

WHEN RECORDED MAIL TO:

Cal-Western Reconveyance Corporation
P.O. Box 22004
525 East Main Street
El Cajon, CA 92022-9004

2006-017134

Klamath County, Oregon



00002106200600171340070072

08/25/2006 01:10:33 PM

Fee: \$51.00

ASPEN: 63349

T.S. NO.: 1083979-09

LOAN NO.: 4760673873

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA } SS
COUNTY OF SAN DIEGO }

I, Dave Neal 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 Notice of Sale given under the 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 registered or certified mail and regular mail to each of the following named persons at their last known address, to-wit:

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.

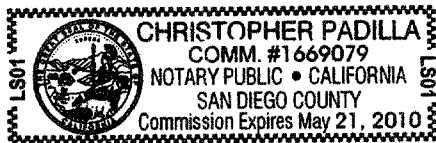
Each of the notices so mailed was certified to be a true copy of the original notice of sale by TAMMY J WILDE, for CAL-WESTERN RECONVEYANCE CORPORATION, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States mail in San Diego County, California, on May 31, 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.


Affiant

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

SUBSCRIBED AND SWORN to me this _____ day of JUN 01 2006, 20


Notary Public



#51-A

TRUSTEE'S NOTICE OF SALE

Loan No: XXXXXX3873

T.S. No: 1083979-09

127863

Reference is made to that certain deed made by
WAYNE N BIRRI AND ANNE K BIRRI, WHO ARE MARRIED TO EACH
OTHER as Grantor to
ASPEN TITLE & ESCROW, INC., as Trustee, in favor of

BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION
as Beneficiary,

dated August 07, 1996, recorded August 19, 1996, in official records of KLAMATH County, OREGON
in book/reel/volume No. M96 at
page No. 25513, fee/file/instrument/microfilm/reception No. XX covering the following described real
property situated in the said County and State, to-wit:

LOT 36 AND THE EAST 60 FEET OF LOT 35, BLOCK 3, RIVERVIEW ADDITION, IN THE
COUNTY OF KLAMATH, STATE OF OREGON.

Commonly known as:

2129 DOVER AVENUE KLAMATH FALLS OR 97601

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:

Failure to pay the monthly payment due January 1, 2006 of principal, interest and impounds and
subsequent installments due thereafter; plus late charges; together with all subsequent sums advanced by
beneficiary pursuant to the terms and conditions of said deed of trust.

Monthly payment \$384.70 Monthly Late Charge \$14.60

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 following, to-wit; The sum of \$15,235.70 together with
interest thereon at the rate of 7.500% per annum, from December 01, 2005 until paid; plus all accrued
late charges thereon; and all trustee's fees, foreclosure costs and any sums advance by the beneficiary
pursuant to the terms and conditions of the said deed of trust.

TRUSTEE'S NOTICE OF SALE

Loan No: XXXXXX3873
T.S. No: 1083979-09

Whereof, notice hereby is given that, CAL-WESTERN RECONVEYANCE CORPORATION the undersigned trustee will on September 29, 2006 at the hour of 1:00pm, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, at
AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY COURTHOUSE
316 MAIN STREET

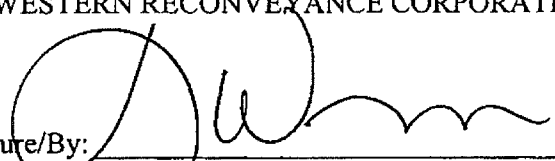
City of KLAMATH FALLS, County of KLAMATH, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expense 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.

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" includes their respective successors in interest, if any.

Dated: May 25, 2006

CAL-WESTERN RECONVEYANCE CORPORATION
525 EAST MAIN STREET
P.O. BOX 22004
EL CAJON CA 92022-9004

CAL-WESTERN RECONVEYANCE CORPORATION

Signature/By: 

Lorrie Womack, A.V.P.

5/31/2006 3:11:52 PM Sender: CalWestern Reconveyance
525 E Main
El Cajon CA 92020

Postal Class: First Class

Type of Mailing: NOS

Affidavit Attachment: 1083979-09 030 05301519 CWR

Postal Number Sequence Recipient Name

11041994141003736646
1 OCCUPANT

11041994141003736653
2 WAYE N. BIRRI

11041994141003736660
3 ANNE K. BIRRI

11041994141003736677
4 ESTATE OF WAYNE N. BIRRI

11041994141003736684
5 WAYNE N. BIRRI

11041994141003736691
6 ANNE K. BIRRI

11041994141003736707
7 ESTATE OF WAYNE N. BIRRI

Address Line 1/3	Address Line 2/4
2129 DOVER AVENUE	KLAMATH FALLS OR 97601
2129 DOVER AVENUE	KLAMATH FALLS OR 97601
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5/31/2006 3:11:52 PM

