

2006-024813

Klamath County, Oregon

Recording Requested By:  
Regional Trustee Services Corp.  
616 1st Avenue, Suite 500  
Seattle, WA 98104



00011082200600248130090095

12/15/2006 10:26:03 AM

Fee: \$61.00

When Recorded Return To:

Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

ASPEN: 63895

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

## COVER SHEET

**DOCUMENT:** Trustee's Notice of Sale

**GRANTOR:** Henry J. Amberson and Sheila T. Amberson

**TRUSTEE:**

**GRANTEE:** Mortgage Electronic Registration Systems, Inc.

**LEGAL DESCRIPTION:** See Attached

#61-A

**NOTICE TO BORROWER:** YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**TRUSTEE’S NOTICE OF SALE**

*Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.*  
Trustee’s Sale No. 09-HH-43310



Reference is made to that certain Deed of Trust made by, HENRY J. AMBERSON AND SHEILA T. AMBERSON, AS TENANTS BY THE ENTIRETY, as grantor, to FIDELITY NATIONAL TITLE OF OREGON, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS, as beneficiary, dated 8/18/2005, recorded 8/23/2005, under Instrument No. MO5-62595, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by HSBC MORTGAGE SERVICES INC. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 10 IN BLOCK 102, BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS,  
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE  
COUNTY CLERK OF KLAMATH COUNTY, OREGON.

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

715 CALIFORNIA AVENUE  
KLAMATH FALLS, OR 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 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:

	Amount due as of September 5, 2006
Delinquent Payments from May 01, 2006	
5 payments at \$ 924.49 each	\$ 4,622.45
(05-01-06 through 09-05-06)	
Late Charges:	\$ 184.88
Beneficiary Advances:	\$ 12.50
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 4,819.83

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:

UNPAID PRINCIPAL BALANCE OF \$114,203.26, PLUS interest thereon at 8.990% per annum from 4/1/2006, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on January 4, 2007, at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the 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 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.

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

DATED: 9/5/2006

REGIONAL TRUSTEE SERVICES CORPORATION  
Trustee

By

NANCI LAMBERT, AUTHORIZED AGENT  
616 1st Avenue, Suite 500, Seattle, WA 98104  
Phone: (206) 340-2550  
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON     }  
                                      } ss.  
COUNTY OF KING         }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Authorized Representative of Trustee

Unofficial Copy

REGIONAL TRUSTEE SERVICES CORPORATION  
616 1st Avenue, Suite 500  
Seattle, WA 98104  
Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-HH-43310



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON       )  
  ) ss.  
COUNTY OF KING        )

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached original Notice of Sale given under the terms of that certain trust deed described in said Notice.

That 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 addresses, to-wit:

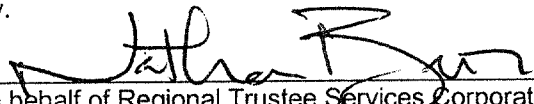
HENRY J AMBERSON, 1835 CONIFER WAY # 2, REDDING, CA, 96002  
HENRY J AMBERSON, 715 CALIFORNIA AVENUE, KLAMATH FALLS, OR, 97601  
PARTIES IN POSSESSION, 715 CALIFORNIA AVENUE, KLAMATH FALLS, OR, 97601  
SHEILA T AMBERSON, 1835 CONIFER WAY # 2, REDDING, CA, 96002  
SHEILA T AMBERSON, 715 CALIFORNIA AVENUE, KLAMATH FALLS, OR, 97601  
  
CALUSA INVESTMENTS, 14040 PARK CENTER RD # 300, , HERNDON, VA, 20171  
CALUSA INVESTMENTS, LLC, C/O REG AGENT, 388 STATE ST # 420, SALEM, OR, 97301  
MERS , EDS, PO BOX 7814, OCALA, FL, 34478-7814  
MORTGAGE ELECTRONIC REG. SYSTEMS, INC, PO BOX 2026, , FLINT , MI, 48501-2026

Said persons include (a) the grantor in the trust deed, (b) 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 b ORS 86.785.

