

04 MAY 5 PM 2:14

03-17287

*Aspen 58479*  
**TRUSTEE'S NOTICE OF SALE**

State of Oregon, County of Klamath  
Recorded 05/05/2004 2:14 p.m.  
Vol M04 Pg 27550-63  
Linda Smith, County Clerk  
Fee \$ 86.00 # of Pgs 14

A default has occurred under the terms of a trust deed made by Lyle L. Deford and Lisa M. Deford, as tenants by the entirety, as grantor, to Amerititle, as Trustee, in favor of Washington Mutual Bank, as Beneficiary, dated June 10, 1997, recorded June 16, 1997, in the mortgage records of Klamath County, Oregon, in Volume No. M97, at Page 18424, as Instrument No. 39310, covering the following described real property:

See complete Legal Description attached hereto as exhibit "A"  
**COMMONLY KNOWN AS: 1333 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 \$840.18 from June 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:

\$70,245.71, together with interest thereon at the rate of 8.12500% per annum 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.

WHEREFORE, notice hereby is given that the undersigned trustee will on May 19, 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

*86.00*

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

1/8/04

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 #: 8015422

Exhibit "A"

Lot 19, Block 3, SHADOW HILLS NO. 1, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

EXCEPTING THEREFROM the Northerly 44.1 feet thereof.

ALSO EXCEPTING THEREFROM the Southerly 12.73 feet of the Northerly 56.83 feet of Lot 19, Block 3, SHADOW HILLS NO. 1, as shown on Property Line Adjustment 19-96 County Survey 5894 filed May 17, 1996 on file in the Office of the Klamath County Engineer.

TOGETHER WITH that portion of street vacated by Ordinance No. 5852 recorded May 22, 1972 in Volume M-72 at Page 5439, Microfilm Records of Klamath County, Oregon, which inurred thereto.

Unofficial Copy

**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 1333 Summers Lane

**XPERSONALLY SERVED:** Original or True Copy to within named, personally and in person to Michael Kelly & Debra Kelly at the address below.

**SUBSTITUTE SERVICE:** By delivering an Original or True Copy to \_\_\_\_\_, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

**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.

**SUBSTITUTE SERVICE MAILER:** That on the 14th day of January, 2004 I mailed a copy of the Trustee's Notice of Sale addressed to 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

1333 Summers Lane 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.

January 15, 2004                      12:15PM  
DATE OF SERVICE                      TIME OF SERVICE

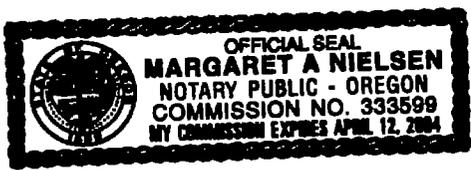
or non occupancy

By: Rob Girard  
Rob Girard

Dated this 14th day of January, 2004.

Subscribed and sworn to before me by Rob Girard

Margaret A. Nielsen  
Notary Public for Oregon



# Affidavit of Publication

27554

## STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, 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 I know from my personal knowledge that the

Legal # 6458

Notice of Sale/Deford

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 10, 17, 24, 31, 2004

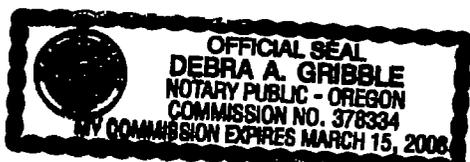
Total Cost: \$864.00

*Jeanine P Day*  
Subscribed and sworn

before me on: March 31, 2004

*Debra A Gribble*  
Notary Public of Oregon

My commission expires March 15, 2008



### TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Lyle L. Deford and Lisa M. Deford, as tenants by the entirety, as grantor, to Amerifit, as trustee, in favor of Washington Mutual Bank, as beneficiary, dated June 10, 1997, recorded June 15, 1997 in the mortgage records of Klamath County, Oregon in Volume No. 1497 at Page 1444 as instrument No. 9310, covering the following described real property:

### EXHIBIT "A"

Lot 19, Block 3, Shadow Hills No. 1, according to the official plat thereof on file in the office of the county clerk of Klamath County, Oregon excepting therefrom the Northerly 44.1 feet thereof.

Also excepting therefrom the Southerly 12.73 feet of the Northerly 56.83 feet of Lot 19, Block 3, Shadow Hills No. 1 as shown on property line adjustment 19-96 County Klamath County Engineer.

Together with that portion of street vacated by Ordinance No. 582 recorded May 22, 1973 in Volume 1472, Page 549, Microfilm Records of Klamath County, Oregon which incurred thereto.

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 \$84.18 from June 1, 2003 to 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:

Interest, together with interest thereon at the rate of 8.1250% per annum from May 1, 2003 to 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 May 19, 2004 at the hour of 11:00 AM in accordance with the standard time established by ORS 122.710 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 86.735 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: January 8, 2004. 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.

