

2007-008234

Klamath County, Oregon



00021811200700082340100105

05/07/2007 03:43:45 PM

Fee: \$66.00

AFTER RECORDING RETURN TO:  
Shapiro & Sutherland, LLC  
5501 N.E. 109th Court, Suite N  
Vancouver, WA 98662  
06-18806

OREGON

ATE: 64271

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:

Brian Garlock  
900 Oak Street  
Klamath Falls, OR 97601

Brian Garlock  
904 Oak Street  
Klamath Falls, OR 97601

Brian Garlock  
902 Oak Street  
Klamath Falls, OR 97601

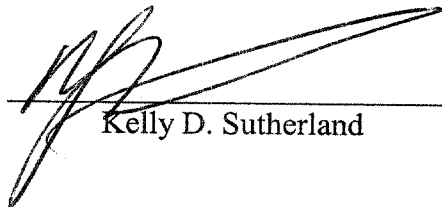
Brian Garlock  
P.O. Box 5045  
Klamath Falls, OR 97601

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 January 8, 2007. 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.

#66-A

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

  
\_\_\_\_\_  
Kelly D. Sutherland

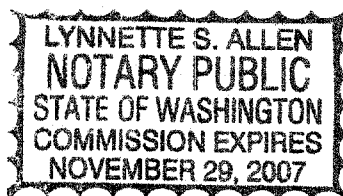
State of Washington )

County of Clark )

On this 8<sup>th</sup> day of January, in the year 2007, 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



## TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Brian Garlock, an unmarried man, as grantor to First American Title Insurance Co., as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Meritage Mortgage, as Beneficiary, dated October 25, 2005, recorded November 4, 2005, in the mortgage records of Klamath County, Oregon, as Document No. M05-68388, beneficial interest having been assigned to Deutsche Bank National Trust Company, as Trustee for the registered holders of Meritage Mortgage Loan Trust 2005-3, Asset-Backed Certificates Series 2005-3, as covering the following described real property:

See complete Legal Description attached hereto as Exhibit "A"

**COMMONLY KNOWN AS:** 900-902-904 Oak Street, Klamath Falls, OR 97601

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 \$898.25, 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:

\$122,229.44, together with interest thereon at the rate of 7.95% per annum from August 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 May 14, 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: 1/8/07

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

Exhibit "A"

Part of Block 7, Canal Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the Southeast line of Oak Street, which point is the most Northerly corner of Lot 4; thence Southeast along the lot line common to Lots 3 and 4, 60 feet; thence Southwest along a line parallel to and 60 feet distance Southeast from Oak Street, to the intersection of said line with Northeast line of 9<sup>th</sup> Street; thence Northwesterly along the Northeasterly line of 9<sup>th</sup> Street to the most Westerly corner of Lot 5; thence Northeast along the Southeast line of Oak Street, 70.93 feet to the point of beginning.

**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 **900 Oak Street Klamath Falls, Oregon 97601**

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

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

☐ **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 January 2007 I mailed a copy of the Trustee's Notice of Sale addressed to **Joeann Alston** 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 \_\_\_\_\_

**900 Oak Street Klamath Falls, Oregon 97601**

**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.

January 9, 2007

6:36PM

**DATE OF SERVICE**

**TIME OF SERVICE**

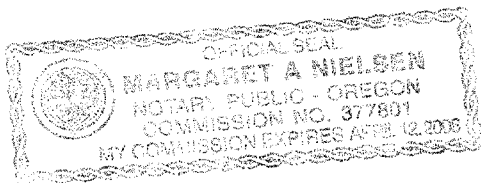
☐ or non occupancy

By: \_\_\_\_\_

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 10<sup>th</sup> day of January 2007.

