

2006-022892

Klamath County, Oregon

1<sup>st</sup> - 883099



00008870200600228920090093

11/15/2006 03:19:52 PM

Fee: \$71.00

**COVER SHEET**

**ORS: 205.234**

This cover sheet has been prepared by the persons presenting the attached instrument for recording. Any errors in this cover sheet **DO NOT** affect the transaction(s) contained in the instrument itself.

After recording, return to:  
First American Title  
Western States Default Division  
3 First American Way  
Santa Ana, California 92707

Send Tax Statements to:  
Same as on file

The date of the instrument attached is 9/21/06.

1) NAMES(S) OF THE INSTRUMENT(S) required by ORS 205.234(a)  
Affidavit of Mailing Notice of Sale \_\_\_\_\_ Proof of Service \_\_\_\_\_  
Affidavit of Publication \_\_\_\_\_

2) PARTY(IES)/GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160:

Thomas Garner \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) PARTY(IES)/GRANTEE, required by ORS 205.125(1)(b) and ORS 205.160

Gateway Business Bank \_\_\_\_\_  
\_\_\_\_\_

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

\$ 107,964.37

5) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERK'S LIEN RECORDS, ORS 205.121(1)(c)  
\_\_\_\_\_

6) RE-RECORDED to correct: \_\_\_\_\_  
Trust Deed recorded as: M05-46083

71.-F

[WHEN RECORDED MAIL TO:]

Trustee Corps  
2112 Business Center Dr.  
Second Floor, Suite 201  
Irvine, CA 92612

[Space Above This Line for Recorder's Use]

Loan #: 1140800335 Trustee Sale #: OR08085033

## AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF ORANGE  
COUNTY OF CALIFORNIA

I, SINUON SENG 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 interested 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 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 SINUON SENG of TRUSTEE CORPS, for FIRST AMERICAN TITLE 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 in IRVINE, on September 21, 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.

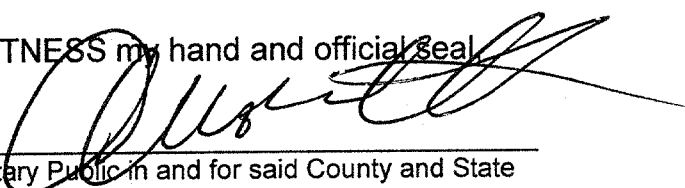
  
BY: SINUON SENG, TRUSTEE SALE OFFICER

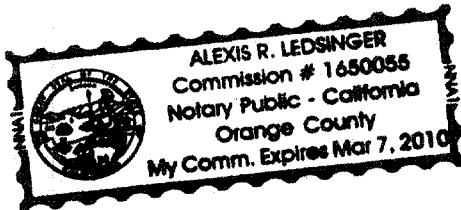
STATE OF CALIFORNIA

COUNTY OF ORANGE

On September 21, 2006 before me, ALEXIS R. LEDSINGER, a Notary Public in and for said State, personally appeared SINUON SENG, personally known to me (or provided 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

  
Notary Public in and for said County and State



# TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq.

Trustee Sale No.: **OR08085033** Loan No.: **1140800335** Title Order No.: **3062589**

Reference is made to that certain Deed of Trust made by **THOMAS GARNER**, as Grantor, to **AMERITITLE**, as Trustee, in favor of **THE LENDER IS GATEWAY BUSINESS BANK, DBA MISSION HILLS MORTGAGE BANKERS. THE BENEFICIARY IS MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. MERS IS A SEPARATE CORPORATION THAT IS ACTING SOLELY AS A NOMINEE FOR LENDER AND LENDER'S SUCCESSORS AND ASSIGNS**, as Beneficiary, dated **06/08/2005**, and **Recorded on 6/20/2005 as Volume No. M05 and Page No. 46083** in the County of **Klamath**, state of **Oregon**. The beneficial interest under said Deed of Trust and the obligations secured thereby are presently held by **MISSION HILLS MORTGAGE BANKERS**.

Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: **LOT 5 IN BLOCK OF FAIRVIEW NO. 2, IN THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.**

**A.P.N. # R301532**

The street address or other common designation, if any, of the real property described above is purported to be: **1410 LAKEVIEW AVENUE, KLAMATH FALLS, OREGON 97601**

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

Both the beneficiary and the Trustee have elected to sell the said real property to satisfy the obligations secured by said Deed of Trust 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: **THE INSTALLMENT OF PRINCIPAL AND INTEREST WHICH BECAME DUE ON 06/01/2006 AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL AND INTEREST, ALONG WITH LATE CHARGES, PLUS FORECLOSURE COSTS AND LEGAL FEES.**

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 Deed of Trust, 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.