Sender:
CalWestern Reconveyance
525 E Main
El Cajon CA 92020

Postal Class: Certified - Ret

Type of Mailing: NOS

Affidavit Attachment: 1083979-09 030 05301519 CWR

Postal Number Sequence Recipient Name

71041994141005684909
1 OCCUPANT

71041994141005684916
2 WAYE N. BIRRI

71041994141005684923
3 ANNE K. BIRRI

71041994141005684930
4 ESTATE OF WAYNE N. BIRRI

71041994141005684947
5 WAYNE N. BIRRI

71041994141005684954
6 ANNE K. BIRRI

71041994141005684961
7 ESTATE OF WAYNE N. BIRRI

Address Line 1/3

2129 DOVER AVENUE

2129 DOVER AVENUE

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2129 DOVER AVENUE

2129 DOVER AVE

2129 DOVER AVE

2129 DOVER AVE

Address Line 2/4

KLAMATH FALLS OR 97601

KLAMATH FALLS OR 97601

KLAMATH FALLS OR 97601

KLAMATH FALLS OR 97601

KLAMATH FALLS OR 97601

KLAMATH FALLS OR 97601

KLAMATH FALLS OR 97601

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 # 8480

Notice of Sale/Wayne N. & Anne K. Birri

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 26, July 3, 10, 17, 2006

Total Cost: \$721.48

Jeanine P. Day

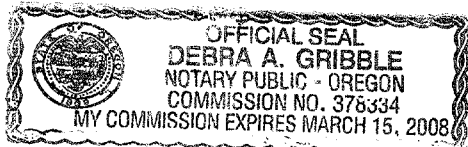
Subscribed and sworn

before me on: July 17, 2006

Debra A. Gribble

Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE Loan No: XXXXXX3873 T.S. No.: 1083979-09

Reference is made to that certain deed made by, Wayne N Birri and Anne K Birri, Who Are Married To Each Other, as Grantor to Aspen Title & Escrow, Inc., as Trustee, in favor of Bank Of America National Trust and Savings Association, as Beneficiary, dated August 07, 1996, recorded August 19, 1996, in official records of Klamath County, Oregon in book/reel/volume No. m96 at page No. 25513, fee/file/instrument/micro-film/reception No. xx covering the following described real property situated in said County and State, to-wit: Lot 36 and the east 60 feet of lot 35, block 3, Riverview addition, in the county of Klamath, state of Oregon. Commonly known as: 2129 Dover Avenue, Klamath Falls, OR 97601.

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: Failure to pay the monthly payment due January 1, 2006 of principal, interest and impounds and subsequent installments due there- after; plus late charges; together with all subsequent sums advanced by beneficiary pursuant to the terms and conditions of said deed of trust.

Pa Monthly payment \$384.70 Monthly Late Charge \$14.60.

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 \$15,235.70 together with interest thereon at the rate of 7.500% per annum from December 01, 2005 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advance by the beneficiary pursuant to the terms and conditions of the said deed of trust.

Whereof, notice hereby is given that, Cal-Western Reconveyance Corporation the undersigned trustee will on September 29, 2006 at the hour of 1:00pm, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, At the main street entrance to Klamath county courthouse, 316 Main Street, City of Klamath Falls, 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 expense 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.

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" includes their respective successors in interest, if any.

Dated: May 25, 2006.
Cal-Western Reconveyance Corporation, 525 East Main Street, P.O. Box 22004, El Cajon, CA 92022-9004. Cal-Western Reconveyance Corporation, Signature/By: Lorrie Womack, A.V.P. R-127863. (06/26/06, 07/03/06, 07/10/06, 07/17/06). #8480 June 26, July 3, 10, 17, 2006.

127863
1083979-09

**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 2129 Dover Ave Klamath Falls, OR 97601

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to Brandon Birri at the address below.

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to Brandon Birri, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Jennifer Birri

☐ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance 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 31st day of May, 2006 I mailed a copy of the Trustee's Notice of Sale addressed to Jennifer Birri and 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 [Signature]

2129 Dover 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.

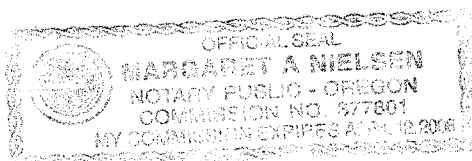
May 30, 2006
DATE OF SERVICE **1:40 p.m.**
TIME OF SERVICE

☐ or non occupancy

By: [Signature]
ROBERT W. BOLENSBAUGH

Subscribed and sworn to before on this 31 day of May, 2006.

[Signature]
Notary Public for Oregon



127863