

**M05-68574**

Klamath County, Oregon

11/08/2005 12:04:13 PM

Pages 10 Fee: \$81.00

**RECORDING COVER SHEET**

**Pursuant to ORS 205.234**

**After recording return to:**

**Northwest Trustee Services, Inc.**

**Attention: Chris Ashcraft**

**P.O. Box 997**

**Bellevue, WA 98009-0997**

*St 6.34176*

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

**Original Grantor(s) on Trust Deed: Marla E. Passien and Paul W. Passien, husband and wife**

**Beneficiary: Washington Mutual Bank**

**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.**

*606 F  
+15*

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

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:

US National Bank  
800 Nicollet Mall Ste 1500  
Minneapolis, MN 55402

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 8/2/05. 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.

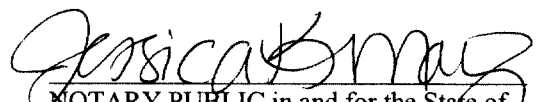
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )



I certify that I know or have satisfactory evidence that LEAH BECKELMAN 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: 8/2/05



NOTARY PUBLIC in and for the State of  
Washington, residing at Marshall  
My commission expires 4/14/09

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**  
**RE: Trust Deed from**  
**Passien, Marla E. and Paul W.**  
**Grantor**  
**to**  
**Northwest Trustee Services, Inc.,**  
**Trustee** **File No. 7763.21466**

**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**

**JESSICA K. MAY**  
**STATE OF WASHINGTON**  
**NOTARY — • — PUBLIC**  
**MY COMMISSION EXPIRES 04-19-09**

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

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:

Marla E. Passien  
4450 Cregan Avenue  
Klamath Falls, OR 97601

Marla E. Passien  
4451 Cregan Avenue  
Klamath Falls, OR 97601

Paul W. Passien  
4450 Cregan Avenue  
Klamath Falls, OR 97601

Paul W. Passien  
4451 Cregan Avenue  
Klamath Falls, OR 97601

Occupant(s)  
4450 Cregan Avenue  
Klamath Falls, OR 97601

Occupant(s)  
4451 Cregan Avenue  
Klamath Falls, OR 97601

US National Bank  
C/O Martin, Bischoff, Templeton  
900 Pioneer Tower  
Portland, OR 97204

US National Bank  
C/O Michael J. Farrell, Atty.  
900 Pioneer Tower  
Portland, OR 97204

Marla E. Passien  
C/O Myron Gitnes, P.C., Attorney  
216 Pine Street  
Klamath Falls, OR 97601

Marla E. Passien  
8308 Rockinghorse Lane  
Klamath Falls, OR 97603

US National Bank  
601 Second Ave S  
Minneapolis, MN 55402

State of Oregon  
Dept of Human Resources  
PO Box 14506  
Salem, OR 97309

Bank of America N.A.  
4161 Piedmont Pkwy  
Greensboro, NC 27410

Bank of America N.A.  
PO Box 2314  
Rancho Cordova, CA 95741

Bank of America N.A.  
475 CrossPoint Parkway  
PO Box 9000  
Getzville, NY 14068

Hardy Myers  
Attorney General, State of Oregon  
1162 Court Street N.E.  
Salem, OR 97310

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

**RE: Trust Deed from  
Passien, Marla E. and Paul W.  
Grantor**

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

**File No. 7763.21466**

**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**

Bank of America N.A.  
PO Box 22033  
Greensboro, NC 27420

Bank of America N.A.  
c/o James P. Laurick, Attorney  
732 NW 19th Avenue  
Portland, OR 97209

Paul W. Passien  
8308 Rockinghorse Lane  
Klamath Falls, OR 97601

Bank of America N.A.  
275 S Valencia  
Brea, CA 92822

Bank of America N.A.  
PO Box 2240  
Brea, CA 92822

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.

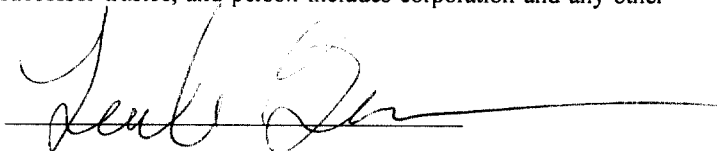
Each of the notices so mailed was certified to be a true copy of the original notice of sale, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 7/21/05. With respect to each person 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 )


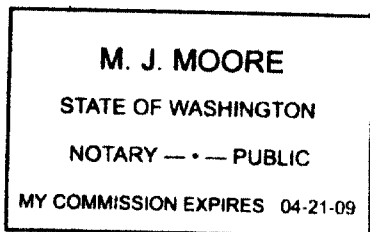
COUNTY OF KING )

) ss.  
)



I certify that I know or have satisfactory evidence that LEAH BECKELMAN 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: 7/21/05



NOTARY PUBLIC in and for the State of  
Washington, residing at Redmond  
My commission expires 9/21/07

**July 18, 2005**

**Notice**

**Pursuant to the Federal Fair Debt Collection Practices Act: If you are the consumer who originally contracted the debt or if you assumed the debt, then you are notified that:**

1. As of the date of this notice, you owe \$36,392.81. Because of interest, late charges, and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check. For further information write or call:

**Northwest Trustee Services, Inc.  
P.O. Box 997  
Bellevue, WA 98009-0997  
(425) 586-1900**

2. The creditor to whom the debt is owed is Washington Mutual Bank/Washington Mutual Bank, FA (FL)/Federal Home Loan Mortgage Corporation.
3. Unless within 30 days after receipt of this notice you dispute the debt or any portion of it, we will assume the debt to be valid.
4. If you notify us in writing within 30 days after receipt of this notice that you dispute the debt or any part of it, we shall obtain verification of the debt and mail it to you.
5. If you request in writing within 30 days after receipt of this notice, we will provide you with the name and address of the original creditor, if different from the current creditor.

