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MTK - 64750

Vol M04 Page 48690

State of Oregon, County of Klamath
Recorded 07/26/004 10:52a m
Vol M04 Pg 48690-702
Linda Smith, County Clerk
Fee \$ 101.00 # of Pgs 13

PLEASE RECORD IMMEDIATELY

After recording return to:

Amy Gilbert

PRESTON GATES & ELLIS LLP

222 SW Columbia, Suite 1400

Portland, OR 97201

Facsimile: (503) 248-9085

17183-50166

Grantor Rodger O. Evans

Original Beneficiary Western Sunrise aka Crossland Mortgage Corp.

Title Order Number 0064750

County Klamath

Property Address 3880 Redondo Way, Klamath Falls, OR, 97603

Recording Cover Sheet

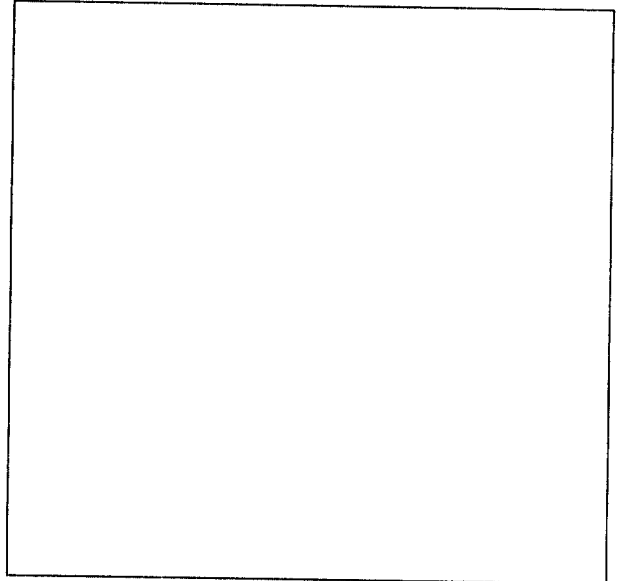
This cover sheet has been prepared by the person presenting the attached instrument for recording, as provided by ORS 205.234. Any Errors in this Sheet do not affect the transactions contained in the instrument itself.

A) Names of the transactions described in the attached instruments:

- | | |
|----------|--|
| <u>X</u> | Affidavit of Mailing Trustee's Notice of Sale with original |
| <u>X</u> | Trustee's Notice of Sale attached |
| <u>X</u> | Affidavit of Service on Occupant |
| _____ | Affidavit of Mailing Notice of Substitute Service |
| _____ | Affidavit of Notice of Non-Occupancy |
| <u>X</u> | Affidavit of Publication of Trustee's Notice of Sale |
| _____ | Affidavit of Mailing Notice to IRS |
| _____ | Affidavit of Mailing Amended Trustee's Notice of Sale |
| _____ | Original Amended Trustee's Notice of Sale |
| <u>X</u> | Affidavit of Additional Mailing Trustee's Notice of Sale (2) |

8/10
+ 200

48691



After recording return to:
Amy Gilbert
PRESTON GATES & ELLIS LLP
222 SW Columbia St., Suite 1400
Portland, OR 97201

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Client Matter Number 17183-50166/Rodger O. Evans

STATE OF OREGON, County of Multnomah) ss:

I, Amy Gilbert, being first duly sworn, depose, say and certify that:

At all times hereinafter mentioned, 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 beneficiary's successor in interest named in the attached original *Trustee's Notice of Sale* given under the terms of that certain deed described in said notice.

I gave notice of the real property described in the attached *Trustee's 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:

NAME	ADDRESS
Rodger O. Evans	3880 Redondo Way Klamath Falls, OR 97603
Fairyanita Evans	3880 Redondo Way Klamath Falls, OR 97603

All Residents and/or Occupants	3880 Redondo Way Klamath Falls, OR 97603
IRS 915 2nd Avenue	M/S W246, Lien Desk Seattle, WA 98174
Rodger O. Evans	6321 A Onyx Klamath Falls, OR 97603-7699
Fairyanita Evans	6321 A Onyx Klamath Falls, OR 97603-7699

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 *Trustee's Notice of Sale* so mailed was certified by an attorney of record to be a true copy of the original *Trustee's Notice of Sale*, each such copy was contained in a sealed envelope, with postage fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on April 20, 04. With respect to each person listed above, one such notice was mailed with postage 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 in the amount sufficient to accomplish the same. Each of said *Trustee's Notice of Sale* 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.

Amy Gilbert
Amy Gilbert

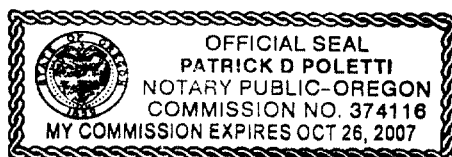
STATE OF OREGON

)
) ss.

