

04 DEC 9 AM 10:52

Vol M04 Page 84492

**RECORDING COVER SHEET**  
Pursuant to ORS 205.234

State of Oregon, County of Klamath  
Recorded 12/09/04 10:52 a m  
Vol M04 Pg 84492-98  
Linda Smith, County Clerk  
Fee \$ 51.00 # of Pgs 7

After recording return to:

Northwest Trustee Services, Inc.  
Attention: Kathy Taggart  
P.O. Box 997  
Bellevue, WA 98009-0997

*Aspen: 59651*

1. AFFIDAVIT OF MAILING
2. TRUSTEE'S NOTICE OF SALE
3. PROOF OF SERVICE
4. AFFIDAVIT OF PUBLICATION

Original Grantor(s) on Trust Deed: Kelly W. McCarty and Kristine R. McCarty, husband and wife

Beneficiary: Kenneth R. Fenstermacher and Stella Fenstermacher, husband and wife with full rights of survivorship

**THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.**

*51.00*  
*PK*

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached 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, to-wit:

Kelly W. McCarty  
473 Spring Street  
Klamath Falls, OR 97601

Kristine R. McCarty  
473 Spring Street  
Klamath Falls, OR 97601

Occupant(s)  
473 Spring Street  
Klamath Falls, OR 97601

Kenneth R. Fenstermacher  
473 Spring Street  
Klamath Falls, OR 97601

Stella Fenstermacher  
473 Spring Street  
Klamath Falls, OR 97601

Wallace W. Bradley, Trustee of  
The Bradley Family Trust  
473 Spring Street  
Klamath Falls, OR 97601

Wallace W. Bradley, Trustee of  
The Bradley Family Trust  
2023 Benson Avenue  
Klamath Falls, OR 97601

SAIF Corporation  
400 High Street Southeast  
Salem, OR 97312

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 notices so mailed was certified to be a true copy of the original notice of sale, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 8/30/08. With respect to each person listed above, one such notice was mailed with postage thereon 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 thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

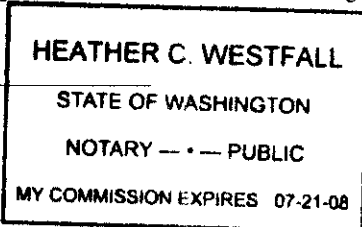
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that Justin Botchek is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 8/30/08

Heather C. Westfall  
NOTARY PUBLIC in and for the State of  
Washington, residing at KING CO  
My commission expires 7/21/08

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from  
McCarty, Kelly W. and Kristine R. & Bradley Family Trust  
Grantor

to  
Northwest Trustee Services, Inc.,  
Trustee

File No. 7069.24529

After recording return to:

Northwest Trustee Services, Inc.  
Successor by merger to Northwest Trustee Services, PLLC  
(fka Northwest Trustee Services, LLC)  
Attn: Kathy Taggart  
P.O. Box 997  
Bellevue, WA 98009-0997

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Kelly W. McCarty and Kristine R. McCarty, husband and wife, as grantor, to Aspen Title & Escrow, Inc., an Oregon corporation, as trustee, in favor of Kenneth R. Fenstermacher and Stella Fenstermacher, husband and wife with full rights of survivorship, as beneficiary, dated 02/19/98, recorded 02/27/98, in the mortgage records of Klamath County, Oregon, as Volume M98, Page 6451 and subsequently assigned to Western United Life Assurance Company by Assignment recorded as Book M98, Page 6458, covering the following described real property situated in said county and state, to wit:

All of Lot 10 and portions of Lots 8 and 9, Block 8, Railroad Addition to the City of Klamath Falls, lying Southerly of the extension of a line, running Northeasterly and Southwesterly located in the center of the common wall separating the building located substantially on said Lot 8 and the building located substantially on said Lots 9 and 10, in the County of Klamath, State of Oregon, said line being more particularly described as follows: Beginning at a point on the West line of Lot 9, said point being South 00 degrees 21' East, a distance of 0.92 feet from the Northwest corner of Lot 9; Thence North 89 degrees 20'48" East along the centerline of said common wall and its Northeasterly and Southwesterly extensions, a distance of 135.20 feet to a point on the East line of Lot 8, a distance of 0.04 feet Northwesterly from the Southeast corner of Lot 8.

PROPERTY ADDRESS: 473 Spring Street  
Klamath Falls, OR 97601

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 \$1,898.50 beginning 03/27/04; plus late charges of \$0.00 each month beginning 05/12/04; plus prior accrued late charges of \$0.00; plus advances of \$2,169.75; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$148,769.00 with interest thereon at the rate of 10.5 percent per annum beginning 02/27/04; plus late charges of \$0.00 each month beginning 05/12/04 until paid; plus prior accrued late charges of \$0.00; plus advances of \$2,169.75; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on **January 7, 2005** at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.745 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com). 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. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

84495

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.

