

2006-025179

Klamath County, Oregon



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12/21/2006 03:29:39 PM

Fee: \$46.00

RECORDING COVER SHEET
Pursuant to ORS 205.234

After recording return to:

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

- 1. AMENDED AFFIDAVIT OF MAILING**
- 2. AMENDED TRUSTEE'S NOTICE OF SALE**

Original Grantor(s) on Trust Deed: William C. Havlina and Sharon K. Havlina, husband and wife, as tenants by the entirety

Beneficiary: Meritage Mortgage Corporation, an Oregon corporation

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.

46-F

AFFIDAVIT OF MAILING AMENDED 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:

Beneficial Oregon, Inc., d/b/a Beneficial Mortgage
c/o Bishop, Lynch & White, P.S.
720 Olive Way, Suite 1301
Seattle, WA 98101

Carter Jones Collections, LLC
1143 Pine Street
Klamath Falls, OR 97601

Carter Jones Collections, LLC
c/o B.J. Matzen, attorney at law
435 Oak Avenue
Klamath Falls, OR 97601

Russell Hews
84 Eulslons Court
Klamath Falls, OR 97601

Beneficial Oregon, Inc., dba Beneficial Mortgage
577 Lamont Road
Elmhurst, IL 60126

Sara Morris
10875 Sprague River Road
Chiloquin, OR 97624

Southern Oregon Credit Service, Inc.
P.O. Box 4708
Medford, OR 97501

Southern Oregon Credit Service, Inc.
c/o John Blackhurst, Atty.
15 Newton Street
Medford, OR 97501

William C. Havlina
5709 Alva Avenue
Klamath Falls, OR 97603-5111

Beneficial Oregon, Inc., d/b/a Beneficial Mortgage
961 Weigel Drive
Elmhurst, IL 60126

Carter Jones Collections, LLC
P.O. Box 145
Klamath Falls, OR 97601

Beneficial Oregon, Inc., d/b/a Beneficial Mortgage
1345 Center Drive, Suite D
Medford, OR 97501

Beneficial Oregon, Inc., dba Beneficial Mortgage
PO Box 8640
Elmhurst, IL 60126-8640

Walter Seput
10875 Sprague River Road
Chiloquin, OR 97624

Southern Oregon Credit Service, Inc.
841 Stewart Avenue, Suite 11
Medford, OR 97501

Southern Oregon Credit Service, Inc.
c/o John Blackhurst, Atty.
23 Newton Street, P.O. Box 1583
Medford, OR 97501

Sharon K. Halvina
5709 Alva Avenue
Klamath Falls, OR 97603-5111

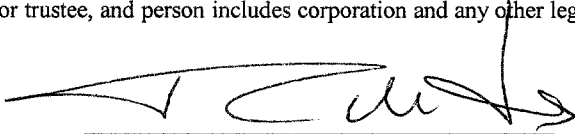
Penny L. Austin, Attorney
925 West 8th Street
Medford, OR 97501

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 12-18-06. 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.

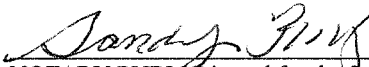
STATE OF WASHINGTON)
) ss.
COUNTY OF KING)



Tim Murta

I certify that I know or have satisfactory evidence that _____ 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 December 20, 2004


NOTARY PUBLIC in and for the State of
Washington, residing at 2204 1st Ave S
My commission expires 8/2/10

AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE
RE: Trust Deed from
William C. Havlina and Sharon K. Havlina, husband and wife, as tenants by
the entirety

Grantor
to
Northwest Trustee Services, Inc.
Trustee File No. 7261.21600

After recording return to:
Northwest Trustee Services, Inc.
Successor by merger to Northwest Trustee Services, PLLC
(FKA Northwest Trustee Services, LLC)
Attn: Kathy Taggart
P.O. Box 997
Bellevue, WA 98009-0997

SANDY RUIZ
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
08-02-10

AMENDED TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by William C. Havlina and Sharon K. Havlina, husband and wife, as tenants by the entirety, as grantor, to First American Title Insurance Company of Oregon, as trustee, in favor of Meritage Mortgage Corporation, an Oregon corporation, as beneficiary, dated 04/23/98, recorded 05/01/98, in the mortgage records of Klamath County, Oregon, in Volume M98, Page 14686, and subsequently assigned to Credit Based Asset Servicing and Securitization LLC by Assignment recorded as M03 Pg 7422, covering the following described real property situated in said county and state, to wit:

Lot 8 in Block 2 of Casa Manana, according to the Official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 5709 Alva Avenue 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 \$632.64 beginning 10/01/05; plus late charges of \$26.65 each month beginning 10/16/05; plus prior accrued late charges of \$159.90; plus advances of \$148.00; plus previous servicer expenses of \$546.78; plus escrow shortages of \$5921.13; 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: \$60,612.35 with interest thereon at the rate of 10 percent per annum beginning 09/01/05; plus late charges of \$26.65 each month beginning 10/16/05 until paid; plus prior accrued late charges of \$159.90; plus advances of \$148.00; plus previous servicer expenses of \$546.78; plus escrow shortages of \$5921.13; 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.

The Notice of Default and original Notice of Sale given pursuant thereto stated the property would be sold on June 16, 2003, 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; However, subsequent to the recording of said Notice of Default the original proceedings were stayed by order of the court or by proceedings filed under the U.S. Bankruptcy Code or for other lawful reason. Said stay was terminated effective November 30, 2006.

WHEREFORE, notice hereby is given that the undersigned trustee will on **January 8, 2007** 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. 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

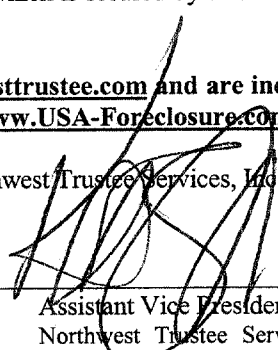
said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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 and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Dated: 12/12/2006

Northwest Trustee Services, Inc.

By 

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:

Kathy Taggart
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900

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

AMENDED TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
William C. Havlina and Sharon K. Havlina, husband and wife, as
tenants by the entirety
Grantor
to
Northwest Trustee Services, Inc.
Trustee File No. 7261.21600

After recording return to:

Northwest Trustee Services, Inc.
Attn: Kathy Taggart
P.O. Box 997
Bellevue, WA 98009-0997

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