

3077454

2007-000295

Klamath County, Oregon



00012417200700002950090096

01/08/2007 11:08:01 AM

Fee: \$71.00

**RECORDING COVER SHEET
FOR NOTICE OF SALE PROOF
OF COMPLIANCE, PER ORS 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED INSTRUMENT
FOR RECORDING. ANY ERRORS IN THIS COVER SHEET
DO NOT AFFECT THE TRANSACTION(S) CONTAINED
IN THE INSTRUMENT ITSELF.

net 894533

AFTER RECORDING RETURN TO:

Quality Loan Service Corp.
319 Elm Street, 2nd Floor
San Diego, CA 92101

AFFIDAVIT OF MAILING NOTICE OF SALE

AFFIDAVIT OF PUBLICATION

PROOF OF SERVICE

ORIGINAL GRANTOR: LATONNE E MILLER

**BENEFICIARY: CITIFINANCIAL INC BY CITIFINANCIAL MORTGAGE
COMPANY INC**

T.S. #: OR-06-63918-NF

Loan #: 20-0051-0249551

71-F

WHEN RECORDED MAIL TO:
Quality Loan Service Corp.
319 Elm Street, 2nd Floor
San Diego, CA 92101

T.S. NO.: OR-06-63918-NF
LOAN NO.: 20-0051-0249551

(Above Space is for Recorder's Use)

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF California } SS
COUNTY OF San Diego }

I, Tony Rodriguez

, 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, to-wit:

NAME & ADDRESS

SEE ATTACHED

CERTIFIED NO.

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 Nicole Fuentes, for FIRST AMERICAN TITLE INSURANCE 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, San Diego, California, on 9/19/2006. 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.

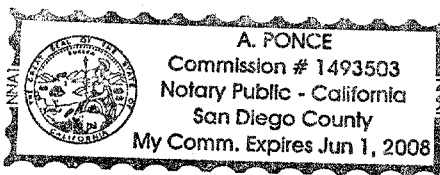
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF California } SS
COUNTY OF San Diego }

On 1/2/2007 before me A. Ponce, the undersigned, A Notary Public in and for said State, personally appeared Tony Rodriguez (notary seal) 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 A. Ponce




AFFIDAVIT OF MAILING

Date: 9/19/2006
T.S. No.: OR-06-63918-NF
Loan No.: 20-0051-0249551
Mailing: Notice of Sale

STATE OF California }
COUNTY OF San Diego }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in San Diego County at **Quality Loan Service Corp.**, and is not a party to the within action and that on **9/19/2006**, (s)he personally served the Notice of Sale, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice of Sale in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

I declare under penalty of perjury that the foregoing is true and correct.


Affiant Tony Rodriguez

OCCUPANT (S)
23939 YELLOW JACKET SRRINGS ROAD
BEATTY, OR 97624
First Class and Cert. No. 71808583322006356942

BORROWER (S)
23939 YELLOW JACKET SPRINGS ROAD
BEATTY, OR 97624
First Class and Cert. No. 71808583322006356959

CITIFINANCIAL INC
CITIFINANCIAL
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71808583322006356966

HIGHLAND COMMUNITY FEDERAL CREDIT UNION
3737 SHASTA WAY
KLAMATH FALLS, OR 97603-4884
First Class and Cert. No. 71808583322006356973

IRVIN S. KIRK, SR.
23939 YELLOW JACKET SPRINGS ROAD
BEATTY, OR 97624
First Class and Cert. No. 71808583322006356980

IRVIN S. KIRK, SR.

PO BOX 855
CHILOQUIN, OR 97624
First Class and Cert. No. 71808583322006356997

IRVIN KIRK
PO BOX 987
CHILOQUIN, OR 97624
First Class and Cert. No. 71808583322006357000

IRVIN KIRK
23939 YELLOW JACKET SPRINGS ROAD
BEATTY, OR 97621
First Class and Cert. No. 71808583322006357017

IRVIN KIRK
23939 YELLOW JACKET SPRINGS ROAD
BEATTY, OR 97624
First Class and Cert. No. 71808583322006357024

LATONNE E MILLER
PO BOX 987
CHILOQUIN, OR 97624
First Class and Cert. No. 71808583322006357031

LATONNE E MILLER
23939 YELLOW JACKET SPRINGS ROAD
BEATTY, OR 97621
First Class and Cert. No. 71808583322006357048

LATONNE E MILLER
23939 YELLOW JACKET SPRINGS ROAD
BEATTY, OR 97624
First Class and Cert. No. 71808583322006357055

TRUSTEE'S NOTICE OF SALE

Loan No: **20-0051-0249551**
T.S. No.: **OR-06-63918-NF**

Reference is made to that certain deed made by, **IRVIN S KIRK SR** as Grantor to **ASPEN TITLE AND ESCROW**, as trustee, in favor of **CITIFINANCIAL INC**, as Beneficiary, dated **4/10/2002**, recorded **4/17/2002**, in official records of **KLAMATH** County, Oregon in book/reel/volume No. **M02** at page No. **22601** fee/file/instrument/microfile/reception No **, covering the following described real property situated in said County and State, to-wit:

APN: R357955

LOTS 11 AND 12, BLOCK 4, BEATTY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as:
23939 YELLOW JACKET SPRINGS ROAD
BEATTY, OR 97624

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:

Installment of principal and interest plus impounds and / or advances which became due on 2/16/2006 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustees fees, and any attorney fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement.

