

M06-00165

Klamath County, Oregon

01/04/2006 11:27:14 AM

Pages 7 Fee: \$66.00

**RECORDING COVER SHEET
Pursuant to ORS 205.234**

After recording return to:

**Northwest Trustee Services, Inc.
Attention: Winston Khan
P.O. Box 997
Bellevue, WA 98009-0997**

JS 654333

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

Original Grantor(s) on Trust Deed: Carol R. Derry, a widower

**Beneficiary: Mortgage Electronic Registration Systems, Inc. solely as nominee for
Fieldstone Mortgage Company**

**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.**

*SIF
+ 15*

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:

Carol R. Derry
181 Dahlia Street
Klamath Falls, OR 97601

Occupant(s)
181 Dahlia Street
Klamath Falls, OR 97601

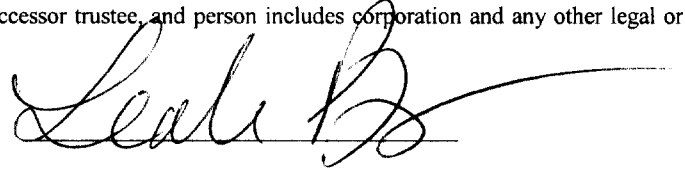
Joseph Frederick Derry, Jr.
Klamath County Jail
3201 Vandenberg Road
Klamath Falls, OR 97603

Joseph Frederick Derry, Jr.
181 Dahlia Street
Klamath Falls, OR 97601

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 9/20/05. 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.



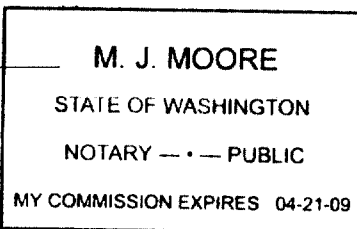
STATE OF WASHINGTON)

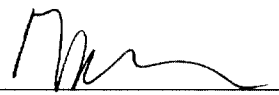
) ss.

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: 9/20/05




NOTARY PUBLIC in and for the State of
Washington, residing at Redmond
My commission expires 4/21/09

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
Derry, Carol R.

Grantor

to

Northwest Trustee Services, Inc.,
Trustee

File No. 7104.24996

After recording return to:

Northwest Trustee Services, Inc.

Successor by merger to Northwest Trustee Services, PLLC
(formerly known as Northwest Trustee Services, LLC)

Attn: Winston Khan

P.O. Box 997

Bellevue, WA 98009-0997

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Carol R. Derry, a widow, as grantor, to Stewart Title of Oregon, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for Fieldstone Mortgage Company, as beneficiary, dated 02/16/05, recorded 02/22/05, in the mortgage records of Klamath County, Oregon, as Volume M05, Page 11611 and subsequently assigned to J.P. Morgan Mortgage Acquisition Corp. by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 30 in Block 8 of Eldorado Addition, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 181 Dahlia Street
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 \$468.75 beginning 05/01/05; plus late charges of \$23.44 each month beginning 05/16/05; plus prior accrued late charges of \$0.00; 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: \$75,000.00 with interest thereon at the rate of 7.5 percent per annum beginning 04/01/05; plus late charges of \$23.44 each month beginning 05/16/05 until paid; plus prior accrued late charges of \$0.00; 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.

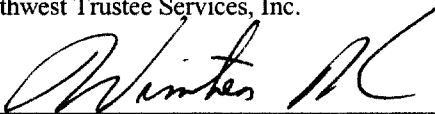
WHEREFORE, notice hereby is given that the undersigned trustee will on **January 20, 2006** at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City 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. 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 and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com.

Dated: September 16, 2005

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:

Winston Khan
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900
File No. 7104.24996/Derry, Carol R.

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. _____

FIELDSTONE MORTGAGE CO

_____)
vs
CAROL R DERRY
_____)

PROOF OF SERVICE

STATE OF OREGON)
County of **KLAMATH**) SS.

I hereby certify that on the **19** day of **September**, 20**05**, at the hour of **0745**
I served **OCCUPANTS (RACHEL HICKS, BARNEY HICKS)** 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 **RACHEL HICKS AND BARNEY HICKS** At **181 DAHLIA ST 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____

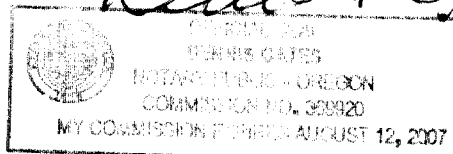
ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF **KLAMATH**

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

21 day of **SEPT**, 20**05**

David Davis
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	\$ 40
P.O. Box 5358	Mileage	\$
Central Point, OR 97502	Rush/Emergency	\$
Date: 09-20-2005	Correct Add.	\$
CLSS File No. 4863-K		\$
Client No. 1002.45923	Amount Paid	\$ 0
	TOTAL DUE	\$ \$40

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 # 7881

Notice of Sale/Carol R. Derry

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

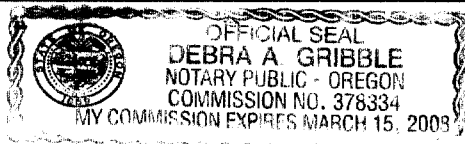
Insertion(s) in the following issues:
October 27, November 3, 10, 17, 2005

Total Cost: \$1,058.40

Subscribed and sworn
before me on: November 17, 2005

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 Carol R. Derry, a widow, as grantor, to Stewart Title of Oregon, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for Fieldstone Mortgage Company, as beneficiary, dated 02/16/05, recorded 12/22/05, in the mortgage records of Klamath County, Oregon, as Vol M05, Page 11611 and subsequently assigned to J.P. Morgan Mortgage Acquisition Corp. by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 30 in Block 8 of Eldorado Addition, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon. PROPERT Y ADDRESS: 181 Dahlia Street, 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 \$468.75 beginning 05/01/05; plus late charges of \$23.44 each month beginning 05/16/05; plus prior accrued late charges of \$0.00; 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: \$75,000.00 with interest thereon at the rate of 7.5 percent per annum beginning 04/01/05; plus late charges of \$23.44 each month beginning 05/16/05 until paid; plus prior accrued late charges of \$0.00; 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 January 30, 2006 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 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 86.745 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. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to

REC'D NOV 21 2005

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 of 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 and are incorporated by this reference. You may also access sale status at www.northwest-trustee.com.

Dated: September 16, 2005. By: Winston Khan, 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: Winston Khan, Northwest Trustee Services, Inc., PO Box 997, Bellevue, WA 98009-0997. (425) 586-1900. File No. 7104.24996 Derry, Carol R. #7881 October 27, November 3, 10, 17, 2005.