

MTC 71673

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

RE: Trust Deed from  
Joseph W. Payne et al. Grantor

to

Paul S. Cosgrove, Esq. Trustee

AFTER RECORDING RETURN TO

M. Luoto  
Lindsay, Hart, Neil & Weigler, LLP  
Suite 3400 1300 S.W. Fifth Avenue  
Portland, OR 97201-5640
**M06-02174**

Klamath County, Oregon

02/03/2006 10:37:56 AM

Pages 8 Fee: \$56.00

66201-1

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

STATE OF OREGON, County of Multnomah ) ss:

I, Molly M. Luoto, 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:

NAMEADDRESS

Occupants

Joseph Willard Payne

Teddi Anne Payne

224 N. Main Street, Merrill, OR 97633

224 N. Main Street, Merrill, OR 97633

224 N. Main Street, Merrill, OR 97633

Joseph Willard Payne

Teddi Anne Payne

7729 SE 54<sup>th</sup> Avenue, Portland, OR 972067729 SE 54<sup>th</sup> Avenue, Portland, OR 97206

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 Molly M. Luoto, 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 Portland, Oregon, on September 29, 2005. 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.

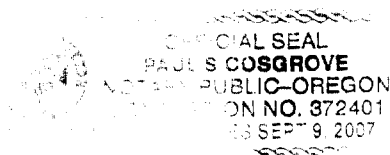


Subscribed and sworn to before me on 9/30, 2005 by Molly M. Luoto.



Notary Public for Oregon.

My commission expires

9/9/07

56.00

# TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Joseph W. Payne and Teddi A. Payne, as grantor, to AmeriTitle as trustee, in favor of Landmark Mortgage Company, as beneficiary, dated September 11, 2002, recorded September 12, 2002, in the mortgage records of Klamath County, Oregon, as Volume M02, page 52010, the beneficial interest was thereafter assigned to Manchester Enterprises by Assignment recorded September 16, 2002, as Volume M02, page 52631, Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to-wit:

Lot 2, Block 21, ORIGINAL TOWN OF MERRILL, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.  
Tax Account No. 4110-002DD-03200-000 Key No. 121362.

*(The title company advises the property address is 224 N. Main Street, Merrill, Oregon)*

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:

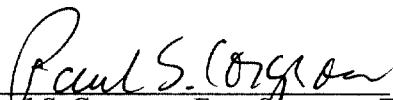
Monthly payments for November 1, 2004, through September 1, 2005, for a total of \$1,697.52, late charges in the amount of \$84.92, advances of \$1,367.69, plus real property taxes now due for 2004-05.

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, to-wit:

As of June 1, 2004, the principal sum of \$13,932.50 plus interest thereafter; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above described property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on **February 9, 2006, at the hour of 11:00 a.m.**, in accord with the standard of time established by ORS 187.110, at **front door to Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of**, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED September 23, 2005.

  
Paul S. Cosgrove, Esq., Successor Trustee

FOR ADDITIONAL INFORMATION CALL (503) 226-7677

State of Oregon, County of Multnomah ) ss:

I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
For said Trustee

66201-1/Payne

**PROOF OF SERVICE**

STATE OF OREGON           )  
                                  ) ss.  
County of Klamath        )

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, along with the Notice Under the Federal Fair Debt Collection Practices Act, upon an **OCCUPANT** at the following address:

**224 NORTH MAIN STREET, MERRILL, OREGON 97633, as follows:**

Personal service upon **FRANCES PAYNE**, by delivering said true copy, personally and in person, at the above address on October 12, 2005 at 7:21 a.m.

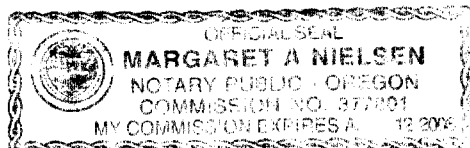
I declare under the penalty of perjury that the above statement is true and correct.

  
ROBERT W. BOLENBAUGH

305369

ROBERT W. BOLENBAUGH

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of October, 2005 by \_\_\_\_\_



  
Notary Public for Oregon

PROOF OF SERVICE

STATE OF OREGON       )  
                                      ) ss.  
County of Multnomah       )

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original Trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.


I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, upon the **Joseph Willard Payne** at the following address:

**7729 S.E. 54<sup>th</sup> Avenue, Portland, Oregon 97206**, as follows:

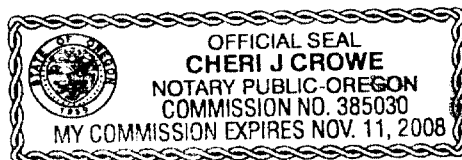
Substitute service upon Joseph Willard Payne, by delivering said true copy, at the dwelling house and usual place of abode, as indicated above, to "Jane Doe"\*, who is a person over the age of 14 years and a member of the household on October 1, 2005, at 9:10 A.M.


(\* "Jane Doe" is Caucasian, Female, 36-50 years of age, 5'4"-5'8", 131-160 lbs.)

I declare under the penalty of perjury that the above statement is true and correct.

  
Steven C. Black                      1404.305371

SUBSCRIBED AND SWORN to before me this 6th day of October 2005, by Steven C. Black.



