

2007-008089

Klamath County, Oregon



00021640200700080890080088

05/04/2007 11:10:54 AM

Fee: \$71.00

RECORDING COVER SHEET
Pursuant to ORS 205.234

After recording return to:

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

1st 754263

1. AFFIDAVIT OF MAILING
2. TRUSTEE'S NOTICE OF SALE
3. PROOF OF SERVICE
4. AFFIDAVIT OF PUBLICATION

Original Grantor(s) on Trust Deed: Derrick L. McNair, an unmarried person

Beneficiary: First Franklin Financial Corp., subsidiary of National City Bank of Indiana

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.

E

AFFIDAVIT OF MAILING 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:

Carter-Jones Collection Service, In.
c/o Kent Pederson, Reg Ag
1143 Pine St
Klamath Falls, OR 97601

Derrick L. McNair
aka Derrick Frye
2215 Eberlein Avenue
Klamath Falls, OR 97601

Occupant(s)
2215 Eberlein Avenue
Klamath Falls, OR 97601

First Franklin Financial
a div. Of National City Bank of IN
2150 North First Street
San Jose, CA 95131

Leonard Lewis
1726 Menlo Way
Klamath Falls, OR 97601

Credit Bureau of Klamath County
839 Main Street
Klamath Falls, OR 97601

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 1/5-07. 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.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

McNair, Derrick L.

Grantor

to

Northwest Trustee Services, Inc.,

Trustee

File No. 7104.25450

After recording return to:

Northwest Trustee Services, Inc.

Successor by merger to Northwest Trustee Services, PLLC

(formerly known as Northwest Trustee Services, LLC)

Attn: Becky Baker

P.O. Box 997

Bellevue, WA 98009-0997

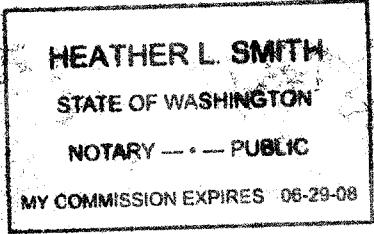
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Jennifer Stephens

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: 1/5/07



Heather L. Smith
NOTARY PUBLIC in and for the State of
Washington, residing at *King County*
My commission expires *06/29/08*

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Derrick L. McNair, an unmarried person, as grantor, to Aspen Title & Escrow, as trustee, in favor of First Franklin Financial Corp., subsidiary of National City Bank of Indiana, as beneficiary, dated 05/10/04, recorded 05/14/04, in the mortgage records of Klamath County, Oregon, as Vol M04, Page 30080 and subsequently assigned to Wells Fargo Bank, N.A., Trustee by Assignment recorded as M06-02876, covering the following described real property situated in said county and state, to wit:

Lot 11, Block 214, Mills Second Addition to the City of Klamath Falls, according to the official Plat thereof on file in the Office of the Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 2215 Eberlein Avenue
Klamath Falls, OR 97601

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 \$380.85 beginning 07/01/06; plus late charges of \$19.04 each month beginning 11/16/05; plus prior accrued late charges of \$0.00; plus advances of \$2,539.40; 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: \$55,586.29 with interest thereon at the rate of 6.25 percent per annum beginning 06/01/06; plus late charges of \$19.04 each month beginning 11/16/05 until paid; plus prior accrued late charges of \$0.00; plus advances of \$2,539.40; 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.

WHEREFORE, notice hereby is given that the undersigned trustee will on **May 9, 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.

Northwest Trustee Services, Inc.

Dated: January 5, 2007

By Bebecca A. Baker
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:

Becky Baker
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900
File No. 7104.25450/McNair, Derrick L.

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

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

IN THE COURT OF THE STATE OF OREGON
COUNTY OF KLAMATH : COURT CASE NO.

NATIONAL CITY BANK OF INDIANA

vs

DERRICK L MCNAIR

PROOF OF SERVICE

STATE OF OREGON

)
) SS.