By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Deed of Trust immediately due and payable, said sums being the following to wit:

**\$107,837.17** with interest thereon at the rate of **5.750** from **05/01/2006**; plus late charges of **\$127.20** each month beginning **06/01/2006** and prior accrued late charges until paid; together with title expenses, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned Trustee will, on **01/26/2007**, at the hour of **10:00AM** in accord with the standard of time established by O.R.S. 187.110; **AT THE MAIN ENTRANCE TO THE COUNTY COURTHOUSE, 316 MAIN ST. KLAMATH FALLS, OR**, 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 has or had power to convey at the time of execution by him of the said Deed of Trust, together with any interest which the Grantor his successors in interest acquired after the execution of said Deed of Trust, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including reasonable charge by the Trustee.


**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.**

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 Deed of Trust 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 to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust, together with Trustee's and attorney's fees.

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 person owing an obligation, the performance of which is secured by said Deed of Trust, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

Dated: 9/18/06

**FIRST AMERICAN TITLE INSURANCE COMPANY, as Successor Trustee**

  
By: **DENNIS CANLAS, Assistant Secretary**

c/o \*TRUSTEE CORPS\*  
2112 Business Center Drive, 2<sup>nd</sup> floor, Irvine, CA 92612  
For Sale Information contact: (714) 573-1965, (714) 573-7777, (949) 252-8300

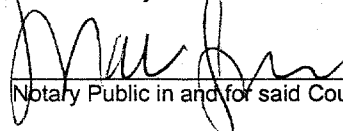
STATE OF CA

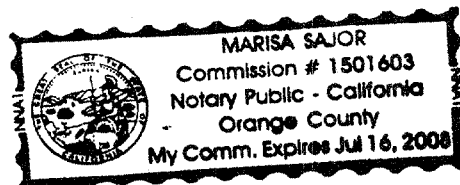
COUNTY OF Orange

On 9/18/06, before me, Marisa Sajor the undersigned, a Notary

Public in and for said state, personally appeared **DENNIS CANLAS**, personally known to me (or provided 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 entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,

  
Notary Public in and for said County and State



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

Declaration of Mailing

Trustee's Sale No. OR08085033  
I, Sinuon Seng, declare:  
That I am an officer, agent, or employee of Trustee Corps  
whose business address is 2112 Business Center Drive, 2nd Floor - Suite 201, Irvine, CA 92612  
I am over the age of eighteen years; On 09/21/2006 by First Class mail, enclosed in a sealed envelope with postage fully prepaid, I deposited in the United States Post Office at Irvine  
notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to the following:


Date: 09/21/2006  
Mailing: Required  
Page: 1

Name of Addressee, Street, and Post Office Address	Postage Fee
THOMAS GARNER 1410 LAKEVIEW AVENUE KLAMATH FALLS, OREGON 97601	\$0.37
UNITUS COMMUNITY CREDIT UNION 2121 SW 4TH AVENUE PORTLAND OR 97201	\$0.37
CRYSTAL M. FONTAINE 1476 POPLAR DRIVE MEDFORD OR 97504	\$0.37
ANDREW LEWIS 1476 POPLAR DRIVE MEDFORD OR 97504	\$0.37
	\$1.48

Number of Pieces by Sender	Number of Pieces Received	Postmaster (Name) Receiving Employee	Mail By (Name) Sending Employee
4			

I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

9-21-06  
(Date)

  
(Declarant)

3062584

OR08085033

7C

# Affidavit Return of Service

State of Oregon )

County of Klamath )

Court Case Number: 258084

I HEREBY CERTIFY THAT on 092306 the within:

