

2936204

2006-016004

Klamath County, Oregon



08/09/2006 11:56:52 AM

Fee: \$56.00

1st-797289

WHEN RECORDED MAIL TO:  
EXECUTIVE TRUSTEE SERVICES  
15455 SAN FERNANDO MISSION BLVD, SUITE 208  
MISSION HILLS, CA 91345  
(818) 837-2300

T.S. NO.: HC-87438-C

LOAN NO.: 0431230127

Space above line for Recorder's Use

**AFFIDAVIT OF MAILING NOTICE OF SALE**

STATE OF California} SS  
COUNTY OF Los Angeles}

I, CHRISTIAN PAULSON being first duly sworn, depose, 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 or copy of notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of sale of the real property described in the attached notice of sale by mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

**NAME & ADDRESS**

**CERTIFIED NO.**

**SEE ATTACHED**

Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Karen J. Cooper, for FIRST AMERICAN TITLE INSURANCE COMPANY, 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 mail LOS ANGELES CALIFORNIA, on April 19, 2006. Each of said notices was mailed after the notice of default and election to sell described in said Notice of Sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

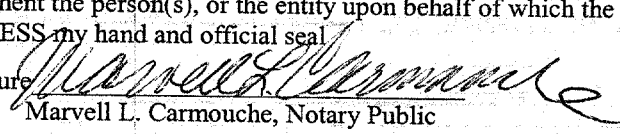
STATE California} SS  
COUNTY Los Angeles}

  
CHRISTIAN PAULSON

On April 19, 2006 before me, Marvell Carmouche the undersigned, a Notary Public in and for said State, personally appeared CHRISTIAN PAULSON personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature

  
Marvell L. Carmouche, Notary Public



56-F

## TRUSTEE'S NOTICE OF SALE

Loan No: 0431230127  
T.S. No.: HC-87438-C

Reference is made to that certain deed made by, MARK L. FLURY AND RHONDA L. FLURY, AS TENANTS BY THE ENTIRETY as Grantor to AMERITITLE, as trustee, in favor of COMUNITY LENDING, INCORPORATED, A CALIFORNIA CORPORATION, as Beneficiary, dated 2/12/1999, recorded 2/22/1999, in official records of Klamath County, Oregon in book/reel/volume No. M99 at page No. 5912, fee/file/instrument/microfile/reception No. 74941 (indicated which), covering the following described real property situated in said County and State, to-wit:

**APN: R447047**

LOT 5, BLOCK 6, TRACT NO. 1152, NORTH HILLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as:  
5500 HAVENCREST DRIVE  
KLAMATH FALLS, OR 97603

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's:

UNPAID PRINCIPAL BALANCE OF \$116,001.95; PLUS ACCRUED INTEREST PLUS IMPOUNDS AND / OR ADVANCES WHICH BECAME DUE ON 9/1/2005 PLUS LATE CHARGES, AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL, INTEREST, BALLOON PAYMENTS, PLUS IMPOUNDS AND/OR ADVANCES AND LATE CHARGES THAT BECOME PAYABLE.

Monthly Payment \$1,202.74

Monthly Late Charge \$45.79

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$116,001.95 together with interest thereon at the rate of 8.00 % per annum from 8/1/2005 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee will on **8/23/2006** at the hour of **10:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OREGON** County of Klamath, State of Oregon, 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 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

Loan No: 0431230127  
T.S. No: HC-87438-C

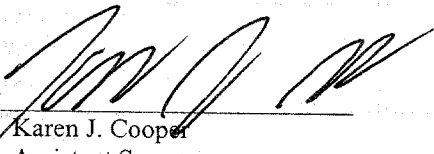
### TRUSTEE'S NOTICE OF SALE

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: April 04, 2006

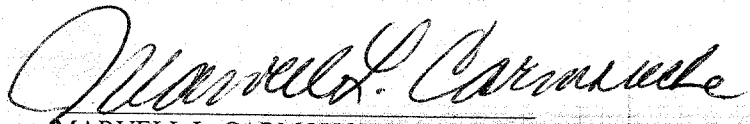
FIRST AMERICAN TITLE INSURANCE COMPANY  
C/O EXECUTIVE TRUSTEE SERVICES  
15455 San Fernando Mission Blvd., Suite 208  
Mission Hills, CA 91345  
(818) 361-6998

Signature By

  
Karen J. Cooper  
Assistant Secretary

State of California ) ss.  
County of Los Angeles)

I, the undersigned, certify that I am the Trustee Sale Officer, and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

  
MARVELL L. CARMOUCHE  
Trustee Sale Officer

**EXECUTIVE TRUSTEE SERVICES, INC.**  
**15455 SAN FERNANDO MISSION BLVD**  
**SUITE #208**  
**MISSION HILLS, CA 91345**

**(818) 837-2300**

Date: April 04, 2006

T.S. Number: HC-87438-C  
Loan Number: 0431230127

### **DEBT VALIDATION NOTICE**

1. The enclosed document relates to a debt owed to the current creditor:

**DEUTSCHE BANK TRUST COMPANY AMERICAS FKA BANKERS TRUST  
COMPANY, AS TRUSTEE, BY: RESIDENTIAL FUNDING CORPORATION,  
ATTORNEY IN FACT**

You may send us a written request for the name and address of the original creditor, if different from the current creditor, and we will obtain and mail the information to you.