Passien, Marla E. and Paul W./7763.21466

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Marla E. Passien and Paul W. Passien, husband and wife, as grantor, to Amerititle, an Oregon corporation, as trustee, in favor of Washington Mutual Bank, as beneficiary, dated 01/22/97, recorded 01/30/97, in the mortgage records of Klamath County, Oregon, as Vol M 97 Page 2850, covering the following described real property situated in said county and state, to wit:

Lots 185, 186 and 187 of Cregan Park, according to the official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 4450 Cregan Avenue  
Klamath Falls, OR 97601

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 \$297.62 beginning 04/01/05; plus late charges of \$11.63 each month beginning 04/16/05; plus prior accrued late charges of \$11.65; plus advances of \$0.00; 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: \$35,504.61 with interest thereon at the rate of 5.5 percent per annum beginning 03/01/05; plus late charges of \$11.63 each month beginning 04/16/05 until paid; plus prior accrued late charges of \$11.65; plus advances of \$0.00; 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 **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 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 86.757 and 86.759 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.

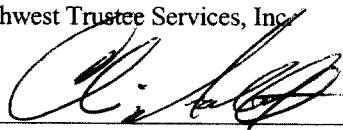
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective 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: July 20, 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. 7763.21466/Passien, Marla E. and Paul W.**

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 \_\_\_\_\_ OREGON  
COUNTY OF \_\_\_\_\_ KLAMATH \_\_\_\_\_ : COURT CASE NO. \_\_\_\_\_

WA MUTUAL BANK

vs

MARIA E PASSIEN AND PAUL W PASSIEN

**PROOF OF SERVICE**

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

I hereby certify that on the \_\_\_\_\_ 22 \_\_\_\_\_ day of July, 2005, at the hour of 1730  
I served \_\_\_\_\_ OCCUPANTS (MARIA PASSIEN, PAUL PASSIEN) \_\_\_\_\_ by \_\_\_\_\_

- ☒ 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"/> Other: TRUSTEES NOTICE OF SALE |  |                                       |

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

To MARIA AND PAUL PASSIEN At 4450 CREGAN AVE  
KLAMATH FALLS, OR. 97601

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

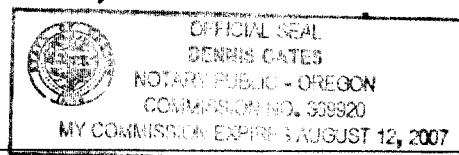
I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the action.

Subscribed to and sworn to before me this

25 day of July, 2005

  
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: 08-01-2005	Incorrect Add.	\$
CLSS File No. 3729-K		\$
Client No. 1002.42478	Amount Paid	\$ 0.00
	TOTAL DUE	\$



# 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 # 7743

Notice of Sale/Marla E. & Paul W. Passien

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:  
August 25, September 1, 8, 15, 2005

Total Cost: \$1,043.70

*Jeanine P. Day*

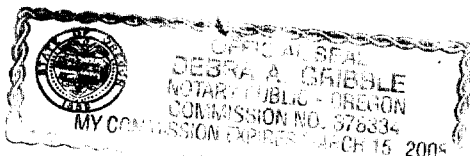
Subscribed and sworn

before me on: September 15, 2005

*Debra A. Gable*

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 Marla E. Passien and Paul W. Passien, husband and wife, as grantor, to Amerifit, an Oregon corporation, as trustee, in favor of Washington Mutual Bank, as beneficiary, dated 01/22/97, recorded 01/30/97, in the mortgage records of Klamath County, Oregon, in Volume M97, Page 2850, covering the following described real property situated in said county and state, to wit:

Lots 185, 186 and 187 of Oregon Park, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon. PROPERTY ADDRESS: 4450 Oregon Avenue, Klamath Falls, OR 97601.

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 \$297.62 beginning 04/01/05; plus late charges of \$11.63 each month beginning 04/16/05; plus prior accrued late charges of \$11.65; plus advances of \$0.00; 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 bene-

ficiary 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: \$35,504.61 with interest thereon at the rate of 5.5 percent per annum beginning 03/01/05; plus late charges of \$11.63 each month beginning 04/16/05 until paid; plus prior accrued late charges of \$11.65; plus advances of \$0.00; 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.

WHEREFORE, notice hereby is given that the undersigned trustee will on November 21, 2005 at the hour of 10:00 AM 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 execu-

tion 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.

please contact:  
Chris Ashcraft,  
Northwest Trustee  
Services, Inc., PO  
Box 997, Bellevue,  
WA 98009-0997. (425)  
586-1900. File No.  
7763.21466/Passien,  
Maria E. and Paul  
W.  
#7743 August 25, Sep-  
tember 1, 8, 15, 2005.

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.northwest-trustee.com](http://www.northwest-trustee.com).

Dated: July 20, 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,

REC'D SEP 22 2005