\_\_\_\_\_  
Margaret A. Nielsen  
Notary Public for Oregon



**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 **902 Oak Street Klamath Falls, Oregon 97601**

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

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

☐ **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 January 2007 I mailed a copy of the Trustee's Notice of Sale addressed to **Rebecca Gascon** 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 \_\_\_\_\_

**902 Oak Street Klamath Falls, Oregon 97601**

**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.

January 9, 2007

6:41PM

**DATE OF SERVICE**

**TIME OF SERVICE**

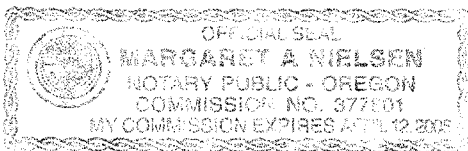
☐ or non occupancy

By: \_\_\_\_\_

**ROBERT W. BOLENBAUGH**

Subscribed and sworn to before on this 10th day of January, 2007.

\_\_\_\_\_  
Notary Public for Oregon



**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 **904 Oak Street Klamath Falls, Oregon 97601**

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

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

☐ **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 January, 2007 I mailed a copy of the Trustee's Notice of Sale addressed to all 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 

**904 Oak Street Klamath Falls, Oregon 97601**

**ADDRESS OF SERVICE**

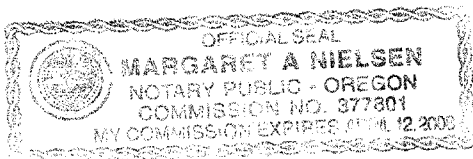
I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served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

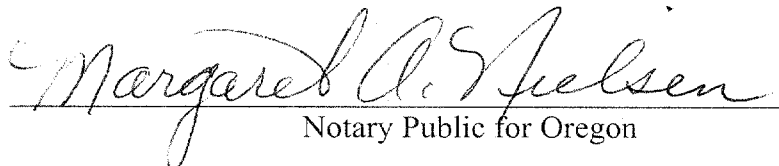
January 10, 2007      11:33AM  
**DATE OF SERVICE      TIME OF SERVICE**

☐ or non occupancy

By   
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 11<sup>th</sup> day of January, 2007.



  
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 # 9013

Notice of Sale/Brian Garlock

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:

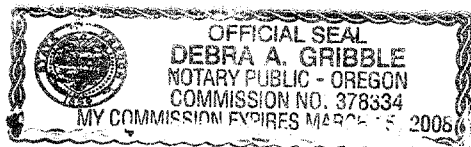
February 7, 14, 21, 28, 2007

Total Cost: \$986.08

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
Before me on: February 28, 2007

*Debra A. Gribble*  
Notary Public of Oregon

My commission expires March 15, 2008



### TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Brian Garlock, an unmarried man, as grantor to First American Title Insurance Co., as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Meritage Mortgage, as Beneficiary, dated October 25, 2005, recorded November 4,

2005, in the mortgage records of Klamath County, Oregon, as Document No. M05-68388, beneficial interest having been assigned to Deutsche Bank National Trust Company, as Trustee for the registered holders of Meritage Mortgage Loan Trust 2005-3, Asset-Backed Certificates Series 2005-3, as covering the following described real property:

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Beginning at a point on the Southeast line of Oak Street, which point is the most Northerly corner of Lot 4; thence Southeast along the lot line common to Lots 3 and 4, 60 feet; thence Southwest along a line parallel to and 60 feet distance Southeast from Oak Street, to the intersection of said line with Northeast line of 9th Street; thence

Northwesterly along the Northeasterly line of 9th Street to the most Westerly corner of Lot 5; thence Northeast along the Southeast line of Oak Street, 70.93 feet to the point of beginning.

### COMMONLY

KNOWN AS: 900-902-904 Oak Street, Klamath Falls, OR 97601.

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Monthly payments in the sum of \$898.25, 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:

\$122,229.44, together with interest thereon at the rate of 7.95% per annum from August 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 May 14, 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: 01/09/07

**KELLY D.**

**SUTHERLAND**

Successor Trustee

SHAPIRO &

SUTHERLAND,

LLC

5501 N.E. 109th

Court, Suite N

Vancouver, WA

98662

Telephone:

(360) 260-2253

S&S 06-18806

#9013 February 7, 14,

21, 28, 2007.