2. As of **April 04, 2006** the total delinquency owed was **\$12,417.72**, but this amount will increase until the delinquency has been fully cured.
3. As of **April 04, 2006** the amount required to pay the entire debt in full was **\$125,087.63** but this amount will increase daily until the debt has been fully paid.
4. You may dispute the validity of this debt, or any portion thereof, within thirty (30) days after receiving this notice. Otherwise, we will assume that the debt is valid.
5. If you notify us in writing that you dispute all or any portion of this debt within thirty (30) days after receiving this notice, we will obtain and mail to you verification of the debt, or a copy of any judgement against you.

**WE ARE ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION  
WE OBTAIN WILL BE USED FOR THAT PURPOSE.**

# AFFIDAVIT OF MAILING

Date: April 19, 2006  
T.S. No.: HC-87438-C  
Loan No.: 0431230127

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in Los Angeles County at **Executive Trustee Service Inc.**, and is not a party to the within action and that on **April 19, 2006**, (s)he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

x CPL  
Affiant **CHRISTIAN PAULSON**

MARK L. FLURY ✓  
5500 HAVENCREST DRIVE  
KLAMATH FALLS, OR 97603  
P71788518801029488461

MARK L. FLURY  
5500 HAVENCREST DRIVE  
KLAMATH FALLS, OR 97603  
First Class

RHONDA L. FLURY ✓  
5500 HAVENCREST DRIVE  
KLAMATH FALLS, OR 97603  
P71788518801029488478

RHONDA L. FLURY  
5500 HAVENCREST DRIVE  
KLAMATH FALLS, OR 97603  
First Class

MARK L. FLURY ✓  
4713 ALPINE DRIVE  
KLAMATH FALLS OR 97603  
P71788518801029488485

MARK L. FLURY  
4713 ALPINE DRIVE  
KLAMATH FALLS OR 97603  
First Class

13

**AFFIDAVIT OF MAILING**

Date: **April 19, 2006**  
T.S. No.: **HC-87438-C**  
Loan No.: **0431230127**

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in Los Angeles County at **Executive Trustee Service Inc.**, and is not a party to the within action and that on **April 19, 2006**, (s)he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

x   
Affiant **CHRISTIAN PAULSON**

RHONDA L. FLURY  
4713 ALPINE DRIVE  
KLAMATH FALLS OR 97603  
P71788518801029488492

RHONDA L. FLURY  
4713 ALPINE DRIVE  
KLAMATH FALLS OR 97603  
First Class

DEUTSCHE BANK NATIONAL TRUST CO. FKA BANKERS TRUST CO. OF CALIFORNIA N.A.  
1761 E. ST. ANDREWS PLACE  
SANTA ANA CA 92705  
P71788518801029488508

DEUTSCHE BANK NATIONAL TRUST CO. FKA BANKERS TRUST CO. OF CALIFORNIA N.A.  
1761 E. ST. ANDREWS PLACE  
SANTA ANA CA 92705  
First Class

WESTWIND VILLAGE, LLC  
C/O ANDREW C. BRANDSNESS  
411 PINE STREET  
KLAMATH FALLS OR 97601  
P71788518801029488515

WESTWIND VILLAGE, LLC  
C/O ANDREW C. BRANDSNESS  
411 PINE STREET  
KLAMATH FALLS OR 97601  
First Class

HC87438C/FLURY

**EXEC****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:

**5500 HAVENCREST DRIVE, KLAMATH FALLS, OREGON 97603**, as follows:

Personal service upon Mark Flury, by delivering said true copy, personally and in person, at the above address on April 7, 2006 at 10:01 a.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2006 at \_\_\_\_\_:\_\_\_\_\_.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2006 at \_\_\_\_\_:\_\_\_\_\_.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2006 at \_\_\_\_\_:\_\_\_\_\_.m.

