

05 JUL 11 PM 3:51

Vol M05 Page 52820

**RECORDING COVER SHEET FOR NOTICE
OF SALE PROOF OF COMPLIANCE PER
O.R.S. 205.234**

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

State of Oregon, County of Klamath
Recorded 07/11/05 3:51 p m
Vol M05 Pg 52820-29
Linda Smith, County Clerk
Fee \$ 66⁰⁰ # of Pgs 10

WHEN RECORDED MAIL TO

REGIONAL TRUSTEE SERVICES CORPORATION, as Trustee
616 1st Avenue, Suite 500
Seattle, WA 98104

Trustee's Sale No: 09-RS-38823

St 544160



MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.

☒ **AFFIDAVIT OF MAILING NOTICE OF SALE** (must have trustee's notice of sale attached)

☒ **AFFIDAVIT OF PUBLICATION NOTICE OF SALE**

☒ **PROOF OF SERVICE /AFFIDAVIT OF NON-OCCUPANCY**

Original Grantor on Trust Deed

DOUGLAS BURNS, AN UNMARRIED MAN

Beneficiary

SILVER SIERRA MORTGAGE, INC.

*66 F
x10*

REGIONAL TRUSTEE SERVICES CORPORATION
 616 1st Avenue, Suite 500
 Seattle, WA 98104
 Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-RS-38823



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON)
) ss.
 COUNTY OF KING)

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached original Notice of Sale given under the terms of that certain trust deed described in said Notice.

That 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 addresses, to-wit:

DOUGLAS BURNS, 150388 JERRY RD, LA PINE, OR, 97739-7739
 DOUGLAS BURNS, 1723 VALLEY ST, BAKER CITY, OR, 97814
 DOUGLAS BURNS, PO BOX 3143, LA PINE, OR, 97739
 PARTIES IN POSSESSION, 150388 JERRY RD, LA PINE, OR, 97739
 SPOUSE OF DOUGLAS BURNS, 150388 JERRY RD, LA PINE, OR, 97739-7739
 SPOUSE OF DOUGLAS BURNS, 1723 VALLEY ST, BAKER CITY, OR, 97814
 SPOUSE OF DOUGLAS BURNS, PO BOX 3143, LA PINE, OR, 97739

Said persons include (a) the grantor in the trust deed, (b) 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 b ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of the trustee named in said notice; 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 Seattle, WASHINGTON, on 3/25/09. 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.

52822

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

[Signature]
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on

3/25/05

[Signature]
NOTARY PUBLIC for WASHINGTON

My commission expires: 11/12/08



09RS38823/BURNS

RS-OR

PROOF OF SERVICE

52823

STATE OF OREGON)
) ss.
County of Deschutes)

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, upon the **OCCUPANTS** at the following address:

150388 JERRY ROAD, LA PINE, OREGON 97739, as follows:

Personal service upon Rich Lopez, by delivering said true copy, personally and in person, at the above address on March 29, 2005 at 8:25 p.m.

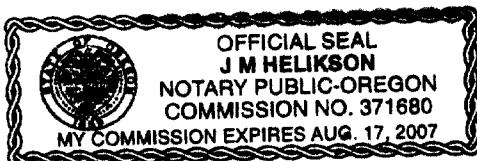
Personal service upon _____, by delivering said true copy, personally and in person, at the above address on _____, 2005 at _____:_____ .m.

Substitute service upon _____, by delivering said true copy, at his/her usual place of abode as indicated above, to _____ who is a person over the age of 14 years and a member of the household on _____, 2005 at _____:_____ .m.

Substitute service upon _____, by delivering said true copy, at his/her usual place of abode as indicated above, to _____ who is a person over the age of 14 years and a member of the household on _____, 2005 at _____:_____ .m.

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

SUBSCRIBED AND SWORN to before me this 30 day of March, 2005 by Paul Helikson 298860




Notary Public for Oregon

52824

RS-OR

09RS38823/Burns

CERTIFICATE OF MAILING

STATE OF OREGON)
) ss.
County of Deschutes,)

I, Carol Stofiel, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On March 31st, 2005, I mailed a true copy of the Trustee's Notice of Sale, by First Class Mail, postage pre-paid, to Rich Lopez

The envelope was addressed as follows: Rich Lopez
150388 Jerry Road
La Pine, OR 97739

Carol Stofiel
Carol Stofiel 4740.298860

SUBSCRIBED AND SWORN to before me this 31st, day of March, 2005, by Carol Stofiel.



Renee L. Gourley
Notary Public for Oregon

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

09-RS-38823

STATE OF: OREGON
COUNTY OF: KLAMATH

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of 150338 Jerry Rd La Pine, Oregon 97739

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to Sharon Flower at the address below.

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to Sharon Flower, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:
Rick Lopez and James Burns

☐ **OTHER METHOD:** By leaving an Original or True Copy with _____.

