

**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-MS-39620



*ATE-61794*

Reference is made to that certain Deed of Trust made by, JOHN CAYLOR AND KINUYO CAYLOR, AN ESTATE IN FEE SIMPLE AS TENANTS BY THE ENTIRETY, as grantor, to LUCY E. KIVEL ESQ., as Trustee, in favor of HomEq Servicing Corporation, formerly known as TMS Mortgage, Inc. dba The Money Store, as beneficiary, dated 12/15/1998, recorded 12/22/1998 in Volume M98, page 46828, of Deeds of Trust, under Instrument No. 71937, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by HomEq Servicing Corporation, formerly known as TMS Mortgage, Inc. dba The Money Store. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 99 IN BLOCK 1 OF SUN FOREST 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:

144320 BIRCHWOOD 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<br>June 24, 2005 |
|---|-----------------------------------|
| -----                                   |                                   |
| Delinquent Payments from April 01, 2005 |                                   |
| 2 payments at \$ 733.13 each            | \$ 1,466.26                       |
| 1 payments at \$ 748.38 each            | \$ 748.38                         |
| (04-01-05 through 06-24-05)             |                                   |
| Late Charges:                           | \$ 73.38                          |
| Beneficiary Advances:                   | \$ 215.24                         |
| Suspense Credit:                        | \$ 0.00                           |
|   | =====                             |
| TOTAL:                                  | \$ 2,503.26                       |

*\$56-A*

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 \$97,467.57, PLUS interest thereon at 7.500% per annum from 3/1/2005, 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 October 26, 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, 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: 6/24/2005

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

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

Trustee Sale No.: 09-MS-39620



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:

JOHN CAYLOR, 144320 BIRCHWOOD RD, LA PINE, OR, 97739  
JOHN CAYLOR, P.O. BOX 411, LA PINE, OR, 97739  
KINUYO CAYLOR, 144320 BIRCHWOOD RD, LA PINE, OR, 97739  
KINUYO CAYLOR, P.O. BOX 411, LA PINE, OR, 97739  
PARTIES IN POSSESSION, 144320 BIRCHWOOD RD, 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 6-29-05. 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.

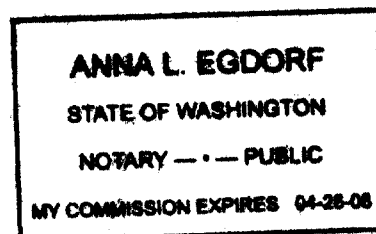
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Mike Flynn **MIKE FLYNN**  
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on

6-29-05

Anna L. Egdorf  
NOTARY PUBLIC for WASHINGTON  
My commission expires: 04-26-08



09MS39620/Caylor

**RS-OR**

## AFFIDAVIT OF NON-OCCUPANCY

**STATE OF OREGON**                 )  
  ) ss.  
**County of Klamath**             )

**ROBERT W. BOLENBAUGH**

I, \_\_\_\_\_, being first duly sworn, depose and say:


That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 29<sup>th</sup> day of June 2005, after personal inspection, I found the following described real property to be unoccupied:

LOT 99 IN BLOCK 1 OF SUN FOREST ESTATES, ACCORDING TO THE OFFICIAL  
PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH  
COUNTY OREGON.

Commonly known as: 144320 BIRCHWOOD ROAD  
LA PINE, OR 97739

**I declare under the penalty of perjury that the above statements are true and correct.**

  
ROBERT W. BOLENBAUGH 302111

SUBSCRIBED AND SWORN to before me this 30 day of June 2005.

Margaret A. Nielsen  
Notary Public for Oregon



# Affidavit of Publication

## 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 # 7631

Notice of Sale/John & Kinuyo Caylor

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

Four

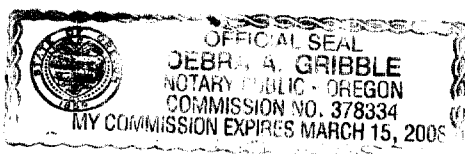
Insertion(s) in the following issues:  
July 5, 12, 19, 26, 2005

Total Cost:

Subscribed and sworn  
before me on: July 26, 2005

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. 86.730, et  
seq. Trustee's Sale  
No. 07-MS-39420

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 John Caylor and Kinuyo Caylor, an Estate in Fee Simple as Tenants by the Entirety, as grantor, to Lucy E. Kival ESQ, as Trustee, in favor of HomeEq Servicing Corporation, formerly known as TMS Mortgage, Inc. dba The Money Store, as beneficiary, dated 12/15/1998, recorded 12/22/1998 in Volume M98, page 46828, of Deeds of Trust, under Instrument No. 71937, records of Klamath County, Oregon. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by HomeEq Servicing Corporation, formerly known as TMS Mortgage, Inc. dba The Money Store. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: Lot 99 in Block 1 of Sun Forest Estates, according to the official Plat thereof on file in the Office of the County Clerk of Klamath County of Oregon. The street address or other common designation, if any, of the real property described above is purported to be: 144320 Birchwood 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 June 24, 2005 Delinquent Payments from April 1, 2005 2 payments at \$733.13 each \$1,466.26 1 payments at \$748.38 each \$748.38 (04-01-05 through 06-24-05) Late Charges: \$73.38 Beneficiary Advances: \$215.24 Suspense Credit: \$0.00 Total: \$2,503.26

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 se-

cured by said trust deed immediately due and payable, said sums being the following: Unpaid Principal Balance of \$97,467.57, Plus Interest thereon at 7.500% per annum from 3/1/2005, 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 October 26, 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, 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 in-

terest, if any. Any one 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: 6/24/2005.  
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> ASAP709993  
7/5, 7/12, 7/19, 7/26.  
#7631 July 5, 12, 19,  
26, 2005.