

03 JUL 3 PM 1:07

Vol M03 Page 46258

**RECORDING COVER SHEET**

Pursuant to ORS 205.234

123207

After recording return to:

Northwest Trustee Services, PLLC

Attention: Winston Khan

P.O. Box 4143

Bellevue, WA 98009-4143

State of Oregon, County of Klamath

Recorded 07/03/2003 1:07 p.m.

Vol M03 Pg 46258-64

Linda Smith, County Clerk

Fee \$ 61.00 # of Pgs 7

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

**Original Grantor(s) on Trust Deed: Wanda S. Banks and Robert S. Banks, as tenants by the entirety**

**Beneficiary: Advanta National Bank**

**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.**

SLK  
+10

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

**46259**

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:

Wanda S Banks  
1721 Menlo Way  
Klamath Falls, OR 97601

Robert S Banks  
1721 Menlo Way  
Klamath Falls, OR 97601

Advanta National Bank  
10790 Rancho Bernardo Road  
Attn: Doc Control  
San Diego, CA 92127

Advanta National Bank  
850 Ridgeview Drive  
Horsham, PA 19044

Wanda Carlile  
3034 Butte Street  
Klamath Falls, OR 97601

City of Klamath Falls  
500 Klamath Avenue  
Attn: Chief Finance Officer  
Klamath Falls, OR 97601

Robert S Banks  
c/o Ruth A. Cherry, Atty.  
706 Main Street  
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 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 3/16/05 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 )

I certify that I know or have satisfactory evidence that Jeanene Bautista 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: \_\_\_\_\_

\_\_\_\_\_  
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**  
**Banks, Wanda S. and Robert S.**  
**Grantor**  
**to**  
**Northwest Trustee Services, PLLC,**  
**Trustee** **File No. 7104.23262**

After recording return to:  
Northwest Trustee Services, PLLC  
(fka Northwest Trustee Services, LLC)  
Attn: Winston Khan  
P.O. Box 4143  
Bellevue, WA 98009-4143

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Wanda S. Banks and Robert S. Banks, as tenants by the entirety, as grantor, to Advanta National Bank, as trustee, in favor of Atlantic Assurance, as beneficiary, dated 07/29/99, recorded 08/04/99, in the mortgage records of Klamath County, Oregon, as Vol M99, Page 3 1257 and subsequently assigned to Bankers Trust Company of California, N.A., as Custodian or Trustee by Assignment recorded as Vol. M99, Page 45626, covering the following described real property situated in said county and state, to wit:

Lot 12 in Block 53, Second Addition to Hot Springs, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 1721 Menlo Way  
Klamath Falls, OR 97601

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 \$328.95 beginning 11/05/02; plus late charges of \$29.00 each month beginning 11/20/02; 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: \$37,117.63 with interest thereon at the rate of 9.875 percent per annum beginning 10/05/02; plus late charges of \$29.00 each month beginning 11/20/02 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 **July 25, 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.

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, PLLC\*

Dated: March 17, 2003

By Winston Khan

Authorized Signature

\*Northwest Trustee Services, PLLC was formerly known as Northwest Trustee Services, LLC

For further information, please contact:

**Winston Khan**  
**Northwest Trustee Services, PLLC**  
**(fka Northwest Trustee Services, LLC)**  
**P.O. Box 4143**  
**Bellevue, WA 98009-4143**  
**(425) 586-1900**  
**File No.7104.23262/Banks, Wanda S. and Robert S.**

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.**

7104.23262/Banks

46262

## AFFIDAVIT OF NON-OCCUPANCY

**STATE OF OREGON** )  
 ) ss.  
**County of Klamath** )

**I, Rob Girard, being first duly sworn, depose and say:**

That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 18<sup>th</sup> day of March 2003, after personal inspection, I found the following described real property to be unoccupied:

Lot 12 in Block 53, Second Addition to Hot Springs, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

Commonly known as: 1721 Menlo Way  
Klamath Falls, OR 97601

**I declare under the penalty of perjury that the above statements are true and correct.**

## Rob Girard

264888

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of March 2003, by Rob Girard.



Margaret C. Nielsen  
Notary Public for Oregon

# Affidavit of Publication

46263

## 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 # 5724

Notice of Sale/Banks

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:  
May 1, 8, 15, 22, 2003

Total Cost: \$783.00

Subscribed and sworn

before me on: May 22, 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 Wanda S. Banks and Robert S. Banks, as tenants by the entirety, as grantor, to Advanta National Bank, as trustee, in favor of Atlantic Assurance, as beneficiary, dated 07/29/99, recorded 08/04/99, in the mortgage records of Klamath County, Oregon, as Vol M99, Page 31257 and subsequently assigned to Bankers Trust Company of California, NA, as Custodian or Trustee by Assignment recorded as Vol. M99, Page 45626, covering the following described real property situated in said county and state, to wit:

Lot 12 in Block 53, Second Addition to Hot Springs, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 1721 Menlo Way, Klamath Falls, OR 97601.

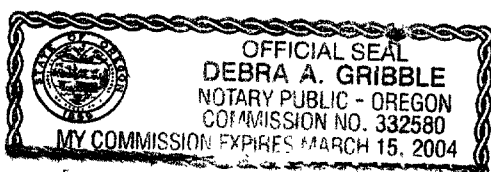
Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$328.95 beginning 11/05/02; plus late charges of \$29.00 each month beginning 11/20/02;

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: \$37,117.63 with interest thereon at the rate of 9.875 percent per annum beginning 10/05/02; plus late charges of \$29.00 each month beginning 11/20/02 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 July 25, 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: March 17, 2003. By: Winston Khan, Authorized Signature, Northwest Trustee Services, PLLC was formerly known as Northwest Trustee Services, LLC. For further information, please contact: Winston Khan, Northwest Trustee Services, PLLC, (fka Northwest Trustee Services, LLC) PO Box 4143, Bellevue, WA 98009-4143. (425) 586-1900. File No. 7104.23262/Banks, Wanda S. and Robert S. #5724 May 1, 8, 15, 22, 2003.