

Affidavit of Publication

M06-09073

Klamath County, Oregon

05/08/2006 12:35:14 PM

Pages 11 Fee: \$71.00

1st 743367
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 # 8215

Notice of Sale/Rodney Johns

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:
April 5, 12, 19, 26, 2006

Total Cost:

Subscribed and sworn

before me on: April 26, 2006

Notary Public of Oregon

My commission expires March 15, 2008

OREGON TRUSTEE'S NOTICE OF SALE

No: 3997896/JOHNS
AP #1: 494207 TITLE
#: 2845204

Reference is made
to that certain Trust
Deed made by ROD-
NEY JOHNS as
Grantor, to FIRST
AMERICAN as
Trustee, in favor of
REDDING MORT-
GAGE LLC DBA
PRO MORTGAGE
as Beneficiary,
Dated June 1, 2005,
Recorded June 7,
2005 as Instr. No. ...
In Book M05 Page
42447 of Official Re-
cords in the office of
the Recorder of
KLAMATH County,
OREGON covering
the following descri-
bed real property
situated in said
county and state, to
wit: LOT 20 IN
BLOCK 27 OF
WEST KLAMATH,
ACCORDING TO
THE OFFICIAL
PLAT THEREOF
ON FILE IN THE
OFFICE OF THE
COUNTY CLERK
OF KLAMATH
COUNTY, ORE-
GON.

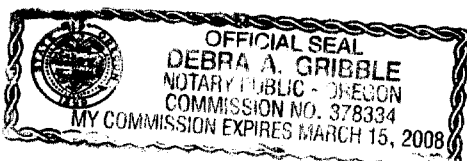
Both the beneficiary
and the trustee have
elected to sell the
said real property to
satisfy the obliga-
tions secured by
said Trust Deed and
a Notice of Default
has been recorded
pursuant to Oregon
Revised Statutes
86.735(3); the de-
fault for which the
foreclosure is made
is Grantor's failure
to pay when due, the
following sums: 5
PYMTS FROM
09/01/05 TO 01/01/06
@ \$800.64 \$4,003.20
TOTAL LATE
CHARGES \$73.52
PROPERTY IN-
SPECTION \$18.00
IMPOUND/ES-
CROW DEFICIT
\$72.96 MISCELLA-
NEOUS FEES
\$125.00 CORPOR-
ATE ADVANCE
\$841.50 PROP
MAINT \$9.00 Sub-
Total of Amounts in

Default \$5,143.18
Together with any
default in the pay-
ment of recurring
obligations as they
become due.

ALSO, if you have
failed to pay taxes
on the property, pro-
vide insurance on
the property or pay
other senior liens or
encumbrances as re-
quired in the note
and Trust Deed, the
beneficiary may
insist that you do so
in order to reinstate
your account in good
standing. The bene-
ficiary may re-
quire as a condition
to reinstatement
that you provide re-
liable written evi-
dence that you have
paid all senior
liens or encumbran-
ces, property taxes,
and hazard insur-
ance premiums.
These require-
ments for reinstate-
ment should be con-
firmed by contact-
ing the undersigned
Trustee. The
street or other com-
mon designation if
any of the real
property described
above is purported
to be: 5322 MA-
HAN AVE, KLA-
MATH FALLS, OR
97604. The under-
signed Trustee dis-
claims any liability
for any incorrect-
ness of the above
street or other
common designa-
tion.

By reason of said
default, the benefi-
ciary has declared
all sums owing on
the obligation se-
cured by said
Trust Deed immedi-
ately due and paya-
ble, said sums being
the following, to wit:
Principal
\$97,787.00, together
with interest as pro-
vided in the note or
other instrument se-
cured from
09/01/05, and such
other costs and fees
are due under the
note or other instru-
ment secured, and
as are provided by
statute.

