

05 JUN 10 AM 11:03

Aspen 60834  
**RECORDING COVER SHEET**  
Pursuant to ORS 205.234

Vol M05 Page 43243

State of Oregon, County of Klamath  
Recorded 06/10/05 11:03 a. m  
Vol M05 Pg 43243-50  
Linda Smith, County Clerk  
Fee \$ 56.00 # of Pgs 8

After recording return to:

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

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

**Original Grantor(s) on Trust Deed: Peter M. Kain and Cheryl L. Kain as tenants by the entirety**

**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.**

5604

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

**43244**

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:

Peter M. Kain  
24657 Tomahawk Lane  
Chiloquin, OR 97624

Peter M. Kain  
P.O. Box 48  
Sprague River, OR 97639

Cheryl L. Kain  
24657 Tomahawk Lane  
Chiloquin, OR 97624

Cheryl L. Kain  
P.O. Box 48  
Sprague River, OR 97639

Peter M. Kain  
P.O. Box 133  
Bly, OR 97622

Cheryl L. Kain  
P.O. Box 133  
Bly, OR 97622

Peter M. Kain  
c/o Lars H. Olsen, Atty  
POB 12829  
Salem, OR 97309

Cheryl M. Kain  
c/o Lars H. Olsen, Atty  
POB 12829  
Salem, OR 97309

Tracy D. Trunnell, Trustee  
POB 627  
Cottage Grove, OR 97424

US Trustee, Eugene  
211 E 7th Ave, #285  
Eugene, OR 97401

Occupant(s)  
24657 Tomahawk Lane  
Chiloquin, OR 97624

CitiFinancial, Inc.  
P.O. Box 17170  
Baltimore, MD 21203

CitiFinancial, Inc.  
2848 South 6th Street  
Klamath Falls, OR 97603

CitiFinancial, Inc.  
300 St Paul Place  
Baltimore, MD 21202

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

**RE: Trust Deed from  
Kain, Peter M. and Cheryl L.  
Grantor**

**to  
Northwest Trustee Services, Inc.,  
Trustee**

**File No. 7345.20278**

**After recording return to:  
Northwest Trustee Services, Inc.  
Successor by merger to Northwest Trustee Services, PLLC  
(fka Northwest Trustee Services, LLC)  
Attn: Chris Ashcraft  
P.O. Box 997  
Bellevue, WA 98009-0997**

CitiFinancial, Inc.  
c/o C T Corporation System, Reg Agent  
388 State St, Ste 420  
Salem, OR 97301

Peter M. Kain  
24657 Tomahawk Lane  
Sprague River, OR 97624

43245

Cheryl L. Kain  
24657 Tomahawk Lane  
Sprague River, OR 97624

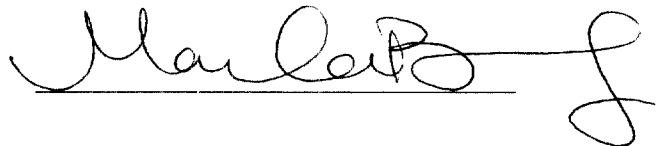
Occupant(s)  
24657 Tomahawk Lane  
Sprague River, OR 97624

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 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 3-1-05. 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.

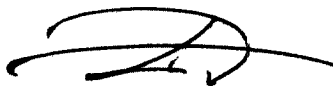
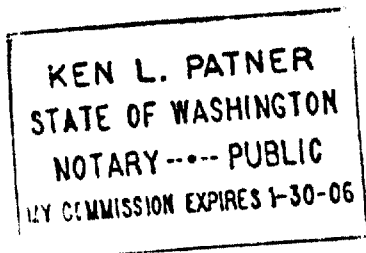
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )



I certify that I know or have satisfactory evidence that Mala Bannavong 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: MARCH 7, 2005



NOTARY PUBLIC in and for the State of  
Washington, residing at Seattle  
My commission expires 1-30-06

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Peter M. Kain and Cheryl L. Kain as tenants by the entirety, as grantor, to First American Title Insurance Company of Oregon, as trustee, in favor of Capitol Commerce Mortgage Co., a California corporation, as beneficiary, dated 12/21/00, recorded 12/28/00, in the mortgage records of Klamath County, Oregon, as Volume M00 Page 46663 and subsequently assigned to Mortgage Electronic Registration Systems, Inc. by Assignment recorded as Vol M04 Page 16240, covering the following described real property situated in said county and state, to wit:

