

2006-023974
Klamath County, Oregon



00010132200600239740080081

Recording requested by:

When recorded return to:

12/04/2006 09:12:48 AM

Fee: \$66.00

LandAmerica Default Services
Post Office Box 5899
6 Executive Circle
Suite 100
Irvine, CA 92616

ADDEN: 63924

Space above this line for recorders use only

TS # 039-11324

Order # 30046829

Loan # 0085415800

**AFFIDAVITS OF MAILING, PUBLICATION, AND SERVICE
OF NOTICE OF DEFAULT AND ELECTION TO SELL
AND TRUSTEE'S NOTICE OF SALE**

\$56.00 + 10-

AFFIDAVIT OF MAILING NOTICE OF SALE

State of California)
County of Riverside)

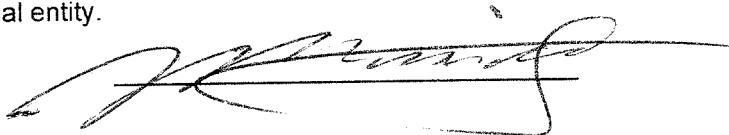
I, the undersigned, being first duly sworn, depose, say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of CALIFORNIA, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original or 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:

[List of Recipients] Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of records or whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice, and all parties with a recorded interest entitled to notice as provided for in statute.

Each of the notices so mailed were certified to be a true copy of the original notice of sale by, for LandAmerica Default Services, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited in the United States post office at Temecula, CA on October 10, 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.

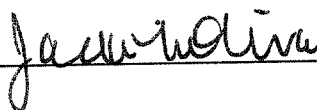
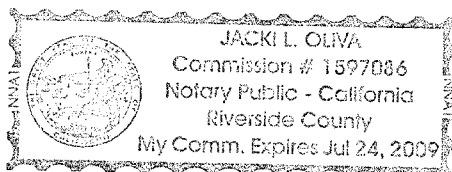


State of California)
County of Riverside)

On October 10, 2006 before me, the undersigned, A Notary Public in and for said State, personally appeared mael coe sta 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

Occupants
39520 DUSTY LN
CHILOQUIN, OR 97624-8653

Mortgage Electronic Registration
Systems, Inc. (
PO BOX 2026
FLINT, MI 48501-2026
RICHARD C MAGGARD
39520 DUSTY LN
CHILOQUIN, OR 97624-8653

GreenPoint Mortgage Funding, Inc.

981 AIRWAY CT STE E
SANTA ROSA, CA 95403-2049

Occupants
39520 DUSTY LN
CHILOQUIN, OR 97624-8653

REBECCA J. MAGGARD
39520 DUSTY LN
CHILOQUIN, OR 97624-8653

RICHARD C MAGGARD
39520 DUSTY LN
CHILOQUIN, OR 97624-8653

Beneficial Oregon Inc.

1345 CENTER DR UNIT D
MEDFORD, OR 97501-7945

Mortgage Electronic Registration
Systems, Inc. (
PO BOX 2026
FLINT, MI 48501-2026
REBECCA J. MAGGARD
39520 DUSTY LN
CHILOQUIN, OR 97624-8653

GreenPoint Mortgage Funding, Inc.

981 AIRWAY CT STE E
SANTA ROSA, CA 95403-2049
Beneficial Oregon Inc.

1345 CENTER DR UNIT D
MEDFORD, OR 97501-7945

Affidavit of Publication

039-11324

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 # 8759

Notice of Sale/Richard C. Maggard

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: (4)

Four

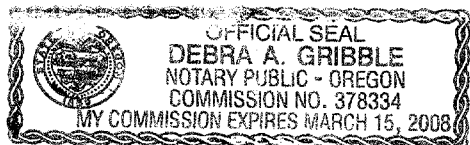
Insertion(s) in the following issues:
October 13, 20, 27, November 3, 2006

Jeanine P Day

Subscribed and sworn by Jeanine P Day
before me on: November 3, 2006

Debra A Gribble
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 No.: 039-11324

Reference is made to that certain Trust Deed made by Richard C Maggard, a married man as Grantor/Trustor, in which Mortgage Electronic Registration Systems, Inc., is named as Beneficiary and First American Title Insurance Co. as Trustee and recorded 11/29/2004 as Instrument No. in book M-04, page 81936-52 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: Exhibit A Legal Description: A parcel of land situated in Lot 3 and Lot 6 of block 1 of tract 118, according to the plat thereof on file in the office of the county clerk of Klamath County, Oregon, also being in the SE 1/4 NW 1/4 of section 36, township 34 south, range 8 east of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at the southeast corner of said Lot 3; thence north 89 degrees 55'37" west, along the south line of said Lot 3, 355.35 feet; thence north 50 degrees 06'19" west 706.16 feet to the southwest corner of said Lot 6; thence north, along the west line of said Lot 6, 613.45 feet, more or less, to a point 485.00 feet south of the northwest corner of said Lot 6; thence east, parallel to the north line of said Lot 6, 897.83 feet to

a point on the east line of said lot 6; thence south 00 degrees 02'14" west 613.45 feet to the easterly corner common to said Lots 3 and 6; thence continuing south 00 degrees 02'14" west 453.37 feet to the point of beginning, with bearings based on the plat of said tract 1118. APN: R-3408-03600-00700-000 The street address or other common designation, if any, of the real property described above is purported to be: 39520 Dusty Lane, Chiloquin, OR 97624 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 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: Total payments from 6/1/2006 through 10/3/2006 \$7,224.45 Total late charges Total advances \$0.00 Interest on Advances (if any) \$0.00 Total due the Beneficiary \$7,224.45.