WHEREFORE, no-
tice is hereby given
that the undersigned
trustee will, on May
22, 2006, at the
hour of 10:00 A.M. in
accord with the
Standard Time, as
established by ORS
187.110, AT THE
MAIN STREET EN-
TRANCE, KLA-
MATH COUNTY
COURTHOUSE, 316
MAIN STREET
KLAMATH FALLS,
County of KLA-
MATH, State of OR-
EGON, (which is the
new date, time and
place set for said
sale) sell at public
auction to the high-
est bidder for cash
the interest in the
said described real
property which the
Grantor had or
had power to convey
at the time of execu-
tion by him of the
said Trust Deed, to-
gether with any in-
terest which the
Grantor or his suc-
cessors in interest
acquired after the
execution of said
Trust Deed, to satis-
fy the foregoing obli-
gations thereby
secured and the
costs and expenses
of sale, including a
reasonable charge
by the trustee. No-
tice is further given
that any person
named in
O.R.S. 86.753 has the
right, at any time
prior to five days
before the date last
set for the sale, to
have this foreclo-
sure proceeding dis-
missed and the
Trust Deed reinstat-
ed 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 com-
plained herein that
is capable of being
cured by tendering
the performance re-
quired under the
obligation of the
Trust Deed, and in
addition to paying
said sums or tender-
ing the perform-



Since 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 §6.753. It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check. The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

In construing this notice, the masculine gender includes the feminine and the neuter, 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. We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse. If available, the expected opening bid and/or postponement information

may be obtained by calling the following telephone number(s) on the day before the sale: (714) 480-5690 or you may access sales information at www.escentex.com/websales/

DATED: 01/10/06
DAVID A. KUBAT,
OSBA #84265 By
DAVID A. KUBAT,
ATTORNEY AT
LAW DIRECT IN-
QUIRIES TO:
T.D. SERVICE
COMPANY
FORECLOSURE
DEPARTMENT
1820 E. FIRST ST.,
SUITE 210 P.O.
BOX 11988 SANTA
ANA, CA 92711-1988
(800) 843-0260 TAC#
737636W PUB:
04/05/06, 04/12/06,
04/19/06, 04/26/06,
#8215 April 5, 12, 19,
26, 2006.

After recording Mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

T.S. No: F336558 OR Unit Code: F Loan No: 3997896/JOHNS

STATE OF CALIFORNIA, COUNTY OF ORANGE, ss:

SUSAN EARNST

, 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 California a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under terms of that certain trust 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, attached hereto.

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 of 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 of 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 David Kubat, OSBA No. 84265, 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 Santa Ana, CA on January 20, 2006. With respect to each person listed on the attached, one such notice was mailed with postage thereon sufficient for first-class delivery to the address indicated, and another such notice was mailed with 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.

Page 2

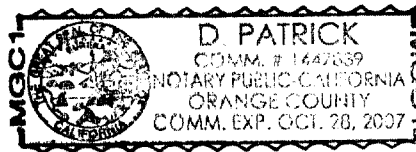
T.S. No: F336558 OR Unit Code: F Loan No: 3997896/JOHNS

By: [Signature]

Subscribed and sworn before me this 20th day of JAN 2006

WITNESS my hand and official seal.

[Signature]



Notary Public for California
My Commission Expires: 10/28/07

DECLARATION OF MAILING BY CERTIFIED/REGISTERED MAIL

T.S.# F 336558

Date: 01/20/06

RODNEY JOHNS
5322 MAHAN AVE
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 0184 0188
RETURN RECEIPT REQUESTED

SPOUSE OF RODNEY JOHNS
5322 MAHAN AVE
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 0184 0195
RETURN RECEIPT REQUESTED

OCCUPANT
5322 MAHAN AVE
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 0184 0201
RETURN RECEIPT REQUESTED

RODNEY J. JOHNS
P.O. BOX 233
DAYTON, OR 97114

CERTIFIED 7105 2257 2920 0184 0218
RETURN RECEIPT REQUESTED

SPOUSE OF RODNEY J. JOHNS
P.O. BOX 233
DAYTON, OR 97114

CERTIFIED 7105 2257 2920 0184 0225
RETURN RECEIPT REQUESTED

RODNEY J. JOHNS
AKA BACK TO THE '50S DINER
P.O. BOX 233
DAYTON, OR 97114

CERTIFIED 7105 2257 2920 0184 0232
RETURN RECEIPT REQUESTED

STATE OF CALIFORNIA
COUNTY OF ORANGE

The undersigned does hereby declare that he/she is over the age of 18 year and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by Certified/Registered mail, in a sealed envelope, a copy of the document which is attached to this declaration.