COUNTY OF MULTNOMAH

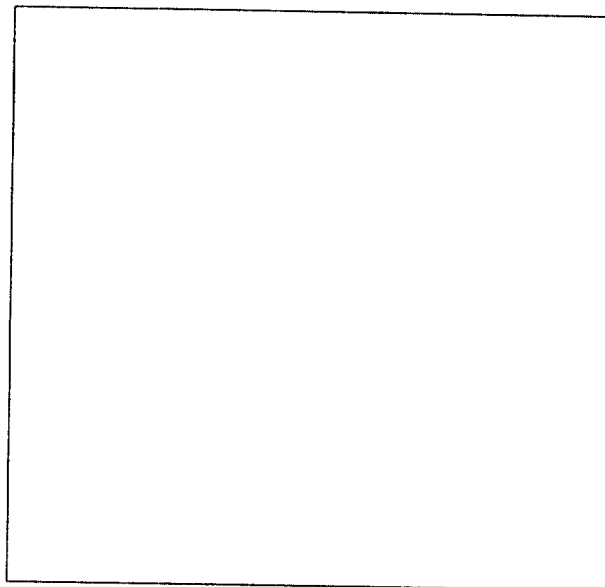
)

I certify that Amy Gilbert has appeared before me and was authorized to execute this instrument on the 20th day of April, 2004.



Patrick D. Poletti
Notary Public for Oregon
My commission expires 10/26/07

48693



After recording return to:
Amy Gilbert
PRESTON GATES & ELLIS LLP
222 SW Columbia St., Suite 1400
Portland, OR 97201

Client Matter Number 17183-50166/Rodger O. Evans

TRUSTEE'S NOTICE OF SALE

The Fair Debt Collection Practices 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.

Reference is made to that certain trust deed made by Rodger O. Evans and Fairyanita Evans, grantor(s), to David A Kubat, OSBA 84265, as trustee, in favor of Western Sunrise aka Crossland Mortgage Corp., as beneficiary, dated September 18, 2000, recorded September 21, 2000, in Volume M00, page 34679, Microfilm Records of Klamath County, Oregon, which was last assigned to Secretary of Veterans Affairs, an officer of the United States of America, his/her/their successors and future assigns on May 8, 2003, in Volume M03, page 30667, all in the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to wit:

Lot 17 in Block 7 of Tract No. 1037, FIFTH ADITTION TO SUNSET VILLAGE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 3880 Redondo Way, Klamath Falls, OR, 97603

Page 2 / TRUSTEE'S NOTICE OF SALE

Client Matter Number 17183-50166/Rodger O. Evans

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 of \$713.11 beginning June 1, 2003; plus late charges of \$28.52 each month beginning June 16, 2003; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

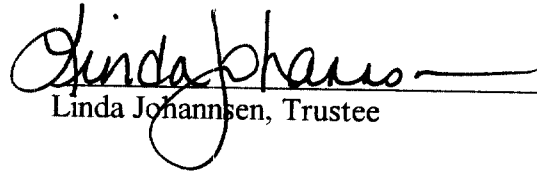
By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to wit: \$147,845.52 with interest thereon at the rate of 4.0 percent per annum beginning May 1, 2003; plus late charges of \$28.52 each month beginning June 16, 2003, until paid; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will on **Friday, August 20, 2004, at the hour of 11:00 A.M.**, in accordance with the standard of time established by ORS 187.110, at the following place: inside the main 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 said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 April 19, 2004.


Linda Johansen, Trustee

For further information, please contact:
Amy Gilbert
Preston Gates & Ellis LLP
222 SW Columbia St., Suite 1400
Portland, OR 97201
(503) 228-3200

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

Attorney of Record

RETURN OF SERVICE

48696

STATE OF OREGON)
)
County of Klamath)

Court Case No. # 3460150

I HEREBY CERTIFY THAT on 4-22-4

- ☐ Summons & Complaint
- ☐ Complaint
- ☐ Motion
- ☐ Order to Show Cause
- ☐ Citation

- ☐ Summons & Petition
- ☐ Petition
- ☐ Affidavit
- ☐ Restraining Order
- ☐ Small Claim

the within:

- ☐ Summons
- ☐ Answer
- ☐ Order
- ☒ Subpoena
- ☒ Notice

☒ TRUSTEE'S NOTICE OF SALE

for service on the within named: OCCUPANTS AT 3880 REDONDO WY K. FALLS OR 97603

☒ SERVED: JAN DOE & OCCUPANTS personally and in person
at 3880 REDONDO WY KLAMATH FALLS OR 97603

☐ SUBSTITUTE SERVICE: By leaving a true copy with _____, a person over the age of fourteen years, who resides at the place of abode of the within named _____ at said abode: _____

☐ OFFICE SERVICE: By leaving a true copy with _____ the person in charge of the office maintained for the conduct of business by _____

☐ CORPORATE: By leaving a true copy with _____ of said corporation

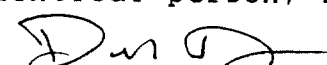
☐ OTHER METHOD: _____

☐ NOT FOUND: After due and diligent search and inquiry, I hereby return that I have been unable to find the within named _____ within Klamath County.