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

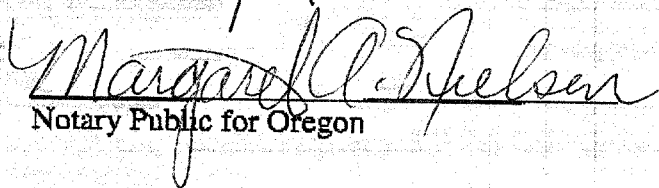
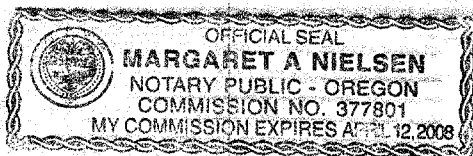


ROBERT W. BOLENBAUGH

311353

ROBERT W. BOLENBAUGH

SUBSCRIBED AND SWORN to before me this 12 day of April, 2006 by \_\_\_\_\_.

  
Notary Public for Oregon



# Affidavit of Publication

87438  
8/23

## 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 # 8395

Notice of Sale/Mark L. & Rhonda L. Flury

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:  
June 5, 12, 19, 26, 2006

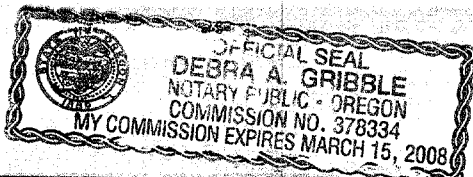
Total Cost: \$736.18

Subscribed and sworn

before me on: June 26, 2006

Notary Public of Oregon

My commission expires March 15, 2008



**TRUSTEE'S NOTICE OF SALE**  
T.S. No.: HC-87438-C  
Loan No: 0431230127

Reference is made to that certain deed made by, Mark L. Flury and Rhonda L. Flury, as tenants by the entirety as Grantor to Ameriti- tie, as trustee, in fa- vor of Community Lending Incorporated, a California Cor- poration, as Benefi- ciary, dated 2/12/1999, recorded 2/22/1999, in official records of Klamath County, Oregon in book/reel/volume No. M99 at page No. 5912, fee/ file/ in- strument/ microfile/ reception No. 74941 (indicated which), covering the follow- ing described real property situated in said County and State, to-wit: APN: R447047 Lot 5, Block 6, Track No. 1152, North Hills, accord- ing to the official Plat thereof on file in the office of the County clerk of Klamath County Ore- gon. Commonly known as: 5500 Ha- vencrest Drive Klamath Falls, OR 97603.

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 notice has been re- corded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the fore- closure is made is the grantor's: Un- paid principal bal- ance of \$116,001.95; plus accrued inter- est plus impounds and/or advances which became due on 9/1/2005 plus late charges, and all sub- sequent installments of principal, inter- est, balloon pay- ments, plus im- pounds and/or ad- vances and late charges that become payable. Monthly Payment \$1,202.74 Monthly Late Charge \$45.79.

By this reason of said default the ben- eficiary has de- clared all obliga- tions secured by said deed of trust immediately due and payable, said sums being the fol- lowing, to-wit: The sum of \$116,001.95 together with inter- est thereon at the rate of 8.00% per an- num from 8/1/2005 until paid; plus all accrued late charg- es thereon; and all trustee's fees, fore- closure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust. Whereof, notice hereby is given that First Ameri- can Title Insurance Company, the un- dersigned trustee will on 8/23/2006 at the hour of 10:00 AM Standard Time, as established by section 187.110, Ore- gon Revised Statutes, at On the front steps of the Circuit Court, 316 Main Street, in the City of Klamath Falls, County of Klamath, Oregon Coun- ty of Klamath, State of Oregon, 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 him of the said trust deed, together with any in- terest which the grantor or his suc- cessors in interest acquired after the execution of said trust deed, to satisfy the foregoing obliga- tions thereby se- cured and the costs and expenses of sale, including a reasonable charge by the trustee. No- tice is further given that any person named in Section 86.753 of Oregon Re- vised Statutes has the right to have the foreclosure proceed- ing dismissed and the trust deed rein- stated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occur- red), together with the costs, trustee's and attorney's fees and curing any other default com- plained of in the No- tice of Default by tendering the per- formance required under the obligation or trust deed, at any time prior to five days before the date last set for sale. In construing this no- tice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" in- cludes any succes- sor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" in- clude their respec- tive successors in in- terest, if any.

Date: April 04, 2006.  
First American Title Insurance Company, C/O Executive Trustee Services, 15455 San Fernando Mission Blvd., Suite 208, Mission Hills, CA 91345. (818) 361-6998. Signature By Karen J. Cooper, Assistant Secretary ASAP# 764781.  
06/05/2006,  
06/12/2006,  
06/19/2006,  
06/26/2006.  
#8395 June 5, 12, 19, 26, 2006.