

1st 213647

Vol M03 Page 81961**RECORDING COVER SHEET**
Pursuant to ORS 205.234State of Oregon, County of Klamath
Recorded 11/04/03 11:29a m
Vol M03 Pg 81961-67
Linda Smith, County Clerk
Fee \$ 61.00 # of Pgs 7

After recording return to:

Northwest Trustee Services, PLLC
Attention: Becky Baker
P.O. Box 4143
Bellevue, WA 98009-4143

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

Original Grantor(s) on Trust Deed: Michael L. Pivac and Lucinda C. Pivac, husband and wife

Beneficiary: Western Sunrise aka Crossland Mortgage Corp.

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.

51
+ 55
+ 55

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:

Michael L. Pivac
1944 Huron Street
Klamath Falls, OR 97601

Lucinda C. Pivac
1944 Huron Street
Klamath Falls, OR 97601

Beneficial Oregon, Inc., dba
Beneficial Mortgage Co.
961 Weigel Drive
Elmhurst, IL 60126

Beneficial Oregon, Inc., dba
Beneficial Mortgage Co.
1345 Center Drive, Suite D
Medford, OR 97501

Michael L. Pivac
220011 East Lost Lake Road
Snohomish, WA 98296

Lucinda C. Pivac
220011 East Lost Lake Road
Snohomish, WA 98296

Beneficial Oregon, Inc., dba
Beneficial Mortgage Co.
Records Processing Service
577 Lamont Road
Elmhurst, IL 60126

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 7/24/03. 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)

Jeanene Bautista

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: 10/29/03

JENNIFER L. BAKER

STATE OF WASHINGTON

NOTARY — — PUBLIC

JLB
NOTARY PUBLIC in and for the State of
Washington, residing at WA
My commission expires 6-23-07

MY COMMISSION EXPIRES 06-23-07

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
Pivac, Michael L. and Lucinda C.
Grantor

to

Northwest Trustee Services, PLLC,
Trustee

File No. 7037.29804

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

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Michael L. Pivac and Lucinda C. Pivac, husband and wife, as grantor, to David A. Kubat, as trustee, in favor of Western Sunrise aka Crossland Mortgage Corp., as beneficiary, dated 05/05/98, recorded 05/11/98, in the mortgage records of Klamath County, Oregon, as Volume M98, Page 16036 and subsequently assigned to Chase Manhattan Mortgage Corporation by Assignment recorded as Instrument No. Volume M98, Page 36811, covering the following described real property situated in said county and state, to wit:

Lot 9 in Block 40 Hot Springs Addition to the City of Klamath Falls, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 1944 Huron Street
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 \$1,071.63 beginning 01/01/03; plus late charges of \$38.92 each month beginning 01/16/03; plus prior accrued late charges of \$233.52; plus advances of \$668.00; 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: \$110,932.95 with interest thereon at the rate of 7 percent per annum beginning 12/01/02; plus late charges of \$38.92 each month beginning 01/16/03 until paid; plus prior accrued late charges of \$233.52; plus advances of \$668.00; 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 November 21, 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.

The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com.

Northwest Trustee Services, PLLC*

Dated: 7/22, 2003

By Becky Baker

Authorized Signature

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

For further information, please contact:

Becky Baker
Northwest Trustee Services, PLLC
(fka Northwest Trustee Services, LLC)
P.O. Box 4143
Bellevue, WA 98009-4143
(425) 586-1900
File No. 7037.29804/Pivac, Michael L. and Lucinda 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.

7037.29804/PTVAC

81965

PROOF OF SERVICE

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:

1944 HURON STREET, KLAMATH FALLS, OREGON 97601, as follows:

Personal service upon Jennifer Eberhart, by delivering said true copy, personally and in person, at the above address on July 30th, 2003 at 12:45 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.

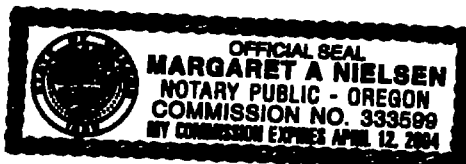
Personal service upon _____, by delivering said true copy, personally and in person, at the above address on _____, 2003 at _____:_____.m.

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


 Rob Girard

272173

SUBSCRIBED AND SWORN to before me this 1 day of August, 2003 by Rob Girard.




 Notary Public for Oregon

Affidavit of Publication

81966

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 # 6073

Notice of Sale/Pivac

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: (4)
Four

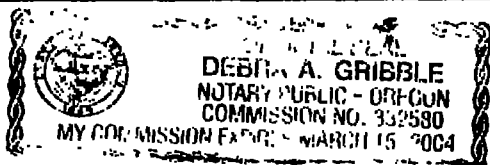
Insertion(s) in the following issues:
August 28, September 4, 11, 18, 2003

Total Cost: \$810.00

Larry L. Wells
Subscribed and sworn
before me on: September 18, 2003

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2004



TRUSTEE'S NOTICE OF SALE

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\$233.52; plus advances of \$668.00; together with title expense, costs, trustee'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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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.

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The trustee's rules of auction may be accessed at www.northwest-trustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com.

Dated: July 22, 2003.
By: Becky Baker,
Authorized Signature,
*Northwest Trustee Services, PLLC was formerly known as Northwest Trustee Services, LLC. For further information, please contact: Becky Baker, Northwest Trustee Services, PLLC (fka Northwest Trustee Services, LLC), PO Box 4143, Bellevue, WA 98009-4143. (425) 586-1900.
File No. 7037.29804
/Pivac, Michael L. and Lucinda C.
#6073 August 28, September 4, 11, 18, 2003.

REC'D SEP 22 2003