

2007-008785

Klamath County, Oregon



00022428200700087850110116

05/14/2007 11:48:14 AM

Fee: \$71.00

After Recording Return to:  
Bishop, White & Marshall, P.S.  
720 Olive Way, Suite 1301  
Seattle, WA 98101

Ref: BARNEY, Errol & Geneva R. - 1244.070031.1

Recorded herein are the following:

- ☐ Affidavit(s) of Mailing # \_\_\_\_\_
- ☐ Proof(s) of Service # \_\_\_\_\_
- ☐ Affidavit of Publication
- ☐ Certificate(s) of Mailing # \_\_\_\_\_
- ☐ Affidavit of Non-Occupancy

*ATE: 64340*

**TRUSTEE'S NOTICE OF SALE**

**NOTICE: YOU ARE HEREBY NOTIFIED THAT THE AMOUNT OF YOUR INDEBTEDNESS TO THE BENEFICIARY, THEIR SUCCESSORS IN INTEREST AND/OR ASSIGNEES AS RECITED BEFORE, AS OF THE DATE OF THIS NOTICE, IS \$ 21,218.59 PLUS FORECLOSURE FEES AND COSTS AND ADVANCES IDENTIFIED BELOW, IF ANY. INTEREST FEES AND COSTS WILL CONTINUE TO ACCRUE AFTER THE DATE OF THIS NOTICE. UNLESS YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF WITHIN 30 DAYS AFTER RECEIVING NOTICE OF THIS DOCUMENT, THIS OFFICE WILL ASSUME THE DEBT TO BE VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN THE 30-DAY PERIOD THAT THE DEBT OR ANY PORTION THEREOF IS DISPUTED, VERIFICATION OF THE DEBT WILL BE OBTAINED AND WILL BE MAILED TO YOU. UPON WRITTEN REQUEST WITHIN 30 DAYS, THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR, WILL BE PROVIDED.**

**NOTICE: WE ARE A DEBT COLLECTOR. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTION.**

Reference is made to that certain trust deed made by Errol N. Barney and Geneva R. Barney, as tenants by the entirety, as grantor, to Regional Trustee Services, as trustee, in favor of Beneficial Oregon Inc., as beneficiary, dated October 22, 2002, recorded October 28, 2002, in the mortgage records of Klamath County, Oregon, as Recording Number Vol M02, Page 61313, covering the following described real property situated in said county and state, to-wit:

Trustee's Notice of Sale – Page 1  
OR-FC-NODNOS

*\$71-A*

Lot 13, Block 40, Tract 1184, Oregon Shores, Unit 2, First Addition, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Both the beneficiary and the trustee, Krista L. White, 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 86.753(3); the default for which the foreclosure is made is grantor's failure to pay the following sums:

1.	<b>Monthly Payments:</b>	
	<b>Delinquent Monthly Payments Due from 7/5/2006 through 1/5/2007:</b>	
	7 payment(s) at \$246.24	1,723.68
	<b>Total Payments:</b>	
	<b>Subtotal:</b>	\$1,723.68
	<b>TOTAL MONTHLY PAYMENTS AND LATE CHARGES:</b>	<u>\$1,723.68</u>

2. Delinquent Real Property Taxes, if any.

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 sums being the following, to wit:

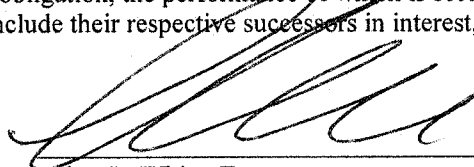
Unpaid balance is \$21,218.59 as of January 16, 2007 . In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice

WHEREFORE, notice hereby is given that the undersigned trustee, Krista L. White, will on May 23, 2007 at the hour of 11:00 am , in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, 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 grantor of the said trust deed together with any interest which the grantor or grantor's 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 then due (other than such portion of the principal as would not then be due had no default occurred), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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.

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.

DATED: January 16, 2007.