The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com).

Dated: August 14, 2004

Northwest Trustee Services, Inc.

By

  
Assistant Vice President

Northwest Trustee Services, Inc. is successor by merger to  
Northwest Trustee Services, PLLC (formerly known as  
Northwest Trustee Services, LLC)

For further information, please contact:

**Kathy Taggart**  
Northwest Trustee Services, Inc.  
P.O. Box 997  
Bellevue, WA 98009-0997  
(425) 586-1900  
File No.7069.24529/McCarty, Kelly W. and Kristine R. & Bradley Family Trust

State of Washington, County of King) ss:

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

\_\_\_\_\_  
By Authorized Signer

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

7069.24529/McCarty

84496

**PROOF OF SERVICE**

STATE OF OREGON       )  
                                  ) ss.  
County of Klamath       )

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, along with the Notice Under the Federal Fair Debt Collection Practices Act, upon an **OCCUPANT** at the following address:

**473 SPRING STREET, KLAMATH FALLS, OREGON 97601, as follows:**

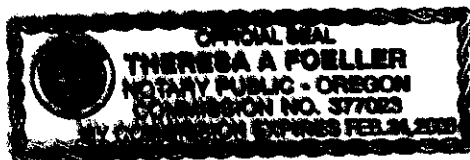
Upon Spring Street Storage, by delivering such true copy, personally and in person, to Thomas Bradley, who is the Owner, thereof, on August 31<sup>st</sup>, 2004 at 4:44 p.m.

I declare under the penalty of perjury that the above statement is true and correct.

Ed Foreman

291471

SUBSCRIBED AND SWORN to before me this 1st day of September, 2004 by  
ED Foreman



Theresa A Foeller  
Notary Public for Oregon

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 # 7015

Notice of Sale/McCarty

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:

October 14, 21, 28, November 4, 2004.

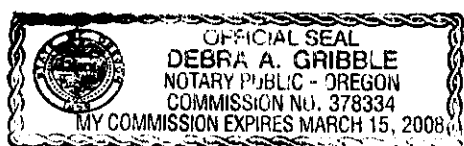
Total Cost: \$1,148.00

Subscribed and sworn

before me on: November 4, 2004

Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S  
NOTICE OF SALE

Reference is made to that certain trust deed made by Kelly W. McCarty and Kristine R. McCarty, husband and wife, as grantor, to Aspen Title & Escrow, Inc., an Oregon Corporation, as trustee, in favor of Kenneth R. Fenstermacher and Stella Fenstermacher, husband and wife with full rights of survivorship, as beneficiary, dated 02/19/98, recorded 02/27/98, in the mortgage records of Klamath County, Oregon, as Vol. M98, Page 6451 and subsequently assigned to Western United Life Assurance Company, by Assignment, recorded as Book M98, Page 6458, covering the following described real property situated in said county and state, to wit:

All of Lot 10 and portions of Lots 8 and 9, Block 8, Railroad Addition to the City of Klamath Falls, lying Southerly of the extension of a line, running Northeasterly and Southwesterly located in the center of the common wall separating the building located substantially on said Lot 8 and the building located substantially on said Lots 9 and 10, in the County of Klamath, State of Oregon, said line being more particularly described as follows: Beginning at a point on the West line of Lot 9, said point being South 00 degrees 21' East, a distance of 0.92 feet from the Northwest corner of Lot 9; Thence North 89 degrees 20' 48" East along the centerline of said common wall

and its Northeasterly and Southwesterly extensions, a distance of 135.20 feet to a point on the East line of Lot 8, a distance of 0.04 feet Northwesterly from the Southeast corner of Lot 8. PROPERT ADDRESS: 473 Spring Street, Klamath Falls, OR 97601.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Klamath County, 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 \$1,898.50 beginning 03/27/04; plus late charges of \$0.00 each month beginning 05/12/04; plus prior accrued late charges of \$0.00; plus advances of \$2,169.75; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$148,769.00, with interest thereon at the rate of 10.5 percent per annum beginning 02/27/04; plus late charges of \$0.00 each month begin-

ning 05/12/04 until paid; plus prior accrued late charges of \$0.00; plus advances of \$2,169.75; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 7, 2005 at the hour of 10:00 AM in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.745 must be timely communicated in a written request that complies with

that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com).

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. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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.

The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com).

Dated: August 30, 2004. By: Kathy Taggart, Assistant Vice President. Northwest Trustee Services, Inc. is successor by merger to Northwest Trustee Services, PLLC (formerly known as Northwest Trustee Services, LLC). For further information, please contact: Kathy Taggart, Northwest Trustee Services, Inc., PO Box 997, Bellevue, WA 98009-0997. (425) 586-1900. File No. 7069.24529/McCarty, Kelly W. and Kristine R. & Bradley Family Trust. #7015 October 14, 21, 28, November 4, 2004.

2004-8-30 AM 11:12