

# Affidavit of Publication

M05-68463

Klamath County, Oregon

11/07/2005 12:42:22 PM

Pages 4 Fee: \$36.00

## 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 # 7765

Notice of Sale/Nicholas & Janette Borja

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:  
September 4, 11, 18, 25, 2005

Total Cost: \$720.30

*Jeanine P. Day*  
Subscribed and sworn  
before me on: September 25, 2005

*Debra A. Gribble*  
Notary Public of Oregon

My commission expires March 15, 2008

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Nicholas and Janette Borja, as tenants by the entirety, as grantor to Aspen Title & Escrow, Inc., an Oregon corporation, as trustee, in favor of Weststar Loan Servicing, Inc. as beneficiary, dated September 5, 1989, recorded on October 27, 1989, in the Records of Klamath County, Oregon, in book No. M-89 at page 20716, covering the following described real property situated in that county and state to-wit:

Lot 29, Block 24, Tract No. 1113, Oregon Shores Unit #2, according to the official plat thereof on file in the office of the county clerk Klamath County, Oregon. CODE 138 MAP 3507-018DD TL 02400 KEY #245103.

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 in grantor's failure to pay when due the following sums:

\$7,307.53 principal, plus interest thereon at the rate of 9.5% per annum from May 22, 1995, unpaid assessments to Oregon Shores Recreational Club, Inc., and unpaid Klamath County, Oregon real property taxes and assessments for the years' commencing 2000-2001.

By reason of the default just described, the beneficiary has

declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

\$7,307.53 plus interest thereon at the rate of 9.5% per annum from May 22, 1995, until paid.

WHEREFORE, notice is hereby given that the undersigned trustee will on November 21, 2005, at the hour of 10:00 A.M., in accord with the standard of time established by ORS 187.110 at 37070 Highway 62 in the City of Chiloquin, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above 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 the 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 those 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 and attorney fees not exceeding the amounts provided by ORS 86.753.

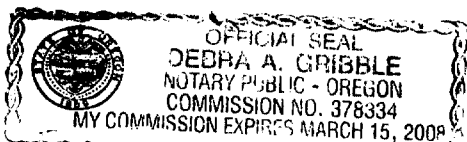
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective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

Dated: June 20, 2005. Donald R. Crane, Successor Trustee, 37070 Highway 62, Chiloquin, OR 97624, (541) 783-7725.

State of Oregon, County of Klamath)ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale. Donald R. Crane, Attorney for Trustee.

#7765 September 4, 11, 18, 25, 2005.



EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



# TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

STATE OF OREGON, } ss.  
County of \_\_\_\_\_

RE: Trust Deed from

Nicholas and Janette Borja, as  
tenants by the entirety

To

Grantor

Aspen Title & Escrow, Inc., an  
Oregon corporation

Trustee

After recording, return to (Name, Address, Zip):

Donald R. Crane, Attorney  
37070 Highway 62  
Chiloquin, OR 97624

SPACE RESERVED  
FOR  
RECORDER'S USE

I certify that the within instrument was  
received for recording on \_\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_ M., and recorded in  
book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_  
and/or as fee/file/instrument/microfilm/reception  
No. \_\_\_\_\_, Records of this County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy.

STATE OF OREGON, } ss.  
County of \_\_\_\_\_ Klamath

I, Donald R. Crane,  
being first duly sworn, depose, say and certify that:

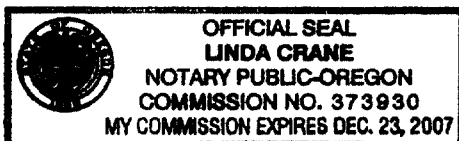
I am the successor trustee in that certain trust deed executed and delivered by  
Nicholas and Janette Borja, as tenants by the entirety, as grantor, to  
Donald R. Crane, as trustee,  
in favor of Weststar Loan Servicing, Inc., as beneficiary,  
dated September 5, 1989, recorded on October 27, 1989, in the Records of  
Klamath County, Oregon, in ☒ book ☐ reel ☐ volume No. M-89 at page 20716,  
~~and/or as fee/file/instrument/microfilm/reception No.~~ (indicate which), covering the following  
described real property situated in the above-mentioned county and state, to-wit:

Lot 29, Block 24, Tract No. 1113, OREGON SHORES UNIT #2, according to the official plat  
thereof on file in the office of the Clerk of Klamath County, Oregon.

CODE 138, MAP 3507-018DD TL 02400 KEY #245103

I hereby certify that on November 2, 2005, the above described real property was not occupied.  
The word "trustee," as used in this affidavit means any successor trustee to the trustee named in the trust deed described above.