Krista L. White, Trustee

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

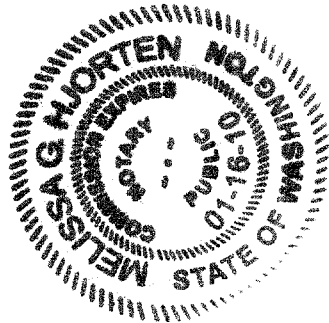
On this 16<sup>th</sup> day of January, 2007, personally appeared Krista L. White, who acknowledged that s/he signed the within foregoing instrument as his/her free and voluntary act and deed for the uses and purposes therein mentioned.



Melissa Hjorten  
Notary Public for Washington  
Residing at: King County  
My Commission Expires: 1/16/2010.

I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

For Information Call:  
Bishop, White & Marshall, P.S.  
720 Olive Way, Suite 1301  
Seattle, WA 98101  
206/622-7527



**AFTER RECORDING RETURN TO:**  
Bishop, White & Marshall, P.S.  
720 Olive Way, Suite 1301  
Seattle, WA 98101  
Attn: Melissa Hjorten

**AFFIDAVIT OF MAILING  
TRUSTEE'S NOTICE OF SALE**

STATE OF WASHINGTON        )  
  ) ss.  
COUNTY OF KING            )


I, Saeng Deng, 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 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 addresses, to-wit:

See 'Mailing List' attached hereto and incorporated herein by this reference

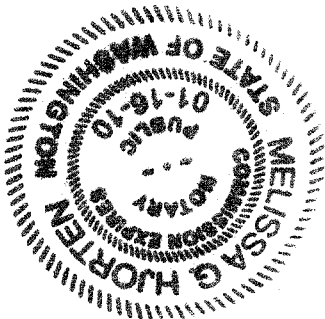
Said persons include (a) the grantor(s) in the trust deed; (b) any successor-in-interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; (c) any person, including the Department of Revenue or any other state agency, having a lien 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 by Krista L. White, trustee named in said notice; each said copy was contained in a sealed envelope, 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 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.

  
Saeng Deng

SUBSCRIBED AND SWORN TO before me this 30th day of January, 2007



  
Melissa Hjorten  
NOTARY PUBLIC in and for the  
State of Washington,  
residing at: Seattle  
My Appt Expires: 1/16/2010.

BARNEY, Errol & Geneva R.  
1244.070031.1

MAILING LIST

GRANTORS AND ALL OTHER PARTIES:

Occupants of the Premises  
2889 Woodland Court West  
Chiloquin, OR 97624

Errol N. Barney  
2889 West Woodland Court  
Chiloquin, OR 97624

Geneva Barney  
2889 West Woodland Court  
Chiloquin, OR 97624

Errol N. Barney  
P.O. Box 931  
Chiloquin, OR 97624

Geneva Barney  
P.O. Box 931  
Chiloquin, OR 97624

Carter- Jones Collection Service, Inc.  
c/o Kent Pederson, Registered Agent  
1143 Pine Street  
Klamath Falls, OR 97601

Beneficial Oregon Inc.  
c/o CT Corporation System, Registered Agt  
388 State Street Ste 420  
Salem, OR 97301

Beneficial Oregon Inc.  
c/o Sandy Son  
961 Weigel Drive  
Elmhurst, IL 60126

Beneficial Oregon Inc.  
c/o Libby Moustakas  
961 Weigel Drive  
Elmhurst, IL 60126

Oregon Shores Recreational Club Inc.  
c/o Jack Meade, Registered Agent  
3105 Margi Way  
Chiloquin, OR 97624

**AFTER RECORDING RETURN TO:**

Bishop, White & Marshall, P.S.  
720 Olive Way, Suite 1301  
Seattle, WA 98101  
Attn: Melissa Hjorten

**AFFIDAVIT OF MAILING  
TRUSTEE'S NOTICE OF SALE**

STATE OF WASHINGTON       )  
  ) ss.  
COUNTY OF KING        )

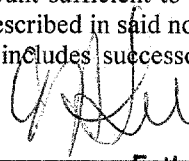
I, Esther Lee, being first duly sworn, depose, say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of Washington, a competent person over the age of eighteen years, and not the beneficiary or beneficiary's successor-in-interest named in the attached original 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 addresses, to-wit:

See 'Mailing List' attached hereto and incorporated herein by this reference

Said persons include (a) the grantor(s) 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.

