

03 DEC 17 AM 10:33

Vol M03 Page 91578

AFTER RECORDING RETURN TO:

Shapiro & Kreisman
201 NE Park Plaza Drive, #150
Vancouver, WA 98684
03-16745

State of Oregon, County of Klamath
Recorded 12/17/03 10:33 a m
Vol M03 Pg 91578-86
Linda Smith, County Clerk
Fee \$ 61⁰⁰ # of Pgs 9

Aspen 5/15/00

**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:

Darrell Burkhart
4950 Sumac Court
Klamath Falls, OR 97603

Rosa Burkhart
4950 Sumac Court
Klamath Falls, OR 97603

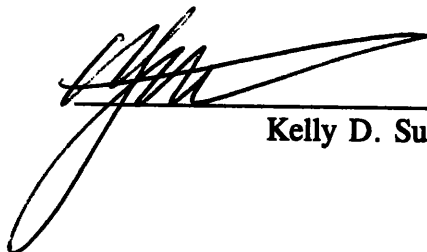
The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person requesting notice as provided in ORS 86.785 and all junior lien holders as provided 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 September 11, 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.

61A

91579

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



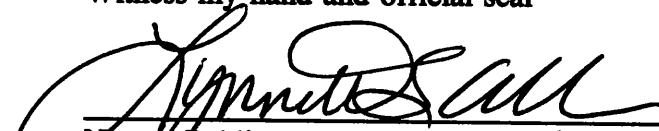
Kelly D. Sutherland

State of Washington)

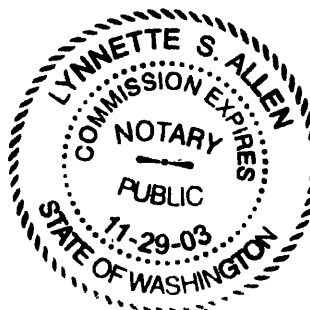
County of Clark)

On this 11th day of September, 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 11/29/03



Lender Loan #: 5100978831

TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Darrell and Rosa Burkhart, as joint tenants as, as grantor, to First American, as Trustee, in favor of PNC Mortgage Corp. of America, as Beneficiary, dated November 15, 2000, recorded November 21, 2000, in the mortgage records of Klamath County, Oregon, in Volume M00, at Page 42090, beneficial interest now held by Washington Mutual Bank, F.A., successor by merger to Washington Mutual Home Loans, Inc. fka PNC Mortgage Corp. of America, covering the following described real property:

Lot 3 in Block 2 of Tract No. 1008, Banyon Park, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon
COMMONLY KNOWN AS: 4950 Sumac Court, 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 \$761.34 from May 1, 2003, 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:

\$79,733.69, together with interest thereon at the rate of 8.25000% per annum from April 1, 2003, 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 January 14, 2004, 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 9/9/03

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 #: 5100978831

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: OREGON
COUNTY OF: KLAMATH

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: TRUSTEE'S NOTICE OF SALE

FOR THE WITHIN NAMED: Occupants of 4950 Sumac Court Klamath Falls, Oregon 97603

(X) PERSONALLY SERVED: Original or True Copy to within named, personally and in person to Darrell Burkhart at the address below.

(X) SUBSTITUTE SERVICE: By delivering an Original or True Copy to Rosa Burkhart, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Darrell Burkhart

☐ **OTHER METHOD:** By leaving an Original or True Copy with _____.

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on _____ and after personal inspection, I found the above described real property to be unoccupied.

(X) SUBSTITUTE SERVICE MAILER: That on the 26 day of September, 2003 I mailed a copy of the Trustee's Notice of Sale addresses to Rosa Burkhart and all other occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed Mary Bakie
Mary Bakie

Occupants of 4950 Sumac Court Klamath Falls, Oregon 97603

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

September 23, 2003

3:02PM

DATE OF SERVICE

TIME OF SERVICE

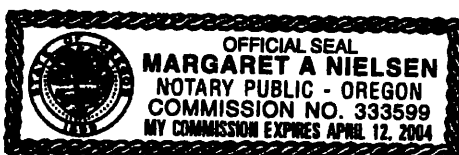
☐ or non occupancy

By: _____

Cory Dickens

Dated this 23rd day of September, 2003.

Subscribed and sworn to before me by Cory Dickens



Margaret A. Nielsen
Notary Public for Oregon

Affidavit of Publication

91583

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 # 6229

Notice of Sale/Burkhart

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:
November 5, 12, 19, 26, 2003

Total Cost: \$810.00

Larry L. Wells
Subscribed and sworn
before me on: November 26, 2003

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2004



TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Darrell and Rosa Burkhardt, as joint tenants, as grantor, to First American, as Trustee, in favor of PNC Mortgage Corp. of America, as Beneficiary, dated November 15, 2000, recorded November 21, 2000, in the mortgage records of Klamath County, Oregon, in Volume M00, at Page 42090, beneficial interest now held by Washington Mutual Bank, F.A., successor by merger to Washington Mutual Home Loans, Inc. aka PNC Mortgage Corp. of America, covering the following described real property:

Lot 3 in Block 2 of Tract No. 1006, Banyon Park, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon
COMMONLY KNOWN AS: 4950 Sumac Court, 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 \$761.34 from May 1, 2003, 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:

\$79,733.69, together with interest thereon at the rate of 8.25000% per annum from April 1, 2003, 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 January 14, 2004, 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 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 prop-

erty 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: September 9, 2003. By: Kelly D Sutherland, Successor Trustee. 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 #: 5100978831. #6229 November 5, 12, 19, 26, 2003.

AFTER RECORDING RETURN TO:

Shapiro & Kreisman
201 NE Park Plaza Drive, #150
Vancouver, WA 98684
(360) 260-2253
03-16745

91585

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, F.A., successor by merger to Washington Mutual Home Loans, Inc. fka PNC Mortgage Corp. of America,, the current beneficiary in that certain trust deed in which Darrell and Rosa Burkhart, as joint tenants as, as grantor, conveyed to First American, as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated November 15, 2000, and recorded November 21, 2000, in the mortgage records of said county, in Book No. Volume M00, at Page 42090; thereafter a Notice of Default with respect to said trust deed was recorded September 5, 2003, Document/Instrument/Recorder's Fee No. M03-65940, 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 January 14, 2004; 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, F.A., successor by
merger to Washington Mutual Home Loans, Inc.
fka PNC Mortgage Corp. of America
Beneficiary

By:

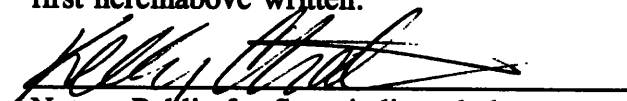

Lynnette S. Allen,

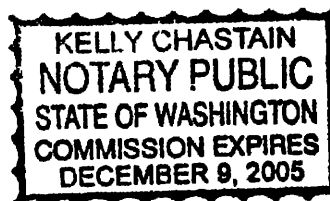
Assistant Vice President and Attesting Assistant Secretary

STATE OF WASHINGTON)
) SS.
COUNTY OF CLARK)

On this 15 day of December, 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.


Notary Public for State indicated above
My commission expires: 12/9/05



Loan #: 5100978831