

Open 56604

Vol M03 Page 40259

AFTER RECORDING RETURN TO:  
Shapiro & Kreisman  
201 NE Park Plaza Drive, #150  
Vancouver, WA 98684  
03-15977

State of Oregon, County of Klamath  
Recorded 06/12/2003 3:01 p.m.  
Vol M03 Pg 40259-40267  
Linda Smith, County Clerk  
Fee \$ 61.00 # of Pgs 9

## OREGON AFFIDAVIT OF MAILING OF NOTICE OF SALE

I, Kelly D. Sutherland, say and certify that:

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 the successor in interest named in the Trust Deed described in the attached Notice of Sale.

I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons at their last known addresses, to-wit:

David A. Werdeman  
5029 Summers Lane  
Klamath Falls, OR 97603

Judith E. Werdeman  
5029 Summers Lane  
Klamath Falls, OR 97603

Judith E. Werdeman  
5688 Delaware Avenue  
Klamath Falls, OR 97603

Oregon State Dept. of Justice  
Support Enforcement Division  
PO Box 14506  
Salem, OR 97309

Klamath Irrigation District  
6640 Kid Lane  
Klamath Falls, OR 97603

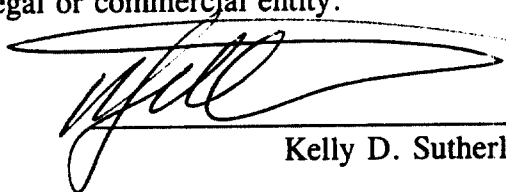
Richard L Garbutt  
Attorney at Law  
635 Main Street  
Klamath Falls, OR 97601

Candace Ambron  
Chapter 7 Trustee  
P.O. Box 580  
Medford, OR 97501-0214

The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person requesting notice as provided in ORS 86.785 and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by Kelly D. Sutherland, Shapiro & Kreisman, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on February 24, 2003. Each notice was mailed after the date that the Notice of Default and Election to Sell described in said Notice of Sale was recorded which was at least 120 days before the day of the trustee sale.

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

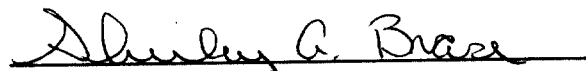
  
Kelly D. Sutherland

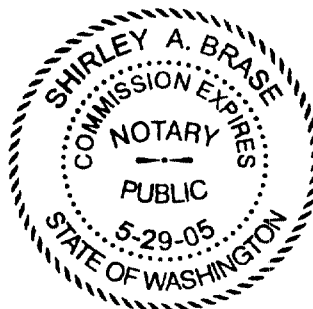
State of Washington )

County of Clark )

On this 24<sup>th</sup> day of February, in the year 20 03, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal

  
Notary Public  
My Commission Expires 5/29/05



Lender Loan #: 5100864874

03-15977

## TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by David A. Werdeman and Judith E. Werdeman, husband and wife as tenants by entireties, as grantor, to First American, as Trustee, in favor of PNC Mortgage Corp. of America, an Ohio Corporation, as Beneficiary, dated October 6, 1999, recorded October 18, 1999, in the mortgage records of Klamath County, Oregon, in Volume M99, at Page 41420, beneficial interest is now held by to Washington Mutual Bank, FA, successor by merger to Washington Mutual Home Loans, Inc. f/k/a PNC Mortgage Corp. of America, covering the following described real property:

Lot 38, ELMWOOD PARK, according to the official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.  
**COMMONLY KNOWN AS:** 5029 Summers Lane, 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:

Monthly payments in the sum of \$932.16 from December 1, 2000, monthly payments in the sum of \$944.40, from February 1, 2001, and monthly payments in the sum of \$937.41, from February 1, 2002. together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit:

\$111,207.09, together with interest thereon at the rate of 8.25000% per annum from November 1, 2000, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 25, 2003, at the hour of 11:00 AM, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 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 said described real property which the grantor has or had power to convey at the time of the execution of 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 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 obligations 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 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.

Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property.

The Fair Debt Collection Practice 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. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

KELLY D. SUTHERLAND  
Successor Trustee

Dated

2/19/03

By: 

State of Washington, County of Clark, ss:

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

SHAPIRO & KREISMAN  
201 NE Park Plaza Drive, #150  
Vancouver, WA 98684  
(360) 260-2253

Lender Loan #: 5100864874

AFTER RECORDING RETURN TO:  
 Shapiro & Kreisman  
 201 NE Park Plaza Drive, #150  
 Vancouver, WA 98684  
 03-15977

### TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

State of Washington       )  
   )  
 County of Clark            )

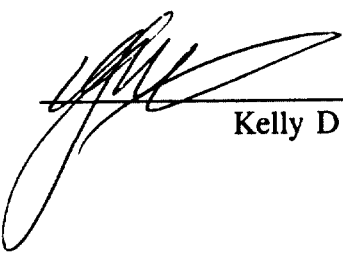
I, Kelly D. Sutherland, being first duly sworn, depose, say and certify that:  
 I am the Successor trustee in that certain trust deed executed and delivered by David A. Werdeman and Judith E. Werdeman, husband and wife as tenants by entireties as grantor to First American as trustee, in which PNC Mortgage Corp. of America, an Ohio Corporation is beneficiary, recorded on October 18, 1999, in the mortgage records of Klamath County, Oregon in Book/Reel/Volume No. Volume M99, at Page 41420, Document/Instrument/Recorder's Fee No. , covering the following described real property situated in said county:

Lot 38, ELMWOOD PARK, according to the official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.  
 Commonly known as: 5029 Summers Lane, Klamath Falls, OR 97603

I hereby certify that on February 20, 2003, the above described real property was not occupied.

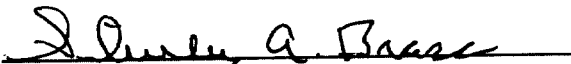
The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

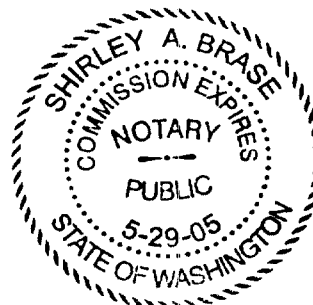
State of Washington       )  
   )  
 County of Clark            )

  
 Kelly D. Sutherland

On this 9<sup>th</sup> day of June, in the year 2003, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal

  
 Notary Public  
 My Commission Expires 5/29/05  
 Lender Loan #: 5100864874



# Affidavit of Publication

40264

## 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 # 5650

Notice of Sale/Werdeman

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:

April 9, 16, 23, 30, 2003

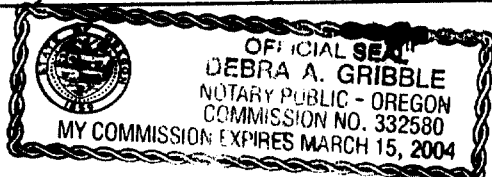
Total Cost: \$810.00

*Larry L. Wells*  
Subscribed and sworn

before me on: April 30, 2003

Notary Public of Oregon

My commission expires March 15, 2004



### TRUSTEE'S NOTICE OF SALE 03-15977

A default has occurred under the terms of a trust deed made by David A. Werdeman and Judith E. Werdeman, husband and wife as tenants by entirety, as grantor, to First American, as Trustee, in favor of PNC Mortgage Corp. of America, an Ohio Corporation, as Beneficiary, dated October 6, 1999, recorded October 18, 1999, in the mortgage records of Klamath County, Oregon, in Volume M99, at Page 41420, beneficial interest is now held by to Washington Mutual Bank, FA, successor by merger to Washington Mutual Home Loans, Inc. f/k/a PNC Mortgage Corp. of America, covering the following described real property:

Lot 38, ELMWOOD PARK, according to the official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.  
**COMMONLY KNOWN AS:** 5029 Summers Lane, 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:

Monthly payments in the sum of \$934.16, from December 1, 2000, monthly payments in the sum of \$944.40 from February 1, 2001, and monthly payments in the sum of \$937.41, from

February 1, 2002 together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit:

\$111,207.09, together with interest thereon at the rate of 8.25000% per annum from November 1, 2000, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 25, 2003 at the hour of 11:00 AM, in accord with the standard time established by ORS 187.110 at the main entrance of the Klamath County Courthouse, located at 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 said described real property which the grantor has or had power to convey at the time of the execution of 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 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 obligations 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 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.

Also, please be advised that pursuant to the terms stated on the Deed of Trust

and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property.

The Fair Debt Collection Practice 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. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated: February 19, 2003. By: Kelly D. Sutherland, Successor Trustee. Shapiro & Kreisman, 201 NE Park Plaza Drive, #150, Vancouver, WA 98684. (360) 260-2253. Lender Loan #5100864874. #5650 April 9, 16, 23, 30, 2003.

## AFTER RECORDING RETURN TO:

Shapiro & Kreisman  
 201 NE Park Plaza Drive, #150  
 Vancouver, WA 98684  
 (360) 260-2253  
 03-15977

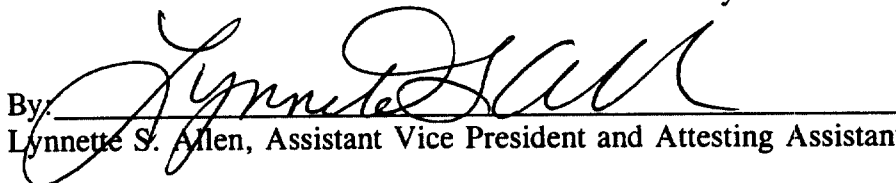
**CERTIFICATE OF NON-MILITARY SERVICE**

STATE OF WASHINGTON )  
 ) SS.  
 County of CLARK )

THIS IS TO CERTIFY THAT I, Lynnette S. Allen, am the Assistant Vice President and Attesting Assistant Secretary of Washington Mutual Bank, FA, successor by merger to Washington Mutual Home Loans, Inc. f/k/a PNC Mortgage Corp. of America, the current beneficiary in that certain trust deed in which David A. Werdeman and Judith E. Werdeman, husband and wife as tenants by entireties, as grantor, conveyed to First American, as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated October 6, 1999, and recorded October 18, 1999, in the mortgage records of said county, in Book No. Volume M99, at Page 41420, Document/Instrument/Recorder's Fee No. ; thereafter a Notice of Default with respect to said trust deed was recorded February 18, 2003, Book No. None, Page No. None, Document/Instrument/Recorder's Fee No. M03-9440, of said mortgage records; thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed is scheduled to be sold at the trustee's sale on June 25, 2003; I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said trust deed, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailor's Civil Relief Act of 1940," as amended, or legally incompetent under the laws of the State of Oregon.

In construing this certificate, the masculine includes the feminine, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.

Washington Mutual Bank, FA, successor by merger  
 to Washington Mutual Home Loans, Inc. f/k/a PNC  
 Mortgage Corp. of America  
 Beneficiary

By:   
 Lynnette S. Allen, Assistant Vice President and Attesting Assistant Secretary



STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF CLARK )

On this 9<sup>th</sup> day of June, 2003, before me the undersigned a Notary Public appeared Lynnette S. Allen, personally known to me or proved to me on the basis of satisfactory evidence to be the Assistant Vice President and Attesting Assistant Secretary of the corporation that executed the within instrument, also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal, the date first hereinabove written.

Shirley A. Brashe  
Notary Public for State indicated above  
My commission expires: 5/29/05



Loan #: 5100864874