

M06-03633

Klamath County, Oregon

02/28/2006 09:27:08 AM

Pages 5 Fee: \$41.00

RECORD AND RETURN TO:

Michael L. Loft

Witherspoon, Kelley, Davenport & Toole, P.S.

422 W. Riverside, #1100

Spokane WA 99201

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

STATE OF WASHINGTON)

: ss.

County of Spokane)

I, Bridget Dagg, certify that on the 16th day of December, 2005, a true and correct copy of the attached **Notice of Trustee's Sale** was sent via regular and certified mail, return receipt requested, postage prepaid and affixed, to the following individuals, who are the heirs at law or devisees of Robert Loper, deceased:

Jodean A. Cogdill
2349 Wantland Ave.
Klamath Falls OR 97601

Martin A. Loper
2719 NE 145th Ave.
Vancouver WA 98684

Robert E. Loper
11530 SW Cloud St.
Tigard OR 97224

Bridget Dagg

Bridget Dagg

SUBSCRIBED AND SWORN to before me this 22nd day of December, 2005.



Shelly M. Koegler

Print Name: SHELLY M. KOEGLER

Notary Public in and for the State of
Washington, residing at Spokane.

My commission expires: 11/29/07

RECORD AND RETURN TO:
Michael L. Loft
Witherspoon, Kelley, Davenport & Toole, P.S.
422 W. Riverside, #1100
Spokane WA 99201

**NOTICE OF TRUSTEE'S SALE
PURSUANT TO ORS 86.745**

TO: Jodean A. Cogdill	Robert E. Loper	Martin A. Loper
2349 Wantland Ave.	11530 SW Cloud St.	2719 NE 145th Ave.
Klamath Falls OR 97601	Tigard OR 97224	Vancouver WA 98684

**AND TO: THE PERSONAL REPRESENTATIVE, IF ANY, OF THE ESTATE OF
ROBERT LOPER, DECEASED.**

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will, on Wednesday, the 19th day of April, 2006, at the hour of 10:00 o'clock a.m., at the Main Entrance of the Klamath County Courthouse, 316 Main St., Klamath Falls, Oregon, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County of Klamath, State of Oregon, legally described as follows:

Lots 7 and 8 in Block 8, SOUTH CHILOQUIN, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon,

Parcel Nos. 221673 and 221682,

commonly known as 527 South 2nd St., Chiloquin, Oregon.

This property is subject to that certain Deed of Trust dated August 18, 1999, recorded August 23, 1999 under Volume M99, Page 33827, records of Klamath County, Oregon, from Robert Loper, as Grantor, to William L. Sisemore, Trustee, to secure an obligation in favor of Klamath First Federal Savings and Loan Association, whose successor-in-interest is Sterling Savings Bank, as Beneficiary.

II.

No action has been instituted to recover the debt, or any part of it then remaining, secured by the trust deed.

III.

The defaults for which this foreclosure is made are as follows:

Failure to pay when due the following amounts which are now in arrears:

Monthly Payment:

Six (6) monthly payments of \$314.50 each (for the months of July, August, September, October, November, and December 2005) \$1,887.00

Late Charges:

Six (6) late charges of \$12.92 for each monthly payment not made within 15 days of its due date \$ 77.52

TOTAL MONTHLY PAYMENTS AND LATE CHARGES: \$1,964.52

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal Balance of \$34,220.68, together with interest as provided in the Note from the 1st day of June, 2005, and other costs and fees as are due under the Note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of the sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the 19th day of April, 2006.

VI.

NOTICE OF RIGHT TO CURE AND OTHER RIGHTS UNDER ORS 86.753.

Pursuant to ORS 86.753, the grantor, grantor's successor(s) in interest to all or any part of the trust property, any beneficiary under a subordinate trust deed, or any person having a subordinate lien or encumbrance of record on the property has the right to have the proceedings

for sale of the property dismissed and the trust deed reinstated, by paying the entire amount then due as determined in accordance with ORS 86.753, together with costs, trustee's and attorney's fees as required by said statute, and by curing any other default set forth in this Notice of Trustee's Sale, at any time prior to five days before the date last set for the sale.

VII.

A written Notice of Default was recorded on November 28, 2005 under Volume M05, Page 69844, records of Klamath County, Oregon, transmitted by the Successor Trustee to the Grantor's successors in interest at the following addresses:

Jodean A. Cogdill
2349 Wantland Ave.
Klamath Falls OR 97601

Robert E. Loper
11530 SW Cloud St.
Tigard OR 97224

Martin A. Loper
2719 NE 145th Ave.
Vancouver WA 98684

by regular and certified mail, return receipt requested, on the 21st day of November, 2005, proof of which is in the possession of the Trustee.

VIII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

IX.

The effect of the sale will be to deprive the Grantor, and all those who hold by, through or under the Grantor, of all interest in the above-described property.

X.

Any payments required under this section as a condition precedent to reinstatement of the deed of trust shall be tendered to the trustee in the form of cash, certified check, cashier's check, money order, or funds received by verified electronic transfer, or any combination thereof.

DATED: December 16, 2005.

Michael Loft

Michael L. Loft, Successor Trustee
422 W. Riverside, #1100
Spokane WA 99201
(509) 624-5265

STATE OF WASHINGTON)
 : ss.
County of Spokane)

On this 16 day of December, 2005, before me personally appeared Michael L. Loft, to me known to be the person who executed the within and foregoing instrument, and acknowledged said instrument to be his free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument as Successor Trustee of the Deed of Trust described herein.

IN WITNESS whereof I have hereunto set my hand and affixed my official seal the day and year above written.

Bridget K. Dagg

Print Name: BRIDGET K. DAGG
Notary Public in and for the State of
Washington, residing at Spokane.
My Commission Expires: 3-3-07