I certify or declare under penalty of perjury that the foregoing is true and correct.



AFFIDAVIT OF MAILING
BY FIRST CLASS MAIL

T.S.# F 336558

Date: 01/20/06

STATE OF CALIFORNIA
COUNTY OF ORANGE

SS.

The undersigned does hereby declare that he/she is over the age of 18 years and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by First Class Mail, in a sealed envelope, a copy of the Notice of Default / Notice of Trustee's Sale (Circle)

Addressed to the following:

RODNEY JOHNS
5322 MAHAN AVE
KLAMATH FALLS, OR 97601

SPOUSE OF RODNEY JOHNS
5322 MAHAN AVE
KLAMATH FALLS, OR 97601

OCCUPANT
5322 MAHAN AVE
KLAMATH FALLS, OR 97601

RODNEY J. JOHNS
P.O. BOX 233
DAYTON, OR 97114

SPOUSE OF RODNEY J. JOHNS
P.O. BOX 233
DAYTON, OR 97114

RODNEY J. JOHNS
AKA BACK TO THE '50S DINER
P.O. BOX 233
DAYTON, OR 97114

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



**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 **5322 Mahan Ave Klamath Falls, OR 97601**

☐ **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 _____, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

parent
XOTHER METHOD: By posting the above-mentioned documents to the Main Entrances 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 17th day of January, 2006 I mailed a copy of the Trustee's Notice of Sale addressed to 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 *Robert W. Bolenbaugh*

5322 Mahan Ave Klamath Falls, OR 97601

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.

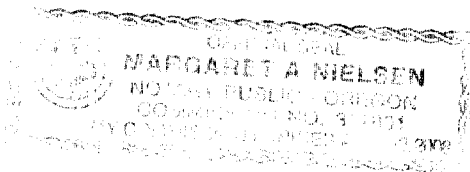
January 16, 2006 10:50 a.m.
DATE OF SERVICE TIME OF SERVICE

☐ or non occupancy

By: *Robert W. Bolenbaugh*
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 18th day of January, 2006.

Margaret A. Nielsen
Notary Public for Oregon



RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

Space above this line for recorder's use

OREGON TRUSTEE'S NOTICE OF SALE

T.S. No: F336558 OR Unit Code: F Loan No: 3997896/JOHNS
AP #1: R-3908-013AD-03500-000
Title #: 2865204

Reference is made to that certain Trust Deed made by RODNEY JOHNS as **Grantor**, to FIRST AMERICAN as **Trustee**, in favor of REDDING MORTGAGE LLC DBA PRO MORTGAGE as **Beneficiary**.

Dated June 1, 2005, Recorded June 7, 2005 as Instr. No. 42447-61 in Book M05 Page 42447 of Official Records in the office of the Recorder of KLAMATH County; OREGON

covering the following described real property situated in said county and state, to wit:
LOT 20 IN BLOCK 27 OF WEST KLAMATH, ACCORDING TO THE OFFICIAL PLAT THEREOF ON
FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, 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:

5 PYMTS FROM 09/01/05 TO 01/01/06 @ 800.64	\$4,003.20
TOTAL LATE CHARGES	\$73.52
PROPERTY INSPECTION	\$18.00
IMPOUND/ESCROW DEFICIT	\$72.96
MISCELLANEOUS FEES	\$125.00
CORPORATE ADVANCE	\$841.50
PROP MAINT	\$9.00
 Sub-Total of Amounts in Arrears:	 \$5,143.18

Together with any default in the payment of recurring obligations as they become due.