County of KLAMATH

I hereby certify that on the 6 day of January, 2007, at the hour of 1530
I served OCCUPANTS (DERRICK MCNAIR) by

- ☒ XX Personal Service (personally and in person)
☐ Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the within named)
☐ Office Service (by serving the person apparently in charge)
☐ By posting (said residence)

A certified/true copy of:

- | | | |
|--|--|---------------------------------------|
| <input type="checkbox"/> Summons | <input type="checkbox"/> Writ of Garnishment | <input type="checkbox"/> Small Claims |
| <input type="checkbox"/> Motion | <input type="checkbox"/> Order | <input type="checkbox"/> Affidavit |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Citation | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Petition | <input type="checkbox"/> Notice | <input type="checkbox"/> Decree |
| <input checked="" type="checkbox"/> X Other: TRUSTEES NOTICE OF SALE | | |

Together with a copy of

To DERRICK MCNAIR At 2215 EBERLEIN AVE
KLAMATH FALLS, OR. 97601

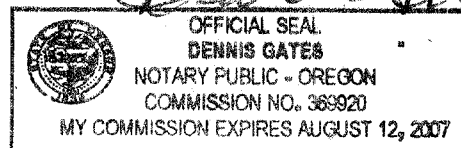
NOT FOUND: I certify that I received the within document for service on the day of , 20
and after due and diligent search and inquiry, I have been unable to locate
within the county of . Dated this day of , 20

ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF KLAMATH

I am a competent person over the age of 18, a resident of said State, 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.

Subscribed to and sworn to before me this
22 day of Jan, 2007

DAVE DAVIS (#16)
Cleveland Process Serving, LLC.
(541) 665-5162



Papers
Received From FEI LLC
PO BOX 219
BELLEVUE
WA 98009-0219
425-458-2112
ATTN:

Remit to: CPS, LLC.	Service Fee	\$ 40
P.O. Box 5358	Mileage	\$
Central Point, OR 97502	Rush/Emergency	\$
Date: 01-22-2007	Incorrect Add.	\$
CPS File No. 123-K		\$
Client No. 1002.60890	Amount Paid	\$ 0
	TOTAL DUE	\$ \$40

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 # 9018

Notice of Sale/Derrick L. McNair

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:

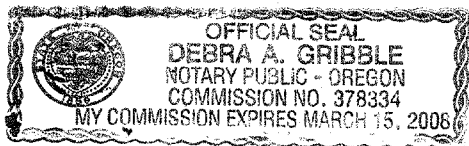
February 8, 15, 22, March 1, 2007

Total Cost: \$1,074.28

Subscribed and sworn by Jeanine P Day
before me on: March 1, 2007

Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Derrick L. McNair, an unmarried person, as grantor, to Aspen Title & Escrow, as trustee, in favor of First Franklin Financial Corp., subsidiary of National City Bank of Indiana, as beneficiary, dated 05/10/04, recorded 05/14/04, in the mortgage records of Klamath County, Oregon, as Vol M04, Page 30080 and subsequently assigned to Wells Fargo Bank N.A., Trustee by Assignment recorded as M06-02876, covering the following described real property situated in said county and state, to wit:

Lot 11, Block 214, Mills Second 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.

PROPERTY ADDRESS: 2215 Eberlein Avenue, Klamath Falls, OR 97601.

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 pay-

ments of \$380.85 beginning 07/01/06; plus late charges of \$19.04 each month beginning 11/16/05; plus prior accrued late charges of \$0.00; plus advances of \$2,539.40; 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: \$55,586.29 with interest thereon at the rate of 6.25 percent per annum beginning 06/01/06; plus late charges of \$19.04 each month beginning 11/16/05 until paid; plus prior accrued late charges of \$0.00; plus advances of \$2,539.40; 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.

WHEREFORE, notice hereby is given that the undersigned trustee will on May 9, 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.northwest-trustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Northwest Trustee Services, Inc.

Dated: January 5, 2007. By: Rebecca A. Baker, 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:

Becky Baker, Northwest Trustee Services, Inc., P.O. Box 997, Bellevue, WA 98009-0997. (425) 586-1900. File No. 7104.25450/McNair, Derrick L. #9018 February 8, 15, 22, March 1, 2007.