- |  |   |                                   |
|--|---|-----------------------------------|
| <input type="checkbox"/> Summons & Complaint | <input type="checkbox"/> Summons & Petition | <input type="checkbox"/> Summons  |
| <input type="checkbox"/> Complaint           | <input type="checkbox"/> Petition           | <input type="checkbox"/> Answer   |
| <input type="checkbox"/> Motion              | <input type="checkbox"/> Affidavit          | <input type="checkbox"/> Order    |
| <input type="checkbox"/> Order to Show Cause | <input type="checkbox"/> Restraining Order  | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Citation            | <input type="checkbox"/> Small Claim        | <input type="checkbox"/> Notice   |
| <input type="checkbox"/>                     |   |                                   |

for service on the within named: OCCUPANTS

☐ **SERVED:** \_\_\_\_\_ personally and in person at \_\_\_\_\_

☐ **SUBSTITUTE SERVICE:** By leaving a true copy with \_\_\_\_\_, a person over the age of fourteen years, who resides at the place of abode of the within named \_\_\_\_\_ at said abode: \_\_\_\_\_

☐ **OFFICE SERVICE:** By leaving a true copy with \_\_\_\_\_ the person in charge of the office maintained for the conduct of business by \_\_\_\_\_

☐ **CORPORATE:** By leaving a true copy with \_\_\_\_\_ of said corporation.

☒ **OTHER METHOD:** POSTED VACANT House 1410 LAKEVIEW AVE KLAMATH FALLS OR 97601

☐ **NOT FOUND:** After due and diligent search and inquiry, I hereby return that I have been unable to find the within named \_\_\_\_\_ within Klamath County.

**ALL SEARCH AND SERVICE WAS MADE WITHIN KLAMATH COUNTY, STATE OF OREGON.**

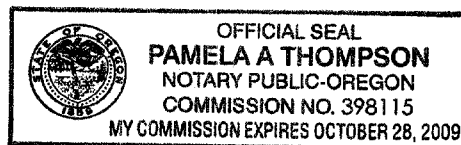
**DATE AND TIME OF SERVICE OR NOT FOUND:** 092306 AT 11:50 AM

I FURTHER CERTIFY that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon and that I am 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.

By: [Signature]  
LAGE DAUS

Basin Proserve  
422 N. 6<sup>th</sup> Street  
Klamath Falls, OR 97601  
(541) 884-6060

Subscribed and sworn to before me this 23<sup>rd</sup> day of Sept. 2006.



[Signature]

0R08085033

# Affidavit of Publication

## STATE OF OREGON, COUNTY OF KLAMATH

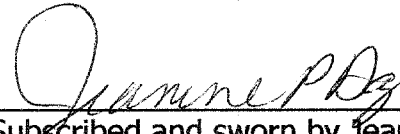
I, Jeanine P. Day, Business Manager,  
being first duly sworn, depose and say  
that I am the principal clerk of the  
publisher of the Herald and News  
a newspaper in general circulation, as  
defined by Chapter 193 ORS, printed and  
published at Klamath Falls in the  
aforesaid county and state; that I know from  
my personal knowledge that the

Legal # 8718

Notice of Sale/Thomas Garner

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:  
September 28, October 5, 12, 19, 2006.

  
Subscribed and sworn by Jeanine P Day  
before me on: October 19, 2006

  
Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S  
NOTICE OF SALE  
Pursuant To O.R.S.  
86.705, et seq. and  
O.R.S. 79-5010, et  
seq. Trustee Sale  
No.: OR08085033  
Loan No: 1140800335  
Title Order No.:  
3062589

Reference is made  
to that certain Deed  
of Trust made by  
Thomas Garner, as  
Grantor, to Ameriti-  
tle, as Trustee, in  
favor of The lender  
is Gateway Business  
Bank, DBA Mission  
Hills Mortgage  
Banker. The benefi-  
ciary is Mortgage  
Electronic Registra-  
tion Systems, Inc.  
MERS is a separate  
corporation that is  
acting solely as a  
nominee for lender  
and lender's succes-  
sors and assigns, as  
Beneficiary, dated  
6/8/2005, and Re-  
corded on 06/20/2005  
as Volume No. M05  
and Page No. 46083  
in the County of Klamath,  
state of Oregon. The beneficial  
interest under said  
Deed of Trust and  
the obligations se-  
cured thereby are  
presently held by  
Mission Hills Mort-  
gage Bankers. Said  
Trust Deed encum-  
bers the following  
described real prop-  
erty situated in said  
county and state, to  
wit: Lot 5 in Block  
of Fairview No. 2, in  
the city of Klamath  
Falls, according to  
the official plat  
thereof on file in the  
office of the county  
Clerk of Klamath  
county, Oregon..  
A.P.N. # R301532  
The street address  
or other common  
designation, if any,  
of the real property  
described above is  
purported to be:  
1410 Lakeview Ave-  
nue, Klamath Falls,  
OR 97601. The un-  
dersigned Trustee  
disclaims any liabil-  
ity for any incor-  
rectness of the  
above street address  
or other common  
designation. Con-  
tact: Trustee  
Corps, 2112 Business  
Center Drive, 2nd  
Floor, Irvine, CA  
92612 (949) 252-8300,  
(714) 573-1965.

