

M05-63173

08/30/2005 03:28:17 PM

# Of Pages 5 Fee: \$41.00

**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.

WHEN RECORDED MAIL TO

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

Trustee's Sale No: 09-HH-39793

ATE 59507



**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**

**EVANGELINE S LINCOLN, KENNETH W LINCOLN**

**Beneficiary**

**FIRST INDIANA BANK**

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

Trustee Sale No.: 09-HH-39793



Affidavit of Mailing Amended Trustee's Notice of Sale

STATE OF WASHINGTON       )  
  ) ss.  
COUNTY OF KING        )

I, being first duly sworn, state 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 Amended 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 Amended Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

5 EVANGELINE S LINCOLN, 1844 MELANIE CT, KLAMATH FALLS, OR, 97601  
KENNETH W LINCOLN, 1844 MELANIE CT, KLAMATH FALLS, OR, 97601  
PARTIES IN POSSESSION, 1844 MELANIE CT, KLAMATH FALLS, OR, 97601  
SPOUSE OF EVANGELINE S LINCOLN, 1844 MELANIE CT, KLAMATH FALLS, OR, 97601  
SPOUSE OF KENNETH W LINCOLN, 1844 MELANIE CT, KLAMATH FALLS, OR, 97601

ERIC R. STARK, STARK AND HAMMER, P.C., 210 WEST MAIN STREET, SUITE 1B, MEDFORD, OR, 97501

FRED LONG, PO BOX 467, EUGENE, OR, 97440

INTERNAL REVENUE SERVICE, ADVISORY – M/S W245, 915 2nd AVENUE, ATTN: CHIEF OF SPECIAL PROCEDURES, SEATTLE, WA, 98174

MICHAEL SPENCER, 419 MAIN STREET, KLAMATH FALLS, OR, 97601

Said Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6), within 30 days after release from a stay of the foreclosure proceedings, and the above named persons include all of those persons listed in ORS 86.740 and ORS 86.750(1).

Each of the notices so mailed was certified to be a true copy of the original Amended Trustee's 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 7-15-05, which was within 30 days after release from a stay of the foreclosure proceeding set forth therein.

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

*[Signature]*

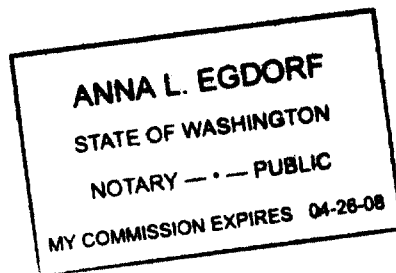
SUBSCRIBED AND SWORN TO before me on

7-15-05

*[Signature]*

NOTARY PUBLIC for WASHINGTON

My commission expires: 04-26-08



**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.

**AMENDED TRUSTEE'S NOTICE OF SALE**

*(after release from stay)*

Trustee's Sale No. 09-HH-39793



Reference is made to that certain Deed of Trust made by, EVANGELINE S LINCOLN, KENNETH W LINCOLN, as grantor, to FIRST AMERICAN TITLE, as Trustee, in favor of FIRST INDIANA BANK, as beneficiary, dated 3/29/2001, recorded 3/30/2001 in Volume M01, page 12904, 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 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 14 IN BLOCK 1 TRACT 1182 GREEN KNOLL ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE 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:  
1844 MELANIE CT  
KLAMATH FALLS, OR 97601

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 July 14, 2005 -----
Delinquent Payments from September 28, 2003	
22 payments at \$ 670.69 each	\$ 14,755.18
(09-28-03 through 07-14-05)	
Late Charges:	\$ 0.00
Beneficiary Advances:	\$ 5,070.06
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 19,825.24

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 \$58,611.20, PLUS interest thereon at 13.390% per annum from 8/28/2003, 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.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on November 2, 2004, at the hour of 10:00 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; however, subsequent to the recording of said Notice of Default, the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reason. The beneficiary did not participate in obtaining such stay. Said stay was terminated on 6/28/2005.

WHEREFORE, notice hereby is given that the undersigned trustee, will on September 8, 2005, at the hour of 10:00 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, (which is the new date, time and place set for sale) 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.

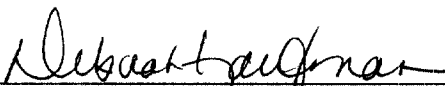
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion 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: 7/14/2005

REGIONAL TRUSTEE SERVICES CORPORATION  
Trustee

By   
DEBORAH KAUFMAN, ASSISTANT VICE PRESIDENT  
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