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on _____ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the 25th day of March, 2005 I mailed a copy of the Trustee's Notice of Sale addressed to Rick Lopez & James Burns and all other occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed [Signature]

150338 Jerry Rd La Pine, Oregon 97739

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

March 24, 2005

12:40 PM

DATE OF SERVICE

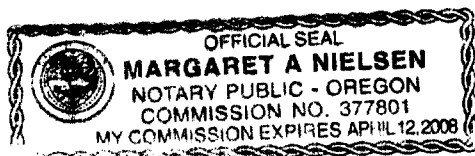
TIME OF SERVICE

☐ or non occupancy

By: [Signature]
Robert W Bolenbaugh

Subscribed and sworn to before on this 25th day of March 2005.

[Signature]
Notary Public for Oregon



NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.

Trustee's Sale No. 09-RS-38823



Reference is made to that certain Deed of Trust made by, DOUGLAS BURNS, AN UNMARRIED MAN, as grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee, in favor of SILVER SIERRA MORTGAGE, INC., as beneficiary, dated 8/14/2003, recorded 8/29/2003 in Volume M03, page 64282, of Deeds of Trust, under Instrument No. , records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by NETBANK AS SUCCESSOR IN INTEREST TO RESCOURCE BANCSHARES MORTGAGE GROUP, INC.. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 3 IN BLOCK 6 OF THIRD ADDITION TO ANTELOPE MEADOWS, ACCORDING TO THE OFFICIAL PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK OF KALMATH COUNTY, OREGON.

The street address or other common designation, if any, of the real property described above is purported to be:

150388 JERRY ROAD, LA PINE, OR 97739

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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:

	Amount due as of March 22, 2005

Delinquent Payments from September 01, 2004	
1 payments at \$ 667.83 each	\$ 667.83
6 payments at \$ 725.68 each	\$ 4,354.08
(09-01-04 through 03-22-05)	
Late Charges:	\$ 177.66
Beneficiary Advances:	\$ 21.00
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 5,220.57

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

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:

UNPAID PRINCIPAL BALANCE OF \$107,429.53, PLUS interest thereon at 5.75% per annum from 08/01/04 until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on July 26, 2005, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the 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 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 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.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

DATED: 3/22/2005

REGIONAL TRUSTEE SERVICES CORPORATION
Trustee

By

NANCY LAMBERT, AUTHORIZED AGENT
616 1st Avenue, Suite 500, Seattle, WA 98104
Phone: (206) 340-2550
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON }
 } ss.
COUNTY OF KING }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

Authorized Representative of Trustee

Affidavit of Publication

PS-OR
52828

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 # 7375

Notice of Sale/Douglas Burns

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

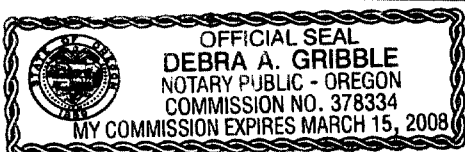
Insertion(s) in the following issues:
April 6, 13, 20, 27, 2005

Total Cost: \$955.50

Jeanine P. Day
Subscribed and sworn
before me on: April 27, 2005

Debra A. Gribble
Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq. Trustee's Sale No. 09-RS-38823

Notice to Borrower: You should be aware that the undersigned is attempting to collect a debt and that any information obtained will be used for that purpose.

Reference is made to that certain Deed of Trust made by Douglas Burns, an unmarried man, as grantor, to First American Title Insurance Company, as Trustee, in favor of Silver Sierra Mortgage, Inc., as beneficiary, dated 8/14/2003, recorded 8/29/2003 in Volume M03, page 64282, of Deed of Trust, under Instrument No. records of Klamath County, Oregon. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by NetBank as successor in interest to Rescource Bancshares Mortgage Group, Inc. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: Lot 3 in Block 6 of Third Addition on Antelope Meadows, according to the Official Plat thereof filed in the Office of the County Clerk of Klamath County, Oregon. The street address or other common designation, if any, of the real property described above is purported to be: 150388 Jerry Road, La Pine, OR 97739. The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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:
Amount due as of March 22, 2005, Delinquent Payments from September 01, 2004 1 payments at \$667.83 each \$667.83
6 payments at \$725.68 each \$4,354.08 (09-01-04 through 03-22-05)
Late Charges: \$177.66
Beneficiary Advances: \$21.00
Suspense Credit: \$0.00
Total: \$5,220.57

Also, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee. 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: Unpaid Principal Balance of \$107,429.53, Plus in-

terest thereon at 5.75% per annum from 08/01/04, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

Wherefore, notice hereby is given that the undersigned trustee, will on July 26, 2005, at the hour of 11:00 AM, in accordance with the standard of time established by ORS 187.110, at on the front steps of the Circuit Court, 316 Main Street, Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the 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 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 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. Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same. Dated: 3/22/2005. Regional Trustee Services Corporation Trustee By Nanci Lambert, Authorized Agent 616 1st Avenue, Suite 500, Seattle, WA 98104. Phone: (206) 340-2550. Sale Information: <http://www.rtrustee.com> ASAP639822 4/6, 4/13, 4/20, 4/27. #7375 April 6, 13, 20, 27, 2005.