ALL SEARCH AND SERVICE WAS MADE WITHIN KLAMATH COUNTY, STATE OF OREGON

DATE AND TIME OF SERVICE OR NOT FOUND: 4-22-4 AT 9:45 AM

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

BY: 
BASIN PROSERVE
422 N. 6th Street
Klamath Falls, OR 97601
(541) 884-6060

Affidavit of Publication

48697

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 # 6758

Notice of Sale/Evans

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

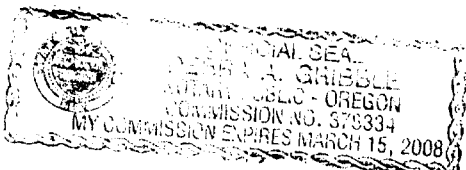
Insertion(s) in the following issues:
June 24, July 1, 8, 15, 2004

Total Cost: \$826.00

Jeanine P. Day
Subscribed and sworn
before me on: July 15, 2004

Debra A. Snodgrass
Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE

The Fair Debt Collection Practices 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.

Reference is made to that certain deed of trust made by Rodger O. Evans and Fairyanita Evans, grantor(s), to David A. Kubat, OSBA 84265, as trustee, in favor of Western Sunrise aka Crossland Mortgage Corp., as beneficiary, dated September 18, 2000, recorded September 21, 2000, in Volume M00, page 34679, Microfilm Records of Klamath County, Oregon, which was last assigned to Secretary of Veterans Affairs, an officer of the United States of America, his/her/their successors and future assigns on May 8, 2003 in Volume M03, page 30667, all in the mortgage records of Klamath County, Oregon, covering the following described real property situated in, said county and state, to-wit:

Lot 17 in Block 7 of Tract No. 1037, FIFTH ADDITION TO SUNSET VILLAGE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. PROPERTY ADDRESS: 3880 Redondo Way, 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 of \$713.11 beginning June 1, 2003; plus late charges of \$28.52 each month beginning June 16, 2003; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

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 sums being the following to-wit; \$147,845.52 with interest thereon at the rate of 4.0 percent per annum beginning May 1, 2003 plus late charges of \$28.52 each month beginning June 16, 2003 until paid; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

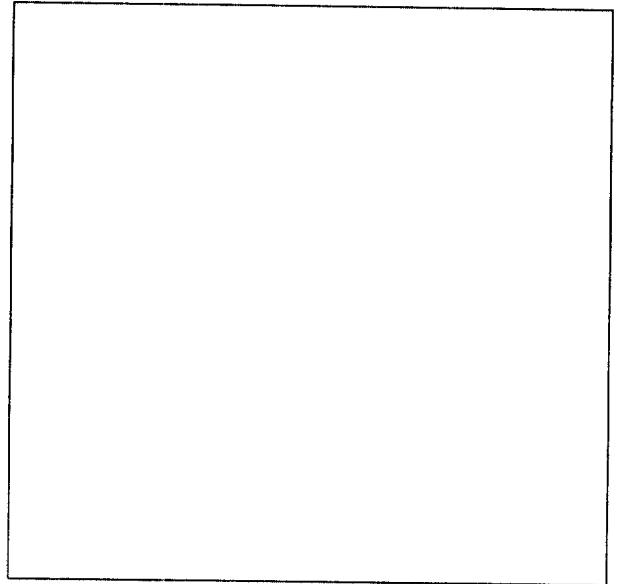
WHEREFORE, notice hereby is given

that the undersigned trustee will on Friday, August 20, 2004 at the hour of 11:00 AM, in accordance with the standard of time established by ORS 187.110 at the following place: inside the main 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 said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 ex-

penses 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: April 19, 2004. Linda Johansen, Trustee. For further information, please contact: Amy Gilbert; Preston, Gates & Ellis LLP, 222 SW Columbia St., Suite 1400, Portland, OR 97201. (503) 228-3200.
#6758 June 24, July 1, 8, 15, 2004.