Lots 46 and 47 in Block 37 of First Addition to Klamath Forest Estates, according to the official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 24657 Tomahawk Lane  
Chiloquin, OR 97624

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 \$751.88 beginning 05/01/04; plus late charges of \$37.59 each month beginning 05/16/04; plus prior accrued late charges of \$67.86; plus advances of (\$790.00); 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: \$92,111.52 with interest thereon at the rate of 8.875 percent per annum beginning 04/01/04; plus late charges of \$37.59 each month beginning 05/16/04 until paid; plus prior accrued late charges of \$67.86; plus advances of (\$790.00); 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 **July 8, 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.

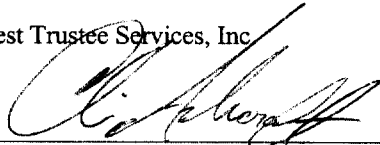
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective 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).

Dated: March 7, 20 05

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:

**Chris Ashcraft**  
**Northwest Trustee Services, Inc.**  
**P.O. Box 997**  
**Bellevue, WA 98009-0997**  
**(425) 586-1900**  
**File No.7345.20278/Kain, Peter M. and Cheryl L.**

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

CAPITOL COMMERCE MORTGAGE CO

43248

vs  
PETER M KAIN AND  
CHERYL L KAIN

**PROOF OF SERVICE**

STATE OF OREGON )  
County of \_\_\_\_\_ ) SS.  
KLAMATH

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_, I served \_\_\_\_\_  
OCCUPANTS(PETER AND CHERYL KAIN) . by

- ☒ XX 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)  
☐ Office Service (by serving the person apparently in charge)  
☐ By posting (said residence)

A certified/true copy of:

- |  |  |                                       |
|--|--|---------------------------------------|
| <input type="checkbox"/> Summons                                     | <input type="checkbox"/> Writ of Garnishment | <input type="checkbox"/> Small Claims |
| <input type="checkbox"/> Motion                                      | <input type="checkbox"/> Order               | <input type="checkbox"/> Affidavit    |
| <input type="checkbox"/> Complaint                                   | <input type="checkbox"/> Citation            | <input type="checkbox"/> Subpoena     |
| <input type="checkbox"/> Petition                                    | <input type="checkbox"/> Notice              | <input type="checkbox"/> Decree       |
| <input checked="" type="checkbox"/> X Other: TRUSTEES NOTICE OF SALE |  |                                       |

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

To PETER AND CHERYL KAIN At 24657 TOMAHAWK LN  
CHILOQUIN, OR. 97624

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\_\_\_\_.

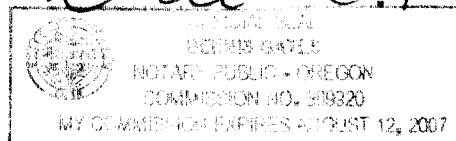
ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF \_\_\_\_\_ KLAMATH

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  
12 day of MARCH, 20 05

*Dave Davis*  
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:

Remit to: CLSS, Inc.	Service Fee	\$
P.O. Box 5358	Mileage	\$
Central Point, OR 97502	Rush/Emergency	\$
Date: 03-10-2005	Incorrect Add.	\$
CLSS File No. 1252-KADDL TRIP		\$ 00
Client No. 1002.34253	Amount Paid	\$ 0.00
	TOTAL DUE	\$

# Affidavit of Publication

43249

## 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 # 7404

Notice of Sale/Peter M. & Cheryl L. Kain

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:  
April 14, 21, 28, May 5, 2005

Total Cost: \$1,073.10

Subscribed and sworn

before me on: May 5, 2005

Notary Public of Oregon

My commission expires March 15, 2008

### TRUSTEE'S NOTICE OF SALE

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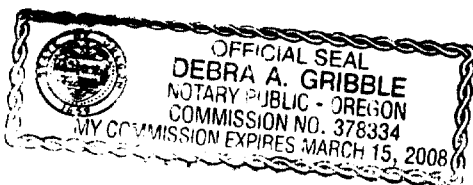
said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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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 ex-



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Dated: March 7, 2005. 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: Chris Ashcraft, Northwest Trustee Services, Inc., PO Box 997, Bellevue, WA 98009-0997. (425) 586-1900. File No. 7345.20278/Kain, Peter M. and Cheryl L. #7404 April 14, 21, 28, May 5, 2005.