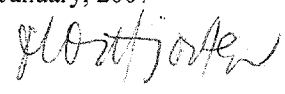
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Krista L. White, trustee named in said notice; each said copy was contained in a sealed envelope, with postage thereon sufficient for first class delivery to the address indicated, and another such notice 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 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.



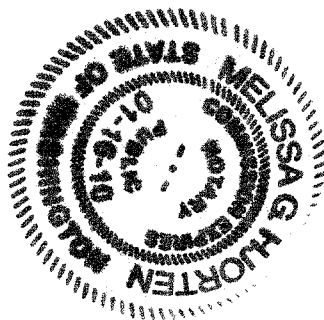
Esther Lee

SUBSCRIBED AND SWORN TO before me this 23rd day of January, 2007



Melissa Hjorten  
NOTARY PUBLIC in and for the  
State of Washington,  
residing at: Seattle King Co.  
My Appt Expires: 1-16-2010

BARNEY, Errol & Geneva R.  
1244.070031.1



MAILING LIST

GRANTORS AND ALL OTHER PARTIES:

Ocean Shores Recreational Club, Inc.  
2019 Meadowview Drive  
Chiloquin, OR 97624

Beneficial Oregon Inc. c/o Krista L. White/Patrick Layman  
Bishop White & Marshall, P.S.  
P.O. Box 2186  
Seattle, WA 98111-2186

Carter-Jones Collection Service Inc.  
1143 Pine Street  
Klamath Falls, OR 97601

Carter-Jones Collection Service Inc.  
c/o Neal G. Buchanan, Esq.  
435 Oak Street  
Klamath Falls, OR 97601

Beneficial Oregon, Inc. c/o Krista L. White/Patrick J. Layman  
Bishop White & Marshall, P.S.  
720 Olive Way, Ste 1301  
Seattle, WA 98101-1834

1244.070031.1/BARNEY

## PROOF OF SERVICE

STATE OF OREGON                 )  
County of Klamath               ) ss.

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original Trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, upon the **OCCUPANTS** at the following address:

**2889 WOODLAND COURT WEST, CHILOQUIN, OREGON 97624, as follows:**


Personal service upon Errol Barney, by delivering said true copy, personally and in person, at the above address on January 30, 2007 at 05 : 16 p.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2007 at \_\_\_\_\_: \_\_\_\_\_m.

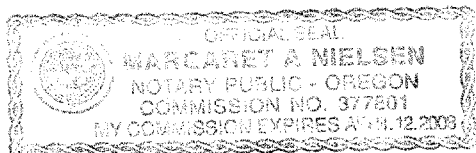
Substitute service upon Geneva Barney, by delivering said true copy, at his/her usual place of abode as indicated above, to Errol Barney who is a person over the age of 14 years and a member of the household on January 30, 2007 at 05:16 p.m.

Substitute service upon \_\_\_\_\_, by delivering said true copy, at his/her usual place of abode as indicated above, to \_\_\_\_\_ who is a person over the age of 14 years and a member of the household on \_\_\_\_\_, 2007 at \_\_\_\_\_:\_\_\_\_\_.m.

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

  
Robert W Bolenhaugh 319952

SUBSCRIBED AND SWORN to before me this 31<sup>st</sup> day of January, 2007 by Robert W. Bolenhaus



Margaret C. Nielsen  
Notary Public for Oregon



# Affidavit of Publication

STATE OF OREGON,  
COUNTY OF KLAMATH

RECEIVED

APR 06 2007

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

BISHOP WHITE  
& MARSHALL, P.S.

