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Vol M04 Page 52559

04-17659

Aspen: 58912
TRUSTEE'S NOTICE OF SALE

State of Oregon, County of Klamath
Recorded 08/10/04 3:33 p m
Vol M04 Pg 52559-65
Linda Smith, County Clerk
Fee \$ 51.00 # of Pgs 7

A default has occurred under the terms of a trust deed made by David E. Chartier and Charlene M. Chartier, as grantor, to First American Title, as Trustee, in favor of Washington Mutual Bank, as Beneficiary, dated April 16, 2001, recorded April 23, 2001, in the mortgage records of Klamath County, Oregon, at Microfilm No. M01-17801, as covering the following described real property:

Lot 7 in Block 5, Sun Forest Estates, Tract 1060, according to the official plat thereof on file in the office of the county clerk of Klamath County, Oregon

COMMONLY KNOWN AS: 11622 Sun Forest Drive, La Pine, OR 97739

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 \$669.63, from December 1, 2003 and month payments in the sum of \$890.03, from February 1, 2004 and month payments, 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:

78,180.91, together with interest thereon at the rate of 7.875% per annum from November 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 August 11, 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

51A

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: 4/1/04

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, Suite 150
Vancouver, Washington 98684
Telephone: (360) 260-2253

Lender Loan #: 42414185

AFFIDAVIT OF SERVICE

52561

PLAINTIFF:

WASHINGTON MUTUAL BANK

VS.

DEFENDANT:

DAVID AND CHARLENE CHARTIER

I hereby certify that on **THURSDAY, APRIL 8, 2004** at **7:40 PM**, I served **OCCUPANTS (CHARTIER)** with a certified true copy of the document(s): **TRUSTEE'S NOTICE OF SALE**.

THE OCCUPANTS WERE SERVED IN THE FOLLOWING MANNER:

I served OCCUPANT(S) by PERSONALLY SERVING: **DAVID CHARTIER**

I served ALL OTHER OCCUPANT(S) over 18 years of age by SUBSTITUTE SERVICE by serving: **DAVID CHARTIER**

CASE NOTES: All other occupants known are **RON CHARTIER**

Said service was effected and served at: **11622 SUN FOREST DR., LAPINE, OR 97739**


Proof of Mailing: I do hereby certify that on **April 9, 2004**, a true copy of the **TRUSTEE'S NOTICE OF SALE**, together with a copy of this Affidavit of Service was mailed to the above address, in a postage paid, sealed envelope addressed to **RON CHARTIER AND OCCUPANTS**.

I, **JARED BUTLER**, am a competent person over the age of eighteen, a resident of the State of Oregon, not a party to nor an officer, director or employee of, nor an attorney for any party, corporate or otherwise.


STATE OF OREGON, COUNTY OF DESCHUTES
Subscribed and sworn to before me on **4/9/2004**

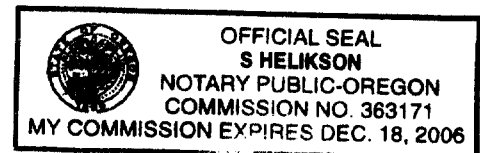


JARED BUTLER, PROCESS SERVER



NOTARY PUBLIC OF OREGON

 **Legal Couriers**
A division of P.I.V.
LC Job Number: 13457



Client: Capital Investigations Company

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 # 6634

Notice of Sale/Chartier

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

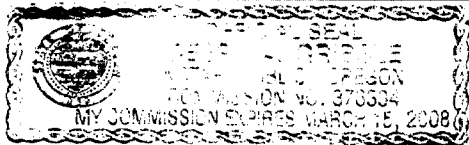
Insertion(s) in the following issues:
May 5, 12, 19, 26, 2004

Total Cost: \$783.00

Jeanine P. Day
Subscribed and sworn
before me on: May 26, 2004

Debra A. Smith
Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE

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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 \$669.63, from December 1, 2003 and month payments in the sum of \$890.03, from February 1, 2004 and month payments, together with all costs disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents of assigns.

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\$78,180.91, together with interest thereon at the rate of 7.875% per annum from November 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 August 11, 2004 at the hour of 11:00 AM in accordance 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

By reason of said

sure proceeding dis-

requires that we state the following: This is an attempt to collect a debt, and any information 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: April 01, 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. Shapiro & Kreisman, 210 NE Park Plaza Drive, #150, Vancouver, WA 98684. (360) 260-2253. Lender Loan #42414185. #6634 May 5, 12, 19, 26, 2004.

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
12500 SE 2nd Circle, Suite 120
Vancouver, WA 98684
Telephone:(360) 260-2253
04-17659

52564


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., the current beneficiary in that certain trust deed in which David E. Chartier and Charlene M. Chartier, as grantor, conveyed to First American Title, as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated April 16, 2001, and recorded April 23, 2001, in the mortgage records of said county, as Microfilm No. M01-17; thereafter a Notice of Default with respect to said trust deed was recorded April 1, 2004, Microfilm number 04, Page No. 18571, 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 August 11, 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 and Attesting
Assistant Secretary

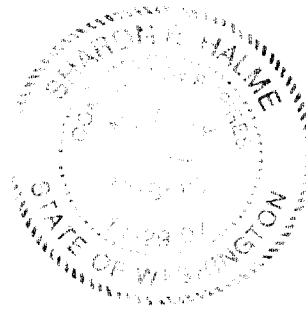
STATE OF WASHINGTON)
) SS.
COUNTY OF CLARK)

On this 9th day of August, 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 #: 42414185