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 re-

instatement 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 Trust Deed immediately due and payable, said sums being the following: The unpaid principal balance of \$205,943.90 together with interest thereon at the current rate of 6.25000 per cent (%) per annum from 5/1/2006 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

Wherefore, notice hereby is given that the undersigned trustee will on 2/9/2007, at the hour of 10:00 AM in accordance with the standard of time established by O.R.S. 187.110 at the following place: 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 Trust Deed, together with any interest which the grantor his successors in interest ac-

259385

quired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including 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 of herein that is capable of being cured by tendering the perform-

ance required under the obligation or 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.

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 Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. 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

Date: 10/3/2006.
Lawyers Title Insurance Corporation
By: Tina Suihkonen, Assistant Secretary.
For further information please contact:
Lawyers Title Insurance Corporation
c/o LandAmerica Default Services,
Post Office Box 5899, 6 Executive Circle, Suite 100, Irvine, CA 92616. (949) 885-4500 Sales Line: 714-573-1965 or [www.priorityposting.com](http://www.prioritypost-ing.com). Reinstatement Fax Line 949-606-9274. State of California, County of Orange. I certify that I, Tina Suihkonen am an authorized representative of Lawyers Title Insurance Corporation, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale. Tina Suihkonen, Authorized Representative of Trustee. This office is attempting to collect a debt and any information obtained will be used for that purpose.
P259385 10/13, 10/20, 10/27, 11/03/2006.
#8759 October 13, 20, 27, November 3, 2006.

039-11324

Affidavit Return of Service

State of Oregon)
County of Klamath)

Court Case Number: 259385

I HEREBY CERTIFY THAT on 10/20/06 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 checked="" type="checkbox"/> Notice |

for service on the within named: OCCUPANTS 39520 DUSTY LN
CHILOQUIN OR 97625

☒ SERVED REBECCA & RICHARD MAGGARD personally and in person
at 39520 DUSTY LN CHILOQUIN OR 97625

☐ **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:** _____

☐ **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: 10/20/06 AT 4:50 PM

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]
D. DAVIS

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

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.
Trustee No.: 039-11324

Reference is made to that certain Trust Deed made by **RICHARD C MAGGARD A MARRIED MAN** as Grantor/Trustor, in which **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.**, is named as Beneficiary and **FIRST AMERICAN TITLE INSURANCE CO.** as Trustee and recorded **11/29/2004** as Instrument No. in book **M-04**, page **81936-52** 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:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

The street address or other common designation, if any, of the real property described above is purported to be:

**39520 DUSTY LN
CHILOQUIN, OR 97624**

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 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:

Total payments from 6/1/2006 through 10/3/2006	\$7,224.45
Total late charges	\$0.00
Total advances	\$0.00]
Interest on Advances (if any)	
TOTAL DUE THE BENEFICIARY	<u>\$7,224.45</u>

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 Trust Deed immediately due and payable, said sums being the following:

The unpaid principal balance of **\$205,943.90** together with interest thereon at the current rate of **6.25000** per cent (%) per annum from **5/1/2006** until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

WHEREFORE, notice hereby is given that the undersigned trustee will, on **2/9/2007**, at the hour of **10:00 AM** in accord with the standard of time established by **O.R.S. 187.110** at the following place:

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 Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee.

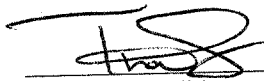
Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained 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 Trust Deed, 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 Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

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.

Date: 10/3/2006


LAWYERS TITLE INSURANCE CORPORATION



By: Tina Suihkonen, Assistant Secretary

State of California
County of Orange

I certify that I, Tina Suihkonen am an authorized representative of LAWYERS TITLE INSURANCE CORPORATION, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.



Authorized Representative of Trustee

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

APN: R210391

81952
File No.: 7021-449327 (SAC)
Date: 11/23/2004

EXHIBIT A

LEGAL DESCRIPTION:

A parcel of land situated in Lot 3 and Lot 6 of Block 1 of TRACT 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, also being in the SE 1/4 NW 1/4 of Section 36, Township 34 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of said Lot 3; thence North 89°55'37" West, along the South line of said Lot 3, 355.35 feet; thence North 50°06'19" West 706.16 feet to the Southwest corner of said Lot 6; thence North, along the West line of said Lot 6, 613.45 feet, more or less, to a point 485.00 feet South of the Northwest corner of said Lot 6; thence East, parallel to the North line of said Lot 6; 897.83 feet to a point on the East line of said Lot 6; thence South 00°02'14" West 613.45 feet to the Easterly corner common to said Lots 3 and 6; thence continuing South 00°02'14" West 453.37 feet to the point of beginning, with bearings based on the plat of said TRACT 1118.