

2007-001169

Klamath County, Oregon



01/23/2007 11:40:56 AM

Fee: \$46.00

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
06-18675

ASPEN: 64054

OREGON
AFFIDAVIT OF MAILING OF NOTICE OF SALE

I, Kelly D. Sutherland, say and certify that:

I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or the successor in interest named in the Trust Deed described in the attached Notice of Sale.

I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons at their last known addresses, to-wit:

Linda Baker
1128 Alandale Street
Klamath Falls, OR 97603

Dan Baker
1128 Alandale Street
Klamath Falls, OR 97603

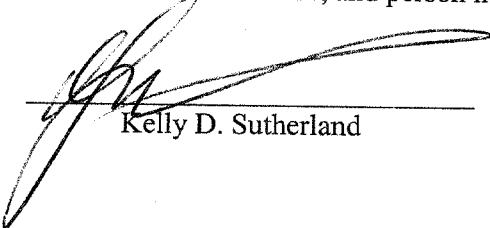
The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person requesting notice as provided in ORS 86.785 and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by Kelly D. Sutherland, Shapiro & Sutherland, LLC, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on October 16, 2006. Each notice was mailed after the date that the Notice of Default and Election to Sell described in said Notice of Sale was recorded which was at least 120 days before the day of the trustee 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 Washington)

County of Clark)

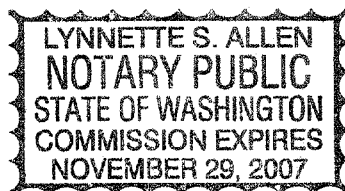

Kelly D. Sutherland

On this 16th day of October, in the year 2006, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal


Notary Public

My Commission Expires: 11/29/07



\$46-A

TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Linda Baker and Dan Baker, as tenants by the entirety, as grantor to First American Title Company, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Waterstone Mortgage, as Beneficiary, dated April 8, 2004, recorded April 13, 2004, in the mortgage records of Klamath County, Oregon, in Volume M04, at Page 21560, beneficial interest having been assigned to EverHome Mortgage Corp., as covering the following described real property:

Lot 29 of Old Orchard Manor, according to the official records thereof on file with the County Clerk in Klamath County, Oregon.

COMMONLY KNOWN AS: 1128 Alandale Street, Klamath Falls, OR 97603

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:

Monthly payments in the sum of \$724.66, from May 1, 2006, and monthly payments in the sum of \$727.68, from September 1, 2006, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit:

\$90,060.88, together with interest thereon at the rate of 6.75% per annum from April 1, 2006, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 9, 2007, at the hour of 11:00 AM, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 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 said described real property which the grantor has or had power to convey at the time of the execution of 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 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 obligations 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.

Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property.

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated: 10/9/06

By: 
KELLY D. SUTHERLAND
Successor Trustee

State of Washington, County of Clark, ss:

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Trustee's Notice of Sale

SHAPIRO & SUTHERLAND, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
Telephone: (360) 260-2253

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **1128 Alandale Klamath Falls, Oregon 97603**

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to **Dan Baker** at the address below.

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to **Dan Baker**, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: **Linda Baker**

☐ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on _____ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the 10th day of **October**, 2006 I mailed a copy of the Trustee's Notice of Sale addressed to **Linda Baker** and all other occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed _____

1128 Alandale Street Klamath Falls, Oregon 97603

ADDRESS OF SERVICE

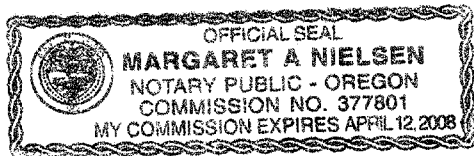
I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

October 9, 2006 6:22PM
DATE OF SERVICE TIME OF SERVICE

☐ or non occupancy

By: _____
Thomas A. Bolenbaugh

Subscribed and sworn to before on this 10th day of October, 2006.



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 # 8805

Notice of Sale/Linda & Dan Baker

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

Four

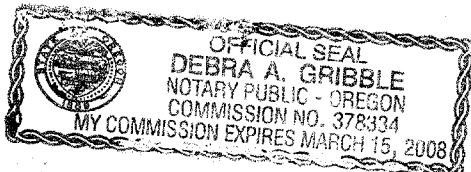
Insertion(s) in the following issues:
November 8, 15, 22, 29, 2006

Total Cost: \$883.18

Subscribed and sworn by Jeanine P Day
before me on: November 29, 2006

Notary Public of Oregon

My commission expires March 15, 2008



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COMMONLY
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to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount 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 obligations 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.

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Dated: 10/17/06

KELLY D. SUTHERLAND
Successor Trustee
SHAPIRO &
SUTHERLAND,
LLC
5501 N.E. 109th Ct.,
Suite N
Vancouver, WA
98662
Telephone:
(360) 260-2253
S&S 06-18675
#8805 November 8,
15, 22, 29, 2006.