Donald R. Crane  
Trustee



SIGNED AND SWORN TO before me on November 2, 2005

Linda Crane  
Notary Public for Oregon  
My commission expires 12/23/07

NE



## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Klamath, ss:I, Linda Crane, 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 Oregon, 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 addresses, to-wit:

NAME

ADDRESS

Nicholas and Janette Borja

PO Box 20675, Barrigada, Guam 96921

Oregon Shores Recreational Club, Inc.

2019 Meadowview Drive, Chiloquin, 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 by.....  
Donald R. Crane....., attorney for 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.....Chiloquin....., Oregon, on.....June 21, 2005.....~~xxxx~~..... 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.

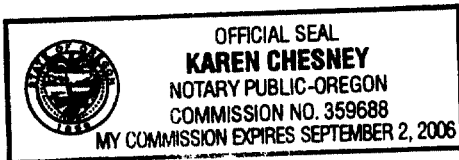
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Linda Crane

Subscribed and sworn to before me on July 5, 2005

Karen Chesney

Notary Public for Oregon. My commission expires 9-2-06

AFFIDAVIT OF MAILING TRUSTEE'S  
NOTICE OF SALE

RE: Trust Deed from

Nicholas and Janette Borja

Grantor

TO

Donald R. Crane

Successor Trustee

AFTER RECORDING RETURN TO

Donald R. Crane  
Attorney at Law  
37070 Highway 62  
Chiloquin, OR 97624

(DON'T USE THIS  
SPACE: RESERVED  
FOR RECORDING  
LABEL IN COUN-  
TIES WHERE  
USED.)

STATE OF OREGON, } ss.  
County of .....

I certify that the within instrument was received for record on the ..... day of ....., 19....., at ..... o'clock ..... M., and recorded in book/reel/volume No. .... on page ..... or as fee/file/instrument/microfilm/reception No. ...., Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By ..... Deputy

\* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date.

PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

EC

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## TRUSTEE'S NOTICE OF SALE



Reference is made to that certain trust deed made by Nicholas and Janette Borja, as tenants  
 by the entirety \_\_\_\_\_, as grantor,  
 to Aspen Title & Escrow, Inc., an Oregon corporation \_\_\_\_\_, as trustee,  
 in favor of Weststar Loan Servicing, Inc. \_\_\_\_\_, as beneficiary,  
 dated September 5, 1989 \_\_\_\_\_, recorded on October 27, 1989 \_\_\_\_\_, in the Records of  
Klamath \_\_\_\_\_ County, Oregon, in ☒ book ☐ reel ☐ volume No. M-89 \_\_\_\_\_ at page 20716 \_\_\_\_\_  
~~or as~~ ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. \_\_\_\_\_ (indicate which), covering the following  
 described real property situated in that county and state, to-wit:

Lot 29, Block 24, Tract No. 1113, OREGON SHORES UNIT #2, according to the official  
 plat thereof on file in the office of the Clerk of Klamath County, Oregon.

CODE 138 MAP 3507-018DD TL 02400 KEY #245103

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 in grantor's failure to pay when due the following sums:

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 1995, unpaid assessments to Oregon Shores Recreational Club, Inc., and unpaid Klamath  
 County real property taxes and assessments for the years commencing 2000-2001.

By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust  
 deed immediately due and payable, those sums being the following, to-wit:

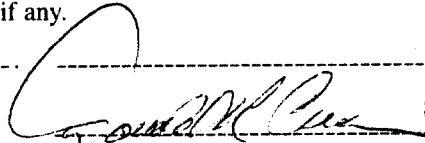
\$7,307.53 plus interest thereon at the rate of 9.5% per annum from May 22, 1995, until  
 paid.

WHEREFORE, notice is hereby given that the undersigned trustee will on November 21, 2005 \_\_\_\_\_, at the hour  
 of 10:00 \_\_\_\_\_ o'clock, A.M. \_\_\_\_\_, in accord with the standard of time established by ORS 187.110, at \_\_\_\_\_  
37070 Highway 62 \_\_\_\_\_

in the City of Chiloquin \_\_\_\_\_, County of Klamath \_\_\_\_\_, State of Oregon, sell at public  
 auction to the highest bidder for cash the interest in the real property described above 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  
 the 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 rein-  
 stated 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 per-  
 formance required under the obligation or trust deed, and in addition to paying those 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  
 and attorney fees not exceeding the amounts provided by ORS 86.753.

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 the trust deed, and the words "trustee" and  
 "beneficiary" include their respective successors in interest, if any.

DATED June 20, 2005 \_\_\_\_\_

 \_\_\_\_\_, Successor \_\_\_\_\_, Trustee

37070 Highway 62 \_\_\_\_\_

ADDRESS

Chiloquin, Oregon 97624 (541)783-7725 \_\_\_\_\_

CITY

STATE

ZIP

PHONE

State of Oregon, County of Klamath \_\_\_\_\_) ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is  
 a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
 Attorney for Trustee

SERVE:\*