

04 OCT 13 PM 3:21

mtc - 64869

Vol M04 Page 69535

State of Oregon, County of Klamath  
Recorded 10/13/04 3:21 p m  
Vol M04 Pg 69535-47  
Linda Smith, County Clerk  
Fee \$ 101<sup>00</sup> # 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

43425-50046

Grantor James E. Palmer (deceased)

Original Beneficiary All Service Mortgage, Inc.,

Title Order Number 0064269

County Klamath

Property Address 9332 Reeder Road, 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                            |
| <u>      </u> | Affidavit of Mailing Notice of Substitute Service           |
| <u>      </u> | Affidavit of Notice of Non-Occupancy                        |
| <u>X</u>      | Affidavit of Publication of Trustee's Notice of Sale        |
| <u>X</u>      | Affidavit of Additional Mailing Trustee's Notice of Sale    |
| <u>      </u> | Affidavit of Mailing Amended Trustee's Notice of Sale       |
| <u>      </u> | Original Amended Trustee's Notice of Sale                   |

8/10  
+20.00 Am

69536

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 43425-50046/James E. Palmer (deceased)*

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
James E. Palmer (deceased)	9332 Reeder Road Klamath Falls, OR 97603
Maryanna Palmer	9332 Reeder Road Klamath Falls, OR 97603

All Residents and/or Occupants	9332 Reeder Road Klamath Falls, OR 97603
James E. Palmer (Deceased)	PO Box 8010 Kalamath Falls, OR 97602
Maryanne Palmer	PO Box 8010 Kalamath Falls, OR 97602
Carter Jones Collections, L.L.C	1143 Pine Street, Kalamath Falls, OR 97601
Carter Jones Collections, L.L.C.	PO Box 145 Kalamth Falls, OR 97601-0375
Kent Pederson President	Carter Jones Collections, L.L.C. 6264 Juniper Klamath Falls, OR 97603
Neal G. Buchanan Atty for Carter Jones Collections LLC	435 Oak Street Klamath Falls, OR 97601
Charlotte Barks	17669 South Poe Valley Road Klamath Falls, OR 97603
Southern Oregon Credit Services	PO Box 4708 Medford, OR 97501
Southern Oregon Credit Services	841 Stewart Avenue #11 Medford, OR 97501
Brian Watkins, President for Southern Oregon Credit Service, Inc.	841 Stewart Avenue #11 Medford, OR 97501
Southern Oregon Credit Service, Inc.	PO Box 4070 Medford, OR 97501

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 7, 2004. 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.

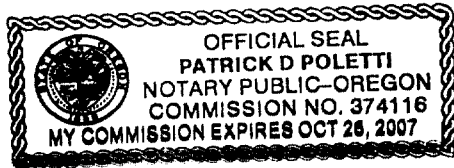
69538

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

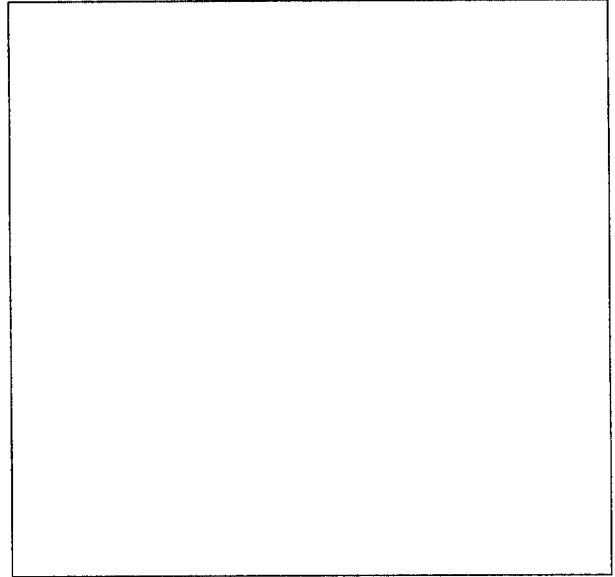
STATE OF OREGON )  
 ) ss.  
COUNTY OF MULTNOMAH )

I certify that Amy Gilbert has appeared before me and was authorized to execute this instrument on the 7th day of May, 2004.



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

69539



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

*Client Matter Number 43425-50046/James E. Palmer (deceased)*

### 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 James E. Palmer ( deceased) and Maryanna Palmer, as tenants by the entirety., grantor(s), to Mountain Title Company of Klamath County, as trustee, in favor of All Service Mortgage, Inc.,, as beneficiary, dated August 2, 1995, recorded August 8, 1995, in Volume M95, Page 21049, which was last assigned to Franklin Credit Management Corporation on March 26, 2002, in Volume M02, Page 17506, all, in the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to wit:

See Attached Legal Description.

PROPERTY ADDRESS: 9332 Reeder Road, 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 \$575.00 beginning August 28, 2003; plus late charges of \$21.04 each month beginning September 13, 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: \$54,894.34 with interest thereon at the rate of 11.875 percent per annum beginning July 28, 2003; plus late charges of \$21.04 each month beginning September 13, 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, September 10, 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

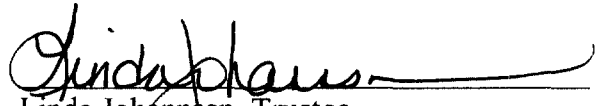
Page 3 / TRUSTEE'S NOTICE OF SALE

Client Matter Number 43425-50046/James E. Palmer (deceased)

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 May 6, 2004.

  
Linda Johannsen, 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.

