

mtc-72104

AFFIDAVIT OF MAILING OF NOTICE OF SALE

STATE OF OREGON)
) ss.
COUNTY OF LANE)

M06-01763

Klamath County, Oregon

01/30/2006 10:11:13 AM

Pages 11 Fee: \$71.00

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described in the attached Trustee's Notice of Sale.

2. I served the attached Trustee's Notice of Sale upon the following parties by depositing true copies thereof in the United States Mail at Eugene, Oregon, on October 25, 2005:

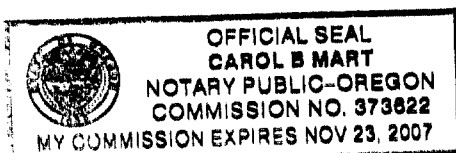
Joan Gabriel Hernandez-Zuniga
5804 Estate Drive
Klamath Falls OR 97603

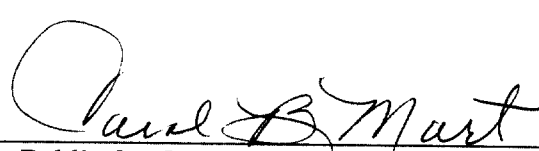
3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and by first class mail, with postage prepaid.



Nancy K. Cary

Signed and sworn to before me on October 25, 2005, by NANCY K. CARY.





Notary Public for Oregon

My Commission Expires: 11-23-07

AFTER RECORDING RETURN TO:

Hershner Hunter LLP

Attn: Carol Mart

PO Box 1475

Eugene, OR 97440

AFFIDAVIT OF MAILING

71.00

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **5804 Estate Drive Klamath Falls, Oregon 97603**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to **Nicole Hernandez** at the address below.

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to **Nicole Hernandez**, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: **Norma Hernandez, Jose Hernandez, Gabriel Hernandez**

☐ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on _____ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the 24th day of October, 2005 I mailed a copy of the Trustee's Notice of Sale addressed to **Norma Hernandez, Jose Hernandez, Gabriel Hernandez** and all other occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed _____

5804 Estate Drive Klamath Falls, Oregon 97603

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

October 21, 2005
DATE OF SERVICE

4:14 p.m.
TIME OF SERVICE

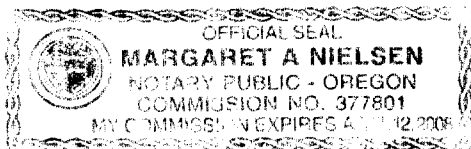
☐ or non occupancy

By: _____

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 25 day of October, 2005.

Margaret A. Nielsen
Notary Public for Oregon



AFTER RECORDING RETURN TO:
Hershner Hunter LLP
Attn: Carol Mart
PO Box 1475
Eugene, OR 97440

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **5804 Estate Drive Klamath Falls, Oregon 97603**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to _____ at the address below.

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to Nicole Hernandez, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: **Fidel Ruiz and Ramon Hernandez**

☐ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on _____ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the 24th day of October, 2005 I mailed a copy of the Trustee's Notice of Sale addressed to: **Fidel Ruiz and Ramon Hernandez** and all other occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed _____

5804 Estate Drive Klamath Falls, Oregon 97603

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

October 21, 2005
DATE OF SERVICE

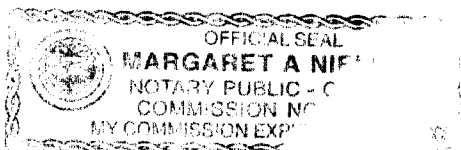
4:51 p.m.
TIME OF SERVICE

☐ or non occupancy

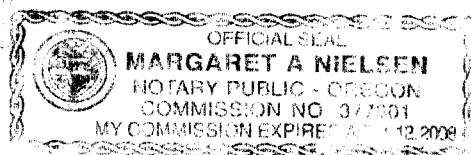
By: _____

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 25 day of October, 2005.



Margaret A. Nielsen
Notary Public for Oregon



AFTER RECORDING RETURN TO
Hershner Hunter LLP
Attn: Carol Mart
PO Box 1475
Eugene, OR 97440

NOTICE OF SUBSTITUTE SERVICE

TO:

Norma Hernandez
5804 Estate Drive
Klamath Falls OR 97603

You are hereby notified that you were served with a Trustee's Notice of Sale, a true copy of which is attached hereto, by delivery of an original copy of the Notice of Sale at your dwelling house or usual place of abode indicated above, as follows:

Date and Time of Service: October 21, 2005 at 4:14 p.m.