After recording return to:
Amy Gilbert
PRESTON GATES & ELLIS LLP
222 SW Columbia St., Suite 1400
Portland, OR 97201

AFFIDAVIT OF ADDITIONAL MAILING TRUSTEE'S NOTICE OF SALE

Client Matter Number 17183-50166/Rodger O. Evans

STATE OF OREGON, County of Multnomah) ss:

I, Amy Gilbert, being first duly sworn, depose, say and certify that:

At all times hereinafter mentioned, 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 beneficiary's successor in interest named in the attached original *Trustee's Notice of Sale* given under the terms of that certain deed described in said notice.

I gave notice of the real property described in the attached *Trustee's 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:

NAME	ADDRESS
Helen Melton	4659 Cannon Avenue Klamath Falls, OR 97603
Russell Melton	4659 Cannon Avenue Klamath Falls, OR 97603

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

48700

beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the *Trustee's Notice of Sale* so mailed was certified by an attorney of record to be a true copy of the original *Trustee's Notice of Sale*, each such copy was contained in a sealed envelope, with postage fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on April 21, 04. With respect to each person listed above, one such notice was mailed with postage 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 in the amount sufficient to accomplish the same. Each of said *Trustee's Notice of Sale* 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.

Amy Gilbert
Amy Gilbert

STATE OF OREGON

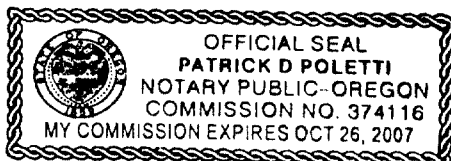
)

) ss.

COUNTY OF MULTNOMAH

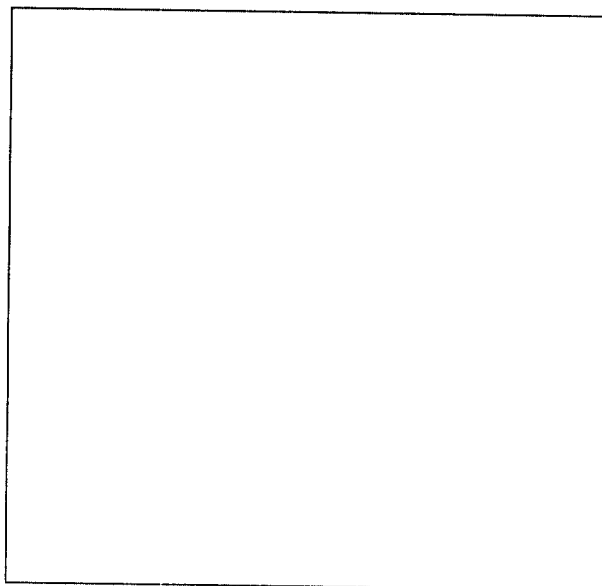
)

I certify that Amy Gilbert has appeared before me and was authorized to execute this instrument on the 21st day of April, 2004.



Patrick D Poletti
Notary Public for Oregon

My commission expires 10/26/07



After recording return to:
 Amy Gilbert
 PRESTON GATES & ELLIS LLP
 222 SW Columbia St., Suite 1400
 Portland, OR 97201

AFFIDAVIT OF ADDITIONAL MAILING TRUSTEE'S NOTICE OF SALE

Client Matter Number 17183-50166/Rodger Evans

STATE OF OREGON, County of Multnomah) ss:

I, Amy Gilbert, being first duly sworn, depose, say and certify that:

At all times hereinafter mentioned, 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 beneficiary's successor in interest named in the attached original *Trustee's Notice of Sale* given under the terms of that certain deed described in said notice.

I gave notice of the real property described in the attached *Trustee's 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:

NAME	ADDRESS
Russell L. Melton	5507 Breintenstein Lane Klamath Falls, OR 97601
Helen Melton	5507 Breinstenstein Lane 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 *Trustee's Notice of Sale* so mailed was certified by an attorney of record to be a true copy of the original *Trustee's Notice of Sale*, each such copy was contained in a sealed envelope, with postage fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on May 5, 04. With respect to each person listed above, one such notice was mailed with postage 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 in the amount sufficient to accomplish the same. Each of said *Trustee's Notice of Sale* 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.

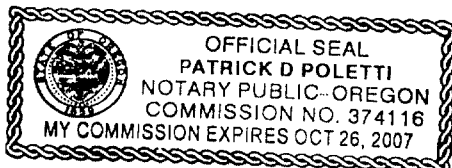
Amy Gilbert
Amy Gilbert

STATE OF OREGON)

) ss.

COUNTY OF MULTNOMAH)

I certify that Amy Gilbert has appeared before me and was authorized to execute this instrument on the 5th day of May 2004.



Patrick D. Poletti
Notary Public for Oregon
My commission expires 10/26/07