  
Notary Public for Oregon

PROOF OF SERVICE

STATE OF OREGON       )  
                                  ) ss.  
County of Multnomah    )


I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original Trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale certified to be such by the attorney for the trustee or successor trustee, upon the **Teddi Anne Payne** at the following address:

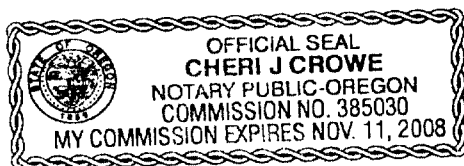
**7729 S.E. 54<sup>th</sup> Avenue, Portland, Oregon 97206**, as follows:


Substitute service upon Teddi Anne Payne, by delivering said true copy, at the dwelling house and usual place of abode, as indicated above, to "Jane Doe"\*, who is a person over the age of 14 years and a member of the household on October 1, 2005, at 9:10 A.M.  
(\* "Jane Doe" is Caucasian, Female, 36-50 years of age, 5'4"-5'8", 131-160 lbs.)

I declare under the penalty of perjury that the above statement is true and correct.

  
Steven C. Black                      1404.305370

SUBSCRIBED AND SWORN to before me this 6th day of October 2005, by Steven C. Black.



  
Notary Public for Oregon

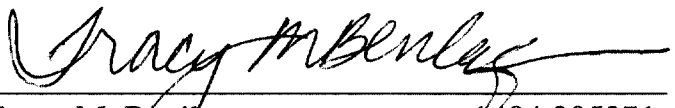
## CERTIFICATE OF MAILING

STATE OF OREGON       )  
                                  ) ss.  
County of Multnomah    )

I, Tracy M. Bevilacqua, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On October 3, 2005, I mailed a true copy of the Trustee's Notice of Sale, along with a copy of Notice Under the Fair Debt Collection Practices Act by First Class Mail, postage pre-paid, to Joseph Willard Payne.

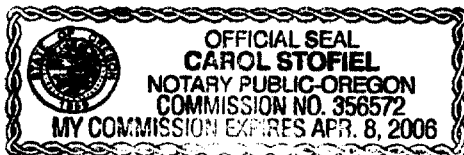
The envelope was addressed as follows: JOSEPH WILLARD PAYNE  
7729 SE 54<sup>TH</sup> AVENUE  
PORTLAND OR 97206

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

  
\_\_\_\_\_  
Tracy M. Bevilacqua                      1404.305371

SUBSCRIBED AND SWORN to before me this 3<sup>RD</sup> day of OCTOBER, 2005, by Tracy M. Bevilacqua.

  
\_\_\_\_\_  
Notary Public for Oregon




## CERTIFICATE OF MAILING

STATE OF OREGON       )  
                                  ) ss.  
County of Multnomah    )

I, Tracy M. Bevilacqua, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On October 3, 2005, I mailed a true copy of the Trustee's Notice of Sale, along with a copy of Notice Under the Fair Debt Collection Practices Act by First Class Mail, postage pre-paid, to Teddi Anne Payne.

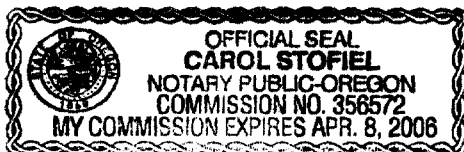
The envelope was addressed as follows: TEDDI ANNE PAYNE  
7729 SE 54<sup>TH</sup> AVENUE  
PORTLAND OR 97206

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

  
\_\_\_\_\_  
Tracy M. Bevilacqua                      1404305370

SUBSCRIBED AND SWORN to before me this 3<sup>RD</sup> day of OCTOBER, 2005, by Tracy M. Bevilacqua.

  
\_\_\_\_\_  
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 # 7973

Notice of Sale/Joseph W & Teddi A Payne

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 7, 14, 21, 28, 2005

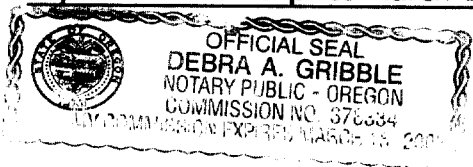
Total Cost: \$764.40

Subscribed and sworn

before me on: December 28, 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 Joseph W. Payne and Teddi A. Payne, as grantor, to AmeriTitle as trustee, in favor of Landmark Mortgage Company, as beneficiary, dated September 11, 2002, recorded September 12, 2002, in the mortgage records of Klamath County, Oregon, as Volume M02, page 52010, the beneficial interest was thereafter assigned to Manchester Enterprises by Assignment recorded September 16, 2002, as Volume M02, page 52631, Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to-wit: Lot 2, Block 21, ORIGINAL TOWN OF MERRILL, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. Tax Account No. 4110-092BD-03200-000 Key No. 121362.

(The title company advises the property address is 224 N. Main Street, Merrill, Oregon)

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: Monthly payments for November 1, 2004, through September 1, 2005, for a total of \$1,497.52, late charges in the amount of \$84.92, advances of \$1,367.69, plus real property taxes now due for 2004-05.

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, to-wit:

As of June 1, 2004, the principal sum of \$13,932.56 plus interest thereafter; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above described property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 9, 2006, at the hour of 11:00 a.m., in accord with the standard of time established by ORS 187.118, at front door to Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of

sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

pal 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 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 Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED September 23, 2005. /s/ Paul S. Cosgrove, Esq., Successor Trustee. For additional information call (503) 226-7677.

State of Oregon, County of Multnomah ss: I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale. /s/ Molly Luoto, for said trustee.

#7973 December 7, 14, 21, 28, 2005.