Person to Whom the Notice Was Delivered: Nicole Hernandez

/s/Nancy K. Cary

Nancy K. Cary,
Successor Trustee

AFFIDAVIT OF MAILING

STATE OF OREGON)
) ss.
COUNTY OF LANE)

I, NANCY K. CARY, being first duly sworn, depose and say that:

I mailed an original Notice of Substitute Service, a true copy of which appears above, together with a true copy of the Notice of Sale referred to therein, by placing them in a sealed envelope, addressed as shown above and mailed by certified mail, return receipt requested, with postage prepaid in the United States Mail at Eugene, Oregon, on October 25, 2005.

Nancy K. Cary

Signed and sworn to before me on October 25, 2005, by NANCY K. CARY.



Carol B. Mart
Notary Public for Oregon
My Commission Expires: 11/23/2007

NOTICE OF SUBSTITUTE SERVICE

AFTER RECORDING RETURN TO:
Hershner Hunter LLP
Attn: Carol Mart
PO Box 1475
Eugene, OR 97440

NOTICE OF SUBSTITUTE SERVICE

TO:

José Hernandez
5804 Estate Drive
Klamath Falls OR 97603

You are hereby notified that you were served with a Trustee's Notice of Sale, a true copy of which is attached hereto, by delivery of an original copy of the Notice of Sale at your dwelling house or usual place of abode indicated above, as follows:

Date and Time of Service: October 21, 2005 at 4:14 p.m.

Person to Whom the Notice Was Delivered: Nicole Hernandez

/s/Nancy K. Cary

Nancy K. Cary,
Successor Trustee

AFFIDAVIT OF MAILING

STATE OF OREGON)
) ss.
COUNTY OF LANE)

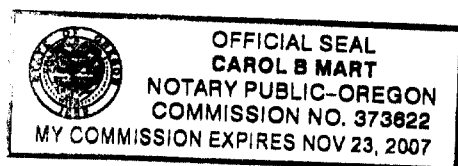
I, NANCY K. CARY, being first duly sworn, depose and say that:

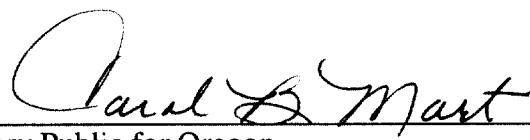
I mailed an original Notice of Substitute Service, a true copy of which appears above, together with a true copy of the Notice of Sale referred to therein, by placing them in a sealed envelope, addressed as shown above and mailed by certified mail, return receipt requested, with postage prepaid in the United States Mail at Eugene, Oregon, on October 25, 2005.



Nancy K. Cary

Signed and sworn to before me on October 25, 2005, by NANCY K. CARY.





Notary Public for Oregon
My Commission Expires: 11/23/2007

NOTICE OF SUBSTITUTE SERVICE

AFTER RECORDING RETURN TO:
Hershner Hunter LLP
Attn: Carol Mart
PO Box 1475
Eugene, OR 97440

NOTICE OF SUBSTITUTE SERVICE

TO:

Gabriel Hernandez
5804 Estate Drive
Klamath Falls OR 97603

You are hereby notified that you were served with a Trustee's Notice of Sale, a true copy of which is attached hereto, by delivery of an original copy of the Notice of Sale at your dwelling house or usual place of abode indicated above, as follows:

Date and Time of Service: October 21, 2005 at 4:14 p.m.

Person to Whom the Notice Was Delivered: Nicole Hernandez

/s/Nancy K. Cary

Nancy K. Cary,
Successor Trustee

AFFIDAVIT OF MAILING

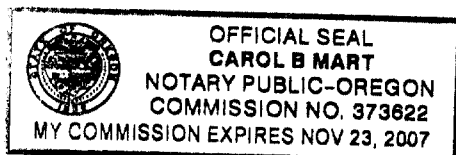
STATE OF OREGON)
) ss.
COUNTY OF LANE)

I, NANCY K. CARY, being first duly sworn, depose and say that:

I mailed an original Notice of Substitute Service, a true copy of which appears above, together with a true copy of the Notice of Sale referred to therein, by placing them in a sealed envelope, addressed as shown above and mailed by certified mail, return receipt requested, with postage prepaid in the United States Mail at Eugene, Oregon, on October 25, 2005.

