

2006-016097

Klamath County, Oregon



00000838200600160970090095

08/10/2006 10:59:45 AM

Fee: \$81.00

**RECORDING COVER SHEET**

Pursuant to ORS 205.234

1st-799824

After recording return to:

Northwest Trustee Services, Inc.  
Attention: Becky Baker  
P.O. Box 997  
Bellevue, WA 98009-0997

1. AFFIDAVIT OF MAILING ✓
2. AFFIDAVIT OF SUPPLEMENTAL MAILING ✓
3. TRUSTEE'S NOTICE OF SALE ✓
4. PROOF OF SERVICE ✓
5. AFFIDAVIT OF PUBLICATION ✓

Original Grantor(s) on Trust Deed: Mark L. Flury and Rhonda L. Flury, as tenants by the entirety

Beneficiary: Advanda National Bank

**THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.**

81-F

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

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, 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 Washington, 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 address, to-wit:

Bankers Trust Company  
3 Park Plaza, Sixteenth Floor  
Irvine, CA 92614

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, 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 Bellevue, Washington, on 05/16/06. 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.

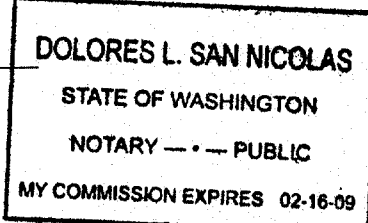
STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that Evon Johnson is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 05/16/06



[Signature]  
NOTARY PUBLIC in and for the State of  
Washington, residing at Perth  
My commission expires 2-16-09

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

RE: Trust Deed from  
Flury, Mark L. and Rhonda L.  
Grantor

to  
Northwest Trustee Services, Inc.,  
Trustee

File No. 7104.25553

After recording return to:  
Northwest Trustee Services, Inc.  
Successor by merger to Northwest Trustee Services, PLLC  
(formerly known as Northwest Trustee Services, LLC)  
Attn: Becky Baker  
P.O. Box 997  
Bellevue, WA 98009-0997

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, 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 Bellevue, Washington, on 9/1/06. 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.

ZF

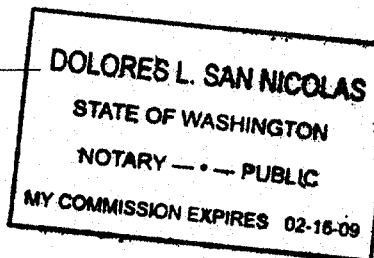
STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that Zik Fejeran is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 5.1.06



[Signature]  
NOTARY PUBLIC in and for the State of  
Washington, residing at Penton  
My commission expires 2/16/09

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

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, 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 Washington, 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 address, to-wit:

Occupant(s)  
5500 Havencrest Drive  
Klamath Falls, OR 97603

Bankers Trust Company  
c/o DOCX  
20 South Limestone Street, Ste 220  
Springfield, OH 45502

Executive Trustee Services, Inc.  
15455 San Fernando Mission Boulevard  
Suite #208  
Mission Hills, CA 91345

Rhonda L. Flury  
5500 Havencrest Drive  
Klamath Falls, OR 97603

Bankers Trust Company  
3 Park Plaza, Sixteenth Floor  
Irvine, CA 92714

Westwide Village, LLC  
c/o Andrew C. Brandsness, Atty  
411 Pine Street  
Klamath Falls, OR 97601

Mark L. Flury  
5500 Havencrest Drive  
Klamath Falls, OR 97603

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

**RE: Trust Deed from  
Flury, Mark L. and Rhonda L.  
Grantor**

**to  
Northwest Trustee Services, Inc.,  
Trustee**

**File No. 7104.25553**

**After recording return to:  
Northwest Trustee Services, Inc.  
Successor by merger to Northwest Trustee Services, PLLC  
(formerly known as Northwest Trustee Services, LLC)  
Attn: Becky Baker  
P.O. Box 997  
Bellevue, WA 98009-0997**

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Mark L. Flury and Rhonda L. Flury, as tenants by the entirety, as grantor, to Fidelity National Title, as trustee, in favor of Advanda National Bank, as beneficiary, dated 06/17/99, recorded 06/22/99, in the mortgage records of Klamath County, Oregon, as Volume M99, Page 24447 and subsequently assigned to Chase Home Finance, LLC by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 5 in Block 6, Tract 1152, North Hills, according to the official plat thereof on file in the office of the county clerk of Klamath County, Oregon

PROPERTY ADDRESS: 5500 Havencrest Drive  
Klamath Falls, OR 97603

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 of \$310.92 beginning 09/22/05; plus late charges of \$15.55 each month beginning 10/07/05; plus prior accrued late charges of \$1.61; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$28,978.87 with interest thereon at the rate of 10.75 percent per annum beginning 08/22/05; plus late charges of \$15.55 each month beginning 10/07/05 until paid; plus prior accrued late charges of \$1.61; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on **August 28, 2006** at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com). 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. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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 trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com).

Northwest Trustee Services, Inc.

Dated: 5/1, 20 06

By Rebecca A. Babn  
Assistant Vice President

Northwest Trustee Services, Inc. is successor by merger to  
Northwest Trustee Services, PLLC (formerly known as  
Northwest Trustee Services, LLC)

For further information, please contact:

Becky Baker  
Northwest Trustee Services, Inc.  
P.O. Box 997  
Bellevue, WA 98009-0997  
(425) 586-1900  
File No. 7104.25553/Flury, Mark L. and Rhonda L.