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Trust Deed, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

Page 2

T.S. No: F336558 OR Unit Code: F Loan No: 3997896/JOHNS

The street or other common designation if any, of the real property described above is purported to be :
5322 MAHAN AVE, KLAMATH FALLS, OR 97601

The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

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: Principal \$97,787.60, together with interest as provided in the note or other instrument secured from 08/01/05, and such other costs and fees are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned trustee will, on May 22, 2006, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 187.110, AT THE MAIN STREET ENTRANCE, KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS , County of KLAMATH, State of OREGON, (which is the new date, time and place set for said sale) 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 execution by him of the said Trust Deed, together with any interest which the Grantor or his 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 O.R.S.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 herein that is capable of being cured by tendering the performance required under the obligation of the 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.

T.S. No:

Loan No:

It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check.

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

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing.


If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: **(714)480-5690** or you may access sales information at www.ascentex.com/websales/.

DATED: 1-10-05

DAVID A. KUBAT, OSBA #84265

By


DAVID A. KUBAT, ATTORNEY AT LAW

DIRECT INQUIRIES TO:

**T.D. SERVICE COMPANY
FORECLOSURE DEPARTMENT
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988
(800)843-0260**

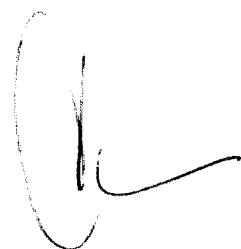
T.S. #: F336558
LOAN #: 3997896/Johns

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF Ohio)

) ss

COUNTY OF Montgomery)



, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

TO THE BEST OF OUR KNOWLEDGE, RODNEY JOHNS ARE NOT, AND NEITHER IS, IN THE MILITARY SERVICE OF THE UNITED STATES, WITHIN THE MEANING OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT, AS AMENDED; THAT NEITHER PERSON IS A MEMBER OF THE UNITED STATES MARINE CORPS, WOMEN'S RESERVE, OR WOMEN'S ARMY AUXILIARY CORPS OR WOMEN'S ARMY CORPS (WACS), OR WOMEN'S COAST GUARD RESERVE UNDER ORDERS TO REPORT FOR INDUCTION UNDER THE SELECTIVE TRAINING AND SERVICE ACT OF 1940, AS AMENDED, OR AS A MEMBER OF THE ENLISTED RESERVE CORPS UNDER ORDERS TO REPORT FOR MILITARY SERVICE OR AN AMERICAN CITIZEN SERVING WITH THE FORCES OF ANY NATION ALLIED WITH THE UNITED STATES IN THE PROSECUTION OF A WAR, OR IN THE FEDERAL SERVICE OR ACTIVE DUTY AS A MEMBER OF THE ARMY OF THE UNITED STATES, OR THE UNITED STATES NAVY, OR THE MARINE CORPS, OR THE COAST GUARD, OR AS AN OFFICER OF THE PUBLIC HEALTH SERVICE WITHIN THE PURVIEW OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940, AS AMENDED.

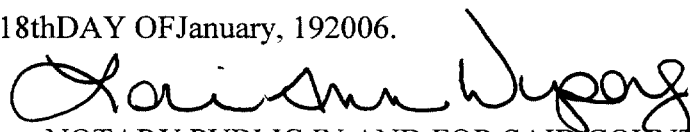
THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF INDUCING DAVID A. KUBAT, AS TRUSTEE WITHOUT LEAVE OF COURT FIRST OBTAINED, TO CAUSE CERTAIN PROPERTY TO BE SOLD UNDER THE TERMS OF A DEED OF TRUST PURSUANT TO THE POWER OF SALE CONTAINED THEREIN.

DATED: 1/18/06

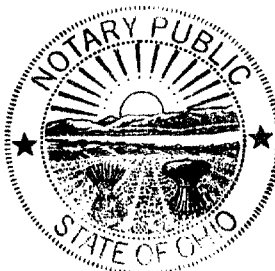


Laura Cauper, Authorized Signer

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18th DAY OF January, 192006.



NOTARY PUBLIC IN AND FOR SAID COUNTY
AND STATE. MY COMMISSION EXPIRES ON



LORI ANN WYSONG, Notary Public
In and for the State of Ohio
My Commission Expires Jan. 28, 2008