Both the Beneficiary  
and the Trustee  
have elected to sell  
the said real prop-  
erty to satisfy the obli-  
gations secured by  
said Deed of Trust  
and a Notice of De-  
fault has been re-  
corded pursuant to  
Oregon Revised  
Statutes 86.735 (3);  
the default for which  
foreclosure is made  
is Grantor's failure  
to pay when due the  
following sums: The  
installment of the  
principal and inter-  
est which became  
due on 06/01/2006  
and all subsequent  
installments of prin-  
cipal and interest,  
along with late  
charges, foreclosure  
costs and legal fees.  
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 Deed of Trust,  
the beneficiary may  
insist that you do so  
in order to reinstate  
your account in good  
standing. The Bene-  
ficiary may require  
as a condition to re-  
instatement that you  
provide reliable  
written evidence  
that you have paid  
all senior liens or  
encumbrances,  
property taxes and  
hazard insurance  
premiums. These re-  
quirements for rein-  
statement should be  
confirmed by con-  
tacting the under-  
signed trustee.

By reason of said  
default, the Benefi-  
ciary has declared  
all sums owing on  
the obligation se-  
cured by said Deed  
of Trust immediat-  
ly due and payable,  
said sums being the  
following to wit:  
\$107,837.17 with in-  
terest thereon at the  
rate of 5.750 from  
05/01/2006; plus late  
charges of \$ 127.20  
each month begin-  
ning 06/01/2006 and  
prior accrued late  
charges until paid;  
together with title  
expenses, costs,  
trustee's fees and  
attorney fees incur-  
red herein by reason  
of said default; and  
any further sums  
advanced by the  
Beneficiary for the  
protection of the  
above described real  
property and its in-  
terest therein.

Wherefore, notice  
hereby is given that  
the undersigned  
Trustee will on  
1/26/2007, at the  
hour of 10:00AM in  
accord with the  
standard of time es-  
tablished by O.R.S.  
187.110; At the main  
entrance to the  
County Courthouse,  
316 Main St., Klamath Falls, OR,  
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 has or  
had power to convey  
at the time of execu-  
tion by him of the  
said Deed of Trust,  
together with any in-  
terest which the  
Grantor his succes-  
sors in interest ac-  
quired after the exe-  
cution of said Deed  
of Trust to satisfy  
the foregoing obliga-  
tions thereby se-  
cured and the costs  
and expenses of  
sale, including rea-  
sonable charge by  
the Trustee. If the  
Trustee is unable to  
convey title for any  
reason, the success-  
ful bidder's sole and  
exclusive remedy  
shall be the return  
of monies paid to  
the Trustee and the  
successful bidder  
shall have no fur-  
ther recourse. 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  
foreclosure proceed-  
ing dismissed and  
the Deed of Trust  
reinstated by pay-  
ment to the Benefi-  
ciary of the entire  
amount then due  
(other than such  
portion of the prin-  
cipal as would not  
then be due had no  
default occurred)  
and by curing any  
other default com-  
plained of herein  
that is capable of  
being cured by ten-  
dering the perform-  
ance required under  
the obligation or to  
cure the default, by  
paying all costs and  
expenses actually  
incurred in enforc-  
ing the obligation  
and Deed of Trust,  
together with trust-  
ee's and attorney's  
fees.

058084



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 person owing an obligation, the performance of which is secured by said Deed of Trust, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

Dated: 9/18/2006.  
First American Title Insurance Company,  
as Successor Trustee, By: Dennis Canlas, Assistant Secretary, c/o Trustee Corps, 2112 Business Center Drive, 2nd Floor, Irvine, CA 92612. For sale information contact: (714) 573-1965, (714) 573-7777, (949) 252-8300 This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose. P258084 9/28, 10/5, 10/12, 10/19/2006.  
#8718 September 28, October 5, 12, 19, 2006.