Nancy K. Cary

Signed and sworn to before me on October 25, 2005, by NANCY K. CARY.



Carol B. Mart
Notary Public for Oregon
My Commission Expires: 11/23/2007

AFTER RECORDING RETURN TO:
Hershner Hunter LLP
Attn: Carol Mart
PO Box 1475
Eugene, OR 97440

NOTICE OF SUBSTITUTE SERVICE

NOTICE OF SUBSTITUTE SERVICE

TO:

Fidel Ruiz
5804 Estate Drive
Klamath Falls OR 97603

You are hereby notified that you were served with a Trustee's Notice of Sale, a true copy of which is attached hereto, by delivery of an original copy of the Notice of Sale at your dwelling house or usual place of abode indicated above, as follows:

Date and Time of Service: October 21, 2005 at 4:51 p.m.

Person to Whom the Notice Was Delivered: Nicole Hernandez

/s/Nancy K. Cary

Nancy K. Cary,
Successor Trustee

AFFIDAVIT OF MAILING

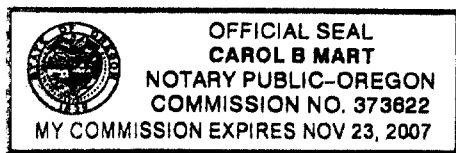
STATE OF OREGON)
) ss.
COUNTY OF LANE)

I, NANCY K. CARY, being first duly sworn, depose and say that:

I mailed an original Notice of Substitute Service, a true copy of which appears above, together with a true copy of the Notice of Sale referred to therein, by placing them in a sealed envelope, addressed as shown above and mailed by certified mail, return receipt requested, with postage prepaid in the United States Mail at Eugene, Oregon, on October 25, 2005.

Nancy K. Cary

Signed and sworn to before me on October 25, 2005, by NANCY K. CARY.



Carol B. Mart
Notary Public for Oregon
My Commission Expires: 11/23/2007

NOTICE OF SUBSTITUTE SERVICE

AFTER RECORDING RETURN TO:
Hershner Hunter LLP
Attn: Carol Mart
PO Box 1475
Eugene, OR 97440

NOTICE OF SUBSTITUTE SERVICE

TO:

Ramon Hernandez
5804 Estate Drive
Klamath Falls OR 97603

You are hereby notified that you were served with a Trustee's Notice of Sale, a true copy of which is attached hereto, by delivery of an original copy of the Notice of Sale at your dwelling house or usual place of abode indicated above, as follows:

Date and Time of Service: October 21, 2005 at 4:51 p.m.

Person to Whom the Notice Was Delivered: Nicole Hernandez

/s/Nancy K. Cary

Nancy K. Cary,
Successor Trustee

AFFIDAVIT OF MAILING

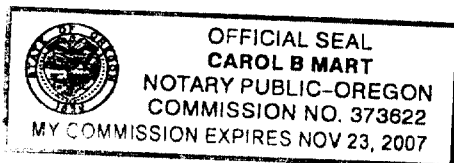
STATE OF OREGON)
) ss.
COUNTY OF LANE)

I, NANCY K. CARY, being first duly sworn, depose and say that:

I mailed an original Notice of Substitute Service, a true copy of which appears above, together with a true copy of the Notice of Sale referred to therein, by placing them in a sealed envelope, addressed as shown above and mailed by certified mail, return receipt requested, with postage prepaid in the United States Mail at Eugene, Oregon, on October 25, 2005.

Nancy K. Cary

Signed and sworn to before me on October 25, 2005, by NANCY K. CARY.



