of Meritage Mortgage Corporation, an Oregon corporation, as beneficiary, dated 04/23/98, recorded 05/01/98, in the mortgage records of Klamath County, Oregon, as Volume M98, Page 14686 and subsequently assigned to Credit Based Asset Servicing and Securitization LLC by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 8 in Block 2 of Casa Manana, according to the Official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 5709 Alva Avenue  
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 \$533.03 beginning 10/01/02; plus late charges of \$26.65 each month beginning 10/16/02; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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: \$62,653.10 with interest thereon at the rate of 9.25 percent per annum beginning 09/01/02; plus late charges of \$26.65 each month beginning 10/16/02 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

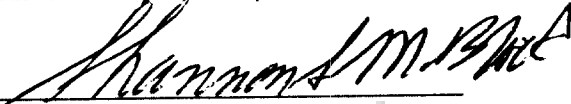
WHEREFORE, notice hereby is given that the undersigned trustee will on June 13, 2003 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of 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.

33306

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: 2/4, 2003

By   
Authorized Signature

For further information, please contact:

**Shannon Blood**  
Northwest Trustee Services, LLC  
P.O. Box 4143  
Bellevue, WA 98009-4143  
(425) 586-1900  
File No. 7261.21600/Havlina, Sharon K. and William C.

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.**

7261.21600/HA VLINA

## PROOF OF SERVICE

33307

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

**5709 ALVA AVENUE, KLAMATH FALLS, OREGON 97603**, as follows:

Personal service upon Bill Havlina, by delivering said true copy, personally and in person, at the above address on February 11th, 2003 at 1:15 P.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2003 at \_\_\_\_\_:\_\_\_\_\_.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2003 at \_\_\_\_\_:\_\_\_\_\_.m.

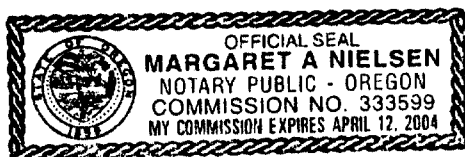
Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2003 at \_\_\_\_\_:\_\_\_\_\_.m.

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

Rob Girard

262821

SUBSCRIBED AND SWORN to before me this 13th day of February 2003 by Rob Girard.



Margaret A. Nielsen  
 Notary Public for Oregon



# Affidavit of Publication

Foreclosure

33308

## 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 # 5599

Notice of Sale/Havlina

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:  
March 20, 27, April 3, 10, 2003

Total Cost: \$769.50

Subscribed and sworn  
before me on: April 10, 2003

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 William C. Havlina and Sharon K. Havlina, husband and wife, as tenants by the entirety, as grantor, to First American Title Insurance Company of Oregon, as trustee, in favor of Meritage Mortgage Corporation, an Oregon corporation, as beneficiary, dated 04/23/98, recorded 05/01/98, in the mortgage records of Klamath County, Oregon, as Volume M98, Page 14686 and subsequently assigned to Credit Based Asset Servicing and Securitization LLC by Assignment, covering the following described real property situated in said county and state, to wit:

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PROPERTY ADDRESS: 5709 Alva Avenue, Klamath Falls, OR 97603.

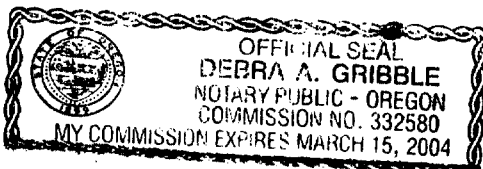
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plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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WHEREFORE, notice hereby is given that the undersigned trustee will on June 13, 2003 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 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: February 4, 2003. By: Shannon Blood, Authorized Signature. For further information, please contact: Shannon Blood, Northwest Trustee Services, LLC, PO Box 4143, Bellevue, WA 98009-4143. (425) 586-1900. File No. 7261.21600/Havlina, Sharon K. and William C. #5599 March 20, 27, April 3, 10, 2003.

RECEIVED

APR 17 2003

ROUTH, CRABTREE & FENNER