Legal # 9079

Sale/Errol N. & Geneva R. Barney

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:

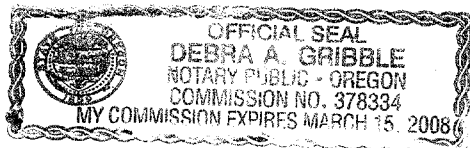
March 7, 14, 21, 28, 2007

Total Cost: \$1,001.69

Subscribed and sworn by Jeanine P Day  
before me on: March 28, 2007

Debra A. Gribble  
Notary Public of Oregon

My commission expires March 15, 2008



## TRUSTEE'S NOTICE OF SALE

Notice: You are hereby notified that the amount of your indebtedness to the beneficiary, their successors in interest and/or assignees as recited before, as of the date of this notice, is \$21,218.59 plus foreclosure fees and costs and advances identified below, if any. Interest fees and costs will continue to accrue after the date of this notice, unless you dispute the validity of the debt or any portion thereof within 30 days after receiving notice of this document, this office will assume the debt to be valid. If you notify this office in writing within the 30-day period that the debt or any portion thereof is disputed, verification of the debt will be obtained and will be mailed to you. Upon written request within 30 days, the name and address of the original creditor, if different from the current creditor, will be provided. Notice: We are a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for purposes of debt collection.

Reference is made to that certain trust deed made by Errol N. Barney and Geneva R. Barney, as tenants by the entirety, as grantor, to Regional Trustee Services, as trustee, in favor of Beneficial Oregon Inc., as beneficiary, dated October 22, 2002, recorded October 28, 2002, in the mortgage records of Klamath County, Oregon, as Recording Number Vol M02, Page 61313, covering

the following described real property situated in said county and state, to-wit:

Lot 13, Block 40, Tract 1184, Oregon Shores, Unit 2, First Addition, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Both the beneficiary and the trustee, Krista L. White, 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 86.753(3); the default for which the foreclosure is made is grantor's failure to pay the following sums:

1. Monthly Payments: Delinquent Monthly Payments Due from 7/5/2006 through 1/5/2007: 7 payment(s) at \$246.24; \$1,723.68.  
Total Payments: Subtotal: \$1,723.68.  
Total Monthly Payments & Late Charges: \$1,723.68.

2. Delinquent Real Property Taxes, if any.

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 sums being the following, to-wit: Unpaid balance is \$21,218.59 as of January 16, 2007. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the proper-

ty may accrue after the date of this notice.

WHEREFORE, notice hereby is given that the undersigned trustee, Krista L. White, will on May 23, 2007 at the hour of 11:00 am, in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, 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 grantor of the said trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and 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 then due (other than such portion of the principal as would not then be due had no default occurred), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and

by curing any other default complained of therein 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.

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 words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: January 16, 2007. Krista L. White, Trustee.  
State of Washington, County of King) ss.  
On this 16th day of January, 2007, personally appeared Krista L. White, who acknowledged that s/he signed the within foregoing instrument at his/her free and voluntary act and deed for the uses and purposes therein mentioned.  
Melissa Hjorten, Notary Public for Washington, Residing at: King County, My Commission Expires: 1/16/2010

I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale. I, the undersigned, certify

that the foregoing is a complete and exact copy of the original trustee's notice of sale.

For information call: Bishop, White & Marshall, P.S., 720 Olive Way, Suite 1301, Seattle, WA 98101. 206/622/7527. #9079 March 7, 14, 21, 28, 2007.

# CERTIFICATE OF MAILING

STATE OF OREGON               )  
County of Multnomah          ) ss.

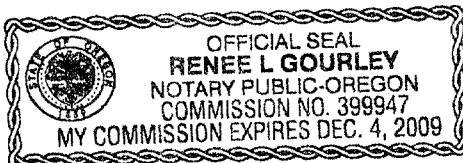
I, Kathleen Kline, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On February 5, 2007, I mailed a true copy of the Trustee's Notice of Sale, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Geneva Barney.

The envelope was addressed as follows: Geneva Barney  
2889 Woodland Court West  
Chiloquin, OR 97624

I declare under the penalty of perjury that the above statements are true and correct.

Kathleen Kline 1533.319952

SUBSCRIBED AND SWORN TO BEFORE ME this 5th day of February, 2007 by  
Kathleen Kline.



Aene D. Gornley  
Notary Public for Oregon