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Attorney of Record

**LEGAL DESCRIPTION**

**69542**

**PARCEL 1:**

All of Government Lot 1 of Section 31, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING portion heretofore taken by or conveyed to the United States for right of way for irrigation canals.

**PARCEL 2:**

That portion of Government Lot 1 (SE1/4 SE1/4) of Section 30, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, lying South of U.S.R.S. Diversion Canal.



KLAMATH COUNTY SHERIFF'S OFFICE - RETURN OF SERVICE

State of Oregon     )  
County of Klamath    )

Court Case No.  
Sheriff's Case No. 04-01851

69543

Received for Service 06/21/04

I hereby certify that I received for service on  
PALMER, MARIANNA  
the within:

TRUSTEES NOTICE OF SALE

PALMER, MARIANNA  
was served personally, and in person, at  
9332 REEDER ROAD  
KLAMATH FALLS                     , OR, on 07/03/04,  
at 12:20 hours.

All search and service was made within Klamath County, State of  
Oregon.

Timothy M. Evinger, Sheriff  
Klamath County, Oregon

By Shane Mitchell  
MITCHELL, SHANE

Copy to:

PRESTON GATES & ELLIS, ATTORNEYS  
222 SW COLUMBIA STREET             SUITE  
PORTLAND                             OR 97201

# Affidavit of Publication

69544

## 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 # 6814

Notice of Sale/Palmer

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:  
July 21, 28, August 4, 11, 2004

Total Cost: \$896.00

Subscribed and sworn

before me on: August 11, 2004

Notary Public of Oregon

My commission expires March 15, 2008

TRUSTEE'S  
NOTICE OF SALE  
Client Matter  
Number 43425-  
50046/James E.  
Palmer (deceased)

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 James E. Palmer (deceased) and Maryanna Palmer, as tenants by the entirety, grantor(s), to Mountain Title Company of Klamath County as trustee, in favor of All Service Mortgage, Inc., as beneficiary, dated August 2, 1995, recorded August 8, 1995, in Volume M95, Page 21049, which was last assigned to Franklin Credit Management Corporation on March 26, 2002 in Volume M02, Page 17506, all in the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

### Legal Description

PARCEL 1: All of Government Lot 1 of Section 31, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING portion heretofore taken by or conveyed to the United States for right of way for irrigation canals.

PARCEL 2: That portion of Government Lot 1 (SE 1/4 SE1/4) of Section 30, Township 39 South, Range 10 East of the Willam-

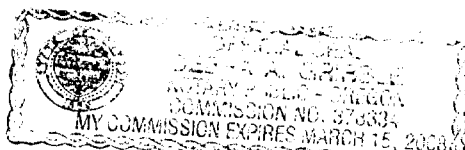
ette Meridian, Klamath County, Oregon, lying South of U.S.R.S., Diversion Canal. PROPERTY ADDRESS: 9332 Reeder Road, Klamath Falls, OR 97603.

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 \$575.00 beginning August 28, 2003; plus late charges of \$21.04 each month beginning September 13, 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; \$54,894.34 with interest thereon at the rate of 11.875 percent per annum beginning July 28, 2003, plus late charges of \$21.04 each month beginning September 13, 2003 until paid; together with title ex-

pense, 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, September 10, 2004 at the hour of 11:00 AM, in accordance with the standard 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

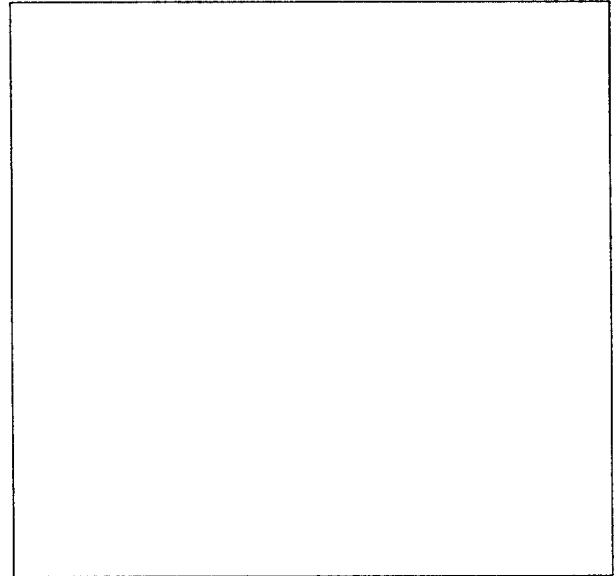


amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums 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: May 6, 2004.  
Linda Johannsen  
Trustee. For further information  
please contact: Amy  
Gilbert, Preston,  
Gates & Ellis LLP,  
222 SW Columbia  
St., Suite 1400, Portland,  
OR 97201.  
(503) 228-3200.  
#6814 July 21, 28,  
2004 August 4, 11,  
2004

69546



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 43425-50046/James E. Palmer*

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
Debbie Fowler	PO Box 1333 Chiloquin, OR 97624

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.

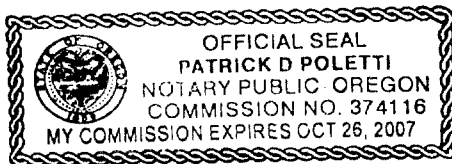
Each of the *Trustee's Notice of Sale* so mailed was certified by an attorney of record to be a true copy of the original *Trustee's Notice of Sale*, each such copy was contained in a sealed envelope, with postage fully prepaid, and was deposited by me in the United States post office at Portland, Oregon, on May 14, 2004. 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 14th day of May, 2004.



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