

04 DEC 23 PM 12:24

Vol M04 Page 87965

**RECORDING COVER SHEET**  
Pursuant to ORS 205.234

State of Oregon, County of Klamath  
Recorded 12/23/04 12:24 p m  
Vol M04 Pg 87965-71  
Linda Smith, County Clerk  
Fee \$ 66<sup>00</sup> # of Pgs 7

After recording return to:

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

*1st 392644*

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

**Original Grantor(s) on Trust Deed: Jack D. Walenciak, as unmarried man**

**Beneficiary: Capitol Commerce Mortgage Co., a California corporation**

**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 F  
15 F  
60 F*

**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:

Jack D. Walenciak  
1405 Yoke Road  
La Pine, OR 97739

Occupant(s)  
1405 Yoke Road  
La Pine, OR 97739

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 9/10/07. 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: Dec 77, 2007

JENNIFER A JOYCE

STATE OF WASHINGTON

NOTARY — — PUBLIC

MY COMMISSION EXPIRES 06-23-07

NOTARY PUBLIC in and for the State of

Washington, residing at ER. mckeeMy commission expires 6-23-07**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

RE: Trust Deed from  
Walenciak, Jack D.

Grantor

to

Northwest Trustee Services, Inc.,  
Trustee

File No. 7777.20296

After recording return to:

Northwest Trustee Services, Inc.

Successor by merger to Northwest Trustee Services, PLLC  
(formerly known as Northwest Trustee Services, LLC)

Attn: Winston Khan

P.O. Box 997

Bellevue, WA 98009-0997

**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made by Jack D. Walenciak, as unmarried man, as grantor, to Aspen Title & Escrow, Inc., as trustee, in favor of Capitol Commerce Mortgage Co., a California corporation, as beneficiary, dated 03/20/02, recorded 03/26/02, in the mortgage records of Klamath County, Oregon, as Volume M02, Page 17637 and subsequently assigned to Mortgage Electronic Registration Systems, Inc. by Assignment, covering the following described real property situated in said county and state, to wit:

The Southeast quarter of the Northwest quarter of the Northeast quarter of Section 12, Township 23 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PROPERTY ADDRESS: 1405 Yoke Road  
La Pine, OR 97739

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 \$1,022.83 beginning 12/01/03; plus late charges of \$51.15 each month beginning 12/16/03; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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: \$132,394.47 with interest thereon at the rate of 7.5 percent per annum beginning 11/01/03; plus late charges of \$51.15 each month beginning 12/16/03 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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 14, 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.

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).

Northwest Trustee Services, Inc.

Dated: September 21st, 2004

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:

**Winston Khan**  
**Northwest Trustee Services, Inc.**  
**P.O. Box 997**  
**Bellevue, WA 98009-0997**  
**(425) 586-1900**  
**File No.7777.20296/Walenciak, Jack D.**

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.**

IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ : COURT CASE NO. \_\_\_\_\_

OREGON

87969

vs

**PROOF OF SERVICE**

STATE OF OREGON )

County of KLAMATH ) SS.

I hereby certify that on the 10 day of September, 2004, at the hour of 1800  
I served OCCUPANTS (VACANT MOBILE HOME).

- \_\_\_\_\_ Personal Service (personally and in person)  
\_\_\_\_\_ Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the within named)  
XX Office Service (by serving the person apparently in charge)  
\_\_\_\_\_ By posting (said residence)

A certified/true copy of:

- \_\_\_\_\_ Summons  
\_\_\_\_\_ Motion  
\_\_\_\_\_ Complaint  
\_\_\_\_\_ Petition  
X Other: TRUSTEES NOTICE OF SALE
- \_\_\_\_\_ Writ of Garnishment  
\_\_\_\_\_ Order  
\_\_\_\_\_ Citation  
\_\_\_\_\_ Notice
- \_\_\_\_\_ Small Claims  
\_\_\_\_\_ Affidavit  
\_\_\_\_\_ Subpoena  
\_\_\_\_\_ Decree

Together with a copy of \_\_\_\_\_

To OCCUPANTS (VACANT MOBILE HOME)

At 1405 YOKE RD  
LAPINE, OR. 97735

NOT FOUND: I certify that I received the within document for service on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and after due and diligent search and inquiry, I have been unable to locate within the county of \_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

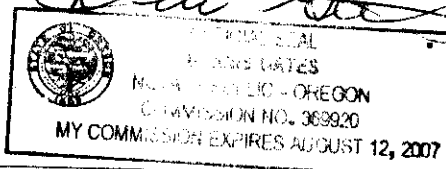
ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF DESCHUTES

I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the action.

Subscribed to and sworn to before me this  
13 day of SEPT, 2004

DAVE DAVIS (#16)

Cleveland Legal Support Service  
(541) 665-5162



Papers

Received From: FEI LLC  
PO BOX 219  
BELLEVUE  
WA 98009-0219

425-458-2112  
ATTN: IRENE X 1944

Remit to: CLSS, Inc.	Service Fee	\$
P.O. Box 5358	Mileage	\$
Cental Point, OR 97502	Rush/Emergency	\$
Date: <u>09-13-2004</u>	Incorrect Add.	\$
CLSS File No. <u>5379-BD</u>		\$
Client No. <u>1002-23386</u>	Amount Paid	\$ <u>0.00</u>
	TOTAL DUE	\$

# Affidavit of Publication

87970

## 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 # 7032

Notice of Sale/Walenciak

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 21, 28, November 4, 11, 2004

Total Cost: \$1,008.00

*Jeanine P. Day*

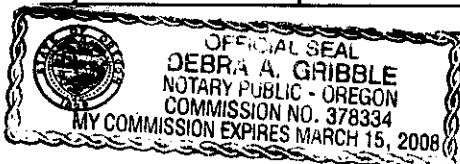
Subscribed and sworn

before me on: November 11, 2004

*Debra A. Gribble*

Notary Public of Oregon

My commission expires March 15, 2008



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Dated: September 9, 2004. By: Chris Ashcraft, 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: Winston Khan, Northwest Trustee Services, Inc., PO Box 997, Bellevue, WA 98009-0997. (425) 586-1900. File No. 7777.20296/Walenciak, Jack D. #7032 October 21, 28, November 4, 11, 2004.