Shepro & Kreisman, 899 NE Park Plaza Drive, #130, Vancouver, WA 98664. (360) 248-2232. Lender Loan #0015422. #6488 March 10, 17, 24, 31, 2004.

Unofficial Copy

AFTER RECORDING RETURN TO:  
Shapiro & Sutherland, LLC  
12500 SE 2nd Circle, Suite 120  
Vancouver, WA 98684  
Telephone:(360) 260-2253  
03-17287

27556

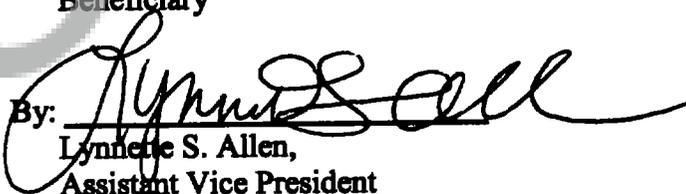
## CERTIFICATE OF NON-MILITARY SERVICE

STATE OF WASHINGTON )  
 ) SS.  
County of CLARK )

THIS IS TO CERTIFY THAT I, Lynnette S. Allen, am the Assistant Vice President of Washington Mutual Bank, F.A., the current beneficiary in that certain trust deed in which Lyle L. Deford and Lisa M. Deford, as tenants by the entirety, as grantor, conveyed to Amerititle, as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated June 10, 1997, and recorded June 16, 1997, in the mortgage records of said county, in Volume No. M97, at Page 18424, Document No. 39310; thereafter a Notice of Default with respect to said trust deed was recorded January 7, 2004, Book No. MO4, Page No. 00764, 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 May 19, 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.  
Beneficiary

By:   
Lynnette S. Allen,  
Assistant Vice President

STATE OF WASHINGTON

)

) SS.

27557

COUNTY OF CLARK

)

On this 4<sup>th</sup> day of May, 2004, 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 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.

Sharon E. Halme

Notary Public for State indicated above

My commission expires: 11-29-07



Loan #: 8015422

Unofficial Copy

AFTER RECORDING RETURN TO:  
Shapiro & Kreisman  
201 NE Park Plaza Drive, #150  
Vancouver, WA 98684  
03-17287

Aspen 50479  
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:

Lyle L. Deford  
1333 Summers Lane  
Klamath Falls, OR 97603

Lisa M. Deford  
1333 Summers Lane  
Klamath Falls, OR 97603

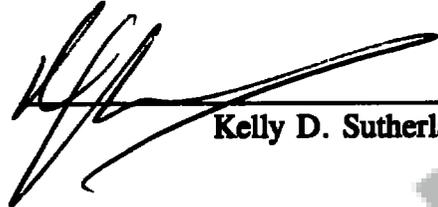
Lyle L. Deford  
6738 Metropolitan Center Drive  
Springfield, VA 22150

Lisa M. Deford  
6738 Metropolitan Center Drive  
Springfield, VA 22150

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 January 13, 2004. 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

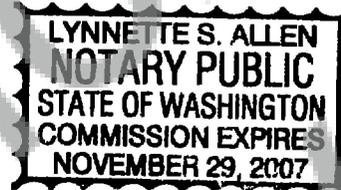
State of Washington )

County of Clark )

On this 3<sup>rd</sup> day of January, in the year 2004, 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 11/29/07



Lender Loan #: 8015422

UNOFFICIAL COPY

AFTER RECORDING RETURN TO:  
Shapiro & Kreisman  
201 NE Park Plaza Drive, #150  
Vancouver, WA 98684  
03-17287

27560

**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:

Reo Aquitions, Inc.  
1177 Kane Corp., Ste 107  
Bay Harbor, FL 33154

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 January 16, 2004. 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

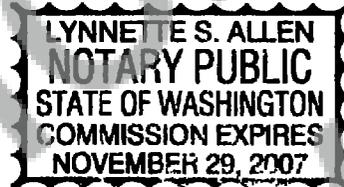
State of Washington )

County of Clark )

On this 16<sup>th</sup> day of January, in the year 2004, 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 11/29/07



Lender Loan #: 8015422

UNOFFICIAL COPY

**AFTER RECORDING RETURN TO:**  
Shapiro & Sutherland, LLC  
12500 SE 2nd Circle, Suite 120  
Vancouver, WA 98684  
03-17287

**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:**

**Lyle L. Deford  
972 Ohio Drive S.W. #102  
Washington, DC 20024**

**Lisa M. Deford  
972 Ohio Drive S.W. #102  
Washington, DC 20024**

**Lisa M. Deford  
961 Vista Way  
Klamath Falls, OR 97601**

**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 & Sutherland, LLC, 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 5, 2004. 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.**