Carol B. Mart
Notary Public for Oregon
My Commission Expires: 11/23/2007

NOTICE OF SUBSTITUTE SERVICE

AFTER RECORDING RETURN TO:
Hershner Hunter LLP
Attn: Carol Mart
PO Box 1475
Eugene, OR 97440

The following Trustee's Notice of Sale is served on you (if mailed, by certified mail, return receipt requested and first class mail) pursuant to ORS Chapter 86, requiring notice of the foreclosure to be given to the grantor of the trust deed, to certain successors in interest of the grantor and junior lien holders, and to the occupants of the property.

TO:

TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. PARTIES:

Grantor:	JOAN GABRIEL HERNANDEZ-ZUNIGA
Trustee:	ASPEN TITLE AND ESCROW, INC.
Successor Trustee:	NANCY K. CARY
Beneficiary:	OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, assignee of Umpqua Bank

2. DESCRIPTION OF PROPERTY: The real property is described as follows:

Lot 30, KENNICOTT COUNTRY ESTATES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

3. RECORDING. The Trust Deed was recorded as follows:

Date Recorded: April 30, 2003
Vol. M03, Page 28734
Official Records of Klamath County, Oregon

4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$631.00 each, due the May 1, 2005 of each month, for the months of plus monthly payments in the amount of \$688.00 each, due the first of each month, for the months of June through October 2005; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$80,042.95 plus interest at the rate of 4.95% per annum from April 1, 2005; plus late charges of \$123.20; plus advances and foreclosure attorney fees and costs.

6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

7. TIME OF SALE.

Date: March 2, 2006
Time: 11:00 a.m.
Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

8. RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

AFTER RECORDING RETURN TO:

**Hershner Hunter LLP
Attn: Carol Mart
PO Box 1475
Eugene, OR 97440**

Any questions regarding this matter should be directed to Carol Mart, Legal Assistant, (541) 686-0344 (TS #30057.300*).

DATED: October 18, 2005.

/s/ Nancy K. Cary

Nancy K. Cary, Successor Trustee
Hershner Hunter, LLP
P.O. Box 1475
Eugene, OR 97440

FAIR DEBT COLLECTION PRACTICES ACT NOTICE

We are attempting to collect a debt on behalf of the beneficiary named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount of described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, in writing within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information. This communication is from a debt collector.

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 # 7992

Notice of Sale/Joan Gabriel Hernandez-Zuniga

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

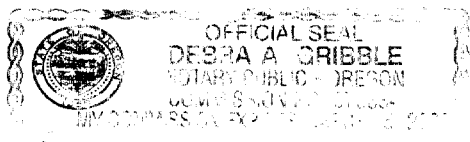
Insertion(s) in the following issues:
December 20, 27, 2005, January 3, 10, 2006

Total Cost: \$617.40

Jeanine P. Day
Subscribed and sworn
before me on: January 10, 2006

Debra A. Grizzle
Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. PARTIES:
Grantor: JOAN GABRIEL HERNANDEZ-ZUNIGA;
Trustee: ASPEN TITLE AND ESCROW, INC.;
Successor Trustee: NANCY K. CARY;
Beneficiary: OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, assignee of Umpqua Bank

2. DESCRIPTION OF PROPERTY:
The real property is described as follows:
Lot 30, KENNICOTT COUNTRY ESTATES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

3. RECORDING.
The Trust Deed was recorded as follows:
Date Recorded: April 30, 2005, Vol. M03, Page 28734, Official Records of Klamath County, Oregon

4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory

Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: A partial monthly payment in the amount of \$631.00 due May 1, 2005, plus monthly payments in the amount of \$688.00 each, due the first of each month, for the month of June through October 2005; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$80,042.95 plus interest at the rate of 4.95% per annum from April 1, 2005; plus late charges of \$123.20; plus advances and foreclosure attorney fees and costs.

6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

7. TIME OF SALE.
Date: March 2, 2006
Time: 11:00 a.m.
Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon.

8. RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

Any questions regarding this matter should be directed to Carol Mart, Legal Assistant, (541) 686-0344
(TS #30057.30112).

DATED: October 18, 2005.
/s/ Nancy K. Cary
Nancy K. Cary,
Successor Trustee,
Hershner Hunter, LLP, P.O. Box 1475, Eugene, OR 97440.
#7992 December 20, 27, January 3, 10, 2005.

AFTER RECORDING RETURN TO:

Hershner Hunter LLP
Attn: Carol Mart
PO Box 1475
Eugene, OR 97440