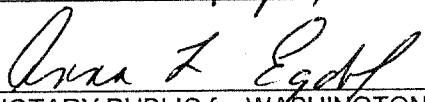
Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Seattle, WASHINGTON, on 9/5/06. 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.

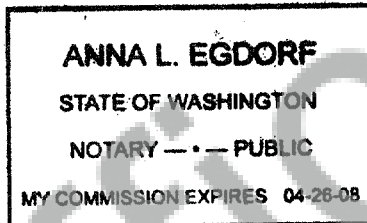
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As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

  
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on 9/5/06

  
NOTARY PUBLIC for WASHINGTON  
My commission expires: 04-26-08



OR\_NOTS Mailing Aff

09HH43310/AMBERSON

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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, upon an **OCCUPANT** at the following address:

**715 CALIFORNIA AVENUE, KLAMATH FALLS, OREGON 97601**, as follows:

Personal service upon Shelia Amberson, by delivering said true copy, personally and in person, at the above address on September 6, 2006 at 10:26 a.m.

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

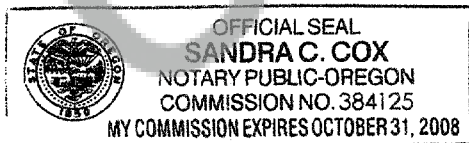
Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2006 at \_\_\_\_\_:\_\_\_\_\_.m.

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.

[Signature]  
ROBERT W. BOLENBAUGH 316041

SUBSCRIBED AND SWORN to before me this 6 day of September, 2006 by ROBERT W. BOLENBAUGH



[Signature]  
Sandra C Cox  
Notary Public for Oregon



# 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 # 8675

Notice of Sale/Henry J & Sheila T Amberson

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

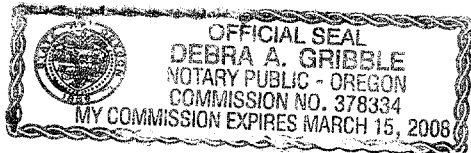
Insertion(s) in the following issues:  
September 11, 18, 25, October 2, 2006

Total Cost: \$986.08

Subscribed and sworn by Jeanine P Day  
before me on: October 2, 2006

*Debra A. Griddle*  
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's Sale No. 09-HH-43310

Notice to Borrower: You should be aware that the undersigned is attempting to collect a debt and that any information obtained will be used for that purpose.

Reference is made to that certain Deed of Trust made by, Henry J. Amberson and Sheila T. Amberson, as tenants by the entirety, as grantor, to Fidelity National Title Of Oregon, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc. As Nominee for its Successors and Assigns, as beneficia-

ry, dated 8/18/2005, recorded 8/23/2005, under Instrument No. MO5-62595, records of Klamath County, Oregon. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by HSBC Mortgage Services Inc. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: Lot 10 in block 102, Buena Vista addition to the City of Klamath Falls according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. The street address or other common designation, if any, of the real property described above is purported to be: 715 California Avenue Klamath Falls, OR 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 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: Amount due as of September 5, 2006 Delinquent Payments from May 01, 2006 5 payments at \$924.49 each \$4,622.45 (05-01-06 through 09-05-06) Late Charges: \$184.88 Beneficiary Advances: \$12.50 Suspense Credit: \$0.00 Total: \$4,819.83.

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: Unpaid Principal Balance of \$114,203.26, Plus in-

terest thereon at 8.990% per annum from 4/1/2006, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

Wherefore, notice hereby is given that the undersigned trustee, will on January 4, 2007, at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, at on front steps of the Circuit Court, 316 Main Street, Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the 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 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

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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.

In construing this notice, the masculine gender includes the feminine and the neuter, 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. Any one having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

Dated: 9/5/2006. Regional Trustee Services Corporation Trustee, By Nanci Lambert, Authorized Agent, 616 1st Avenue, Suite 500, Seattle, WA 98104. Phone: (206) 340-2550. Sale Information: <http://www.rtrustee.com> ASAP# 789412 09/11/2006, 09/18/2006, 09/25/2006, 10/02/2006. #8675 September 11, 18, 25, October 2, 2006.