Monthly Payment **\$642.97** Monthly Late Charge **\$10.00**

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 **\$68,027.50** together with interest thereon at the rate of **11.00400** per annum from **1/16/2006** until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that **FIRST AMERICAN TITLE INSURANCE COMPANY**, the undersigned trustee will on **1/22/2007** at the hour of **10:00:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **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 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 expenses 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.

For Sale Information Call: 714-573-1965 or Login to: www.priorityposting.com

Loan No: 20-0051-0249551
T.S. No.: OR-06-63918-NF

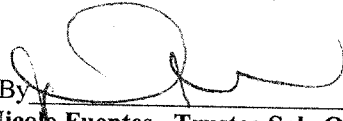
TRUSTEE'S NOTICE OF SALE

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" 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.

Dated: 9/19/2006

FIRST AMERICAN TITLE INSURANCE COMPANY, as trustee
By: Quality Loan Service Corp., as agent
Quality Loan Service Corp.
319 Elm Street, 2nd Floor
San Diego, CA 92101
619-645-7711

Signature By 
Nicole Fuentes, Trustee Sale Officer

For Non-Sale Information:
Quality Loan Service Corp.
319 Elm Street, 2nd Floor
San Diego, CA 92101
619-645-7711
Fax: 619-645-7716

If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only.

**THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE.**

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations.

Affidavit Return of Service

State of Oregon)
County of Klamath)

Court Case Number: 257967

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 checked="" type="checkbox"/> Notice |

TRUSTEE'S SALE & NOTICE OF DEFAULT

for service on the within named: OCCUPANTS

☒ SERVED: BLACKIE BENNETT AND SANDRA BENNETT personally and in person at 23939 YELLOW JACKET SPRINGS RD BEATTY OREGON 97624

☒ SUBSTITUTE SERVICE: By leaving a true copy with BLACKIE BENNETT, a person over the age of fourteen years, who resides at the place of abode of the within named IRVIN S KIRK SR at said abode: 23939 YELLOW JACKET SPRINGS RD BEATTY, OREGON 97624

☐ 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.

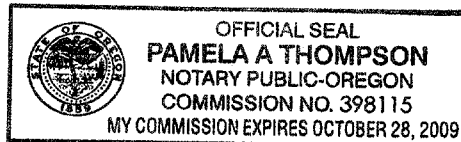
ALL SEARCH AND SERVICE WAS MADE WITHIN KLAMATH COUNTY, STATE OF OREGON.

DATE AND TIME OF SERVICE OR NOT FOUND: 092306 AT 2:15 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: DAVE DAVIS

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



Subscribed and sworn to before me
This 23rd day of Sept 2006

Pamela A Thompson

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 # 8734

Notice of Sale/Irvin S. Kirk, Sr.

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 3, 10, 17, 24, 2006

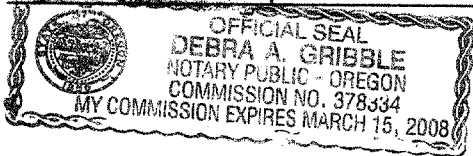
Jeanine P Day

Subscribed and sworn by Jeanine P Day
before me on: October 24, 2006

Debra A Gribble

Notary Public of Oregon

My commission expires March 15, 2008



**TRUSTEE'S
NOTICE OF SALE
Loan No.: 20-0051-
0249551 T.S. No.:
OR-06-63918-NF**

Reference is made to that certain deed made by Irvin S Kirk Sr as Grantor to Aspen Title and Escrow, as Trustee, in favor of Citifinancial Inc, as Beneficiary, dated 4/10/2002, recorded 04/17/2002, in official records of Klamath County, Oregon, in book/reel/volume No. M02, at page No. 22601 fee/file/instrument/microfile/reception No. *** covering the following described real property situated in said County and State, to wit: APN: R357955 Lots 11 and 12, Block 4, Beatty, according to the official plat thereof on file in the office of the Clerk of Klamath county, Oregon. Commonly known as: 23939 Yellow Jacket Springs Road Beatty, OR 97624.

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 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: Installment of principal and interest plus impounds and/or advances which became due on 2/16/2006 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustee's fees, and any attorney fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement. Monthly Payment \$642.97

Monthly Charge \$10.00. Late

By this reason of said default the beneficiary has declared all obligations secured by said trust deed immediately due and payable, said sums being the following, to wit: The sum of \$68,027.50 together with interest thereon at the rate of 11.00400 per annum from 1/16/2006 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that, First American Title Insurance Company, the undersigned trustee will, on 1/22/2007, at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at 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 had or had power to convey at the time of 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 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. For Sale Information Call: 714-573-1965 or Login to www.priorityposting.com.

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" 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.

Dated: 9/19/2006.
First American Title Insurance Company, as Trustee. By: Quality Loan Service Corp., as agent Quality Loan Service Corp., 319 Elm Street, 2nd Floor, San Diego, CA 92101. 619-645-7711. Signature By: Nicole Fuentes, Trustee Sale Officer. For Non-Sale Information: Quality Loan Service Corp., 319 Elm Street, 2nd Floor, San Diego, CA 92101. 619-645-7711. Fax: 619-645-7716. If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan

in which case this letter is intended to exercise the note holder's rights against the real property only. This Office is attempting to collect a debt and any information obtained will be used for that purpose. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations. P257967 10/3, 10/10, 10/17, 10/24/2006. #8734, October 3, 10, 17, 24, 2006.