State of Washington, County of King) ss:

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

\_\_\_\_\_  
By Authorized Signer

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY  
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_ OREGON  
COUNTY OF \_\_\_\_\_ KLAMATH \_\_\_\_\_ : COURT CASE NO. \_\_\_\_\_

ADVANDA NATIONAL BANK

vs

MARK L FLURY  
AND RHONDA L FLURY

PROOF OF SERVICE

STATE OF OREGON )  
 ) SS.  
County of \_\_\_\_\_ KLAMATH \_\_\_\_\_

I hereby certify that on the \_\_\_\_\_ 3 \_\_\_\_\_ day of \_\_\_\_\_ May \_\_\_\_\_, 2006, at the hour of \_\_\_\_\_ 0720 \_\_\_\_\_  
I served \_\_\_\_\_ OCCUPANTS (MARK FLURY, RHONDA FLURY) \_\_\_\_\_ by \_\_\_\_\_

MARK Personal Service (personally and in person)  
RHON Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the  
within named)  
\_\_\_\_\_ Office Service (by serving the person apparently in charge)  
\_\_\_\_\_ By posting (said residence)

A certified/true copy of:

_____ Summons	_____ Writ of Garnishment	_____ Small Claims
_____ Motion	_____ Order	_____ Affidavit
_____ Complaint	_____ Citation	_____ Subpoena
_____ Petition	_____ Notice	_____ Decree
<u>X</u> Other: _____ TRUSTEES NOTICE OF SALE _____		

Together with a copy of \_\_\_\_\_

To \_\_\_\_\_ MARK FLURY \_\_\_\_\_ At \_\_\_\_\_ 5500 HAVENCREST DR  
\_\_\_\_\_ KLAMATH FALLS, OR. 97603 \_\_\_\_\_

NOT FOUND: I certify that I received the within document for service on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_  
and after due and diligent search and inquiry, I have been unable to locate  
within the county of \_\_\_\_\_ Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

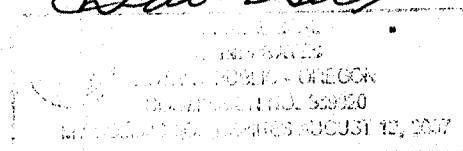
ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF \_\_\_\_\_ KLAMATH \_\_\_\_\_

I am a competent person over the age of 18, a resident of said State, not a party to nor an officer,  
director or employee of, nor attorney for any party, corporate or otherwise and knew that the person,  
firm or corporation served is the identical one named in the action.

Subscribed to and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_ MAY \_\_\_\_\_, 2006

  
DAVE DAVIS (#16)

Cleveland Process Serving, LLC.  
(541) 665-5162



Papers  
Received From \_\_\_\_\_ FEI LLC  
\_\_\_\_\_ PO BOX 219  
\_\_\_\_\_ BELLEVUE  
\_\_\_\_\_ WA 98009-0219  
  
425-458-2112  
ATTN:

Remit to: CPS, LLC.	Service Fee	\$ 40.00
P.O. Box 5358	Mileage	\$
Central Point, OR 97502	Rush/Emergency	\$
Date: 05-03-2006	Incorrect Add.	\$
CPS File No. 2257-K		\$
Client No.	Amount Paid	\$ 0.00
1002.58414	TOTAL DUE	\$ \$40.00

# 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 # 8389

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 1, 8, 15, 22, 2006

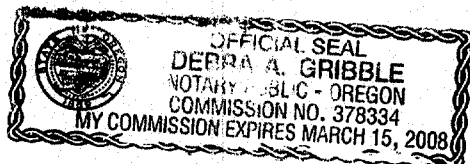
Total Cost: \$1,044.88

*Jeanine P. Day*  
Subscribed and sworn

before me on: June 22, 2006

*Debra A. Grizzle*  
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 Mark L. Flury and Rhonda L. Flury, as tenants by the entirety, as grantor, to Fidelity National Title, as trustee, in favor of Avanda National Bank, as beneficiary, dated 06/17/99, recorded 06/22/99, in the mortgage records of Klamath County, Oregon, as Vol. M97, Page 24447 and subsequently assigned to Chase Home Finance, LLC by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 5, Block 6, Tract 1152, North Hills, according to the official plat thereof on file in the office of the county clerk of the Klamath County, Oregon. PROPERT ADDRESS: 5500 Havencrest Drive, Klamath Falls, OR 97603.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 of \$310.92 beginning 09/22/05; plus late charges of \$15.55 each month beginning 10/07/05; plus prior accrued late charges of \$1.61; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$28,978.87 with interest thereon at the rate of 10.75 percent per annum beginning 08/22/05; plus late charges of \$15.55 each month beginning 10/07/05 until paid; plus prior accrued late charges of \$1.61; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 28, 2006 at the hour of 10:00 AM in accord with the standard of time established by ORS 187.110, at the following place: Inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com). 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. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the sale will be rejected. The trustee's sale will be conducted in accordance with the terms



of the loan documents.

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 trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwest-trustee.com](http://www.northwest-trustee.com).

Dated: May 1, 2006.  
By: Becky Baker,  
Assistant Vice President,  
Northwest Trustee Services,  
Inc. is successor by merger to Northwest Trustee Services, PLLC (formerly known as Northwest Trustee Services, LLC). For further information, please contact: Becky Baker, Northwest Trustee Services, Inc., PO Box 997, Bellevue, WA 98009-0997. (425) 586-1900. File No. 7304.25553/Flury, Mark L. and Rhonda  
#8389 1, 8, 15, 22, 2006.

REC'D JUL 03 2006