

MITC 18702

## RECORDING COVER SHEET

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.

2007-012192

Klamath County, Oregon



00026507200700121920060061

07/09/2007 11:46:57 AM

Fee: \$56.00

### After Recording Return To:

Hershner Hunter LLP  
PO Box 1475  
Eugene, Oregon 97440  
Attn: Lisa Summers

### 1. Name(s) of the Transaction(s):

- X Proof of Service
- X Notice of Substitute Service
- X Trustee's Notice of Sale
- X Affidavit of Publication

### 2. Direct Party (Grantor):

Joan Gabriel Hernandez Zuniga

### 3. Indirect Party (Grantee):

Hershner Hunter LLP

### 4. True and Actual Consideration Paid:

N/A

### 5. Legal Description:

N/A

444

PROOF OF SERVICE

STATE OF OREGON )  
 ) ss.  
COUNTY OF Klamath )

I swear that I am competent person 18 years of age or older and a resident of the State of Oregon; that I am not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise, named in the attached Trustee's Notice of Sale; that I served a true copy of the attached Trustee's Notice of Sale on the following persons and that each person served is the identical one named in the trustee's instructions to me.

Personal Service

On March 20 2007, at 330 o'clock, P M., I delivered the attached original Trustee's Notice of Sale to Nichole Hernandez in person, at 5804 Estate Drive Klamath Falls, Oregon 97603  
On \_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., I delivered the attached original Trustee's Notice of Sale to \_\_\_\_\_ in person, at \_\_\_\_\_  
On \_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., I delivered the attached original Trustee's Notice of Sale to \_\_\_\_\_ in person, at \_\_\_\_\_

Substitute Service

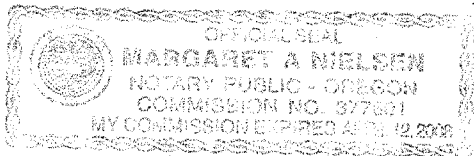
On March 20 2007, at 330 o'clock, P M., I served the attached Trustee's Notice of Sale on Joan Hernandez Zuniga by delivering a original copy to Nichole Hernandez, a person over the age of 14 years residing in said party's dwelling house or usual place of abode at 5804 Estate Drive Klamath Falls, Oregon 97603  
On \_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., I served the attached Trustee's Notice of Sale on \_\_\_\_\_ by delivering a original copy to \_\_\_\_\_, a person over the age of 14 years residing in said party's dwelling house or usual place of abode at \_\_\_\_\_

Office Service

On \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., I left an original copy of the Trustee's Notice of Sale with \_\_\_\_\_, the person apparently in charge of the business office maintained by \_\_\_\_\_ at \_\_\_\_\_  
On \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., I left an original copy of the Trustee's Notice of Sale with \_\_\_\_\_, the person apparently in charge of the business office maintained by \_\_\_\_\_ at \_\_\_\_\_

Signed and sworn to before me on March 21 2007, ROBERT W. BOLENBAUGH, by ROBERT W. BOLENBAUGH

Margaret A. Nielsen  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_



AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

NOTICE OF SUBSTITUTE SERVICE

TO: Joan Hernandez-Zuniga  
5804 Estate Drive  
Klamath Falls, OR 97603

You are hereby notified that you were served with a Trustee's Notice of Sale, a true copy of which is attached hereto, by delivery of an original copy of the Notice of Sale at your dwelling house or usual place of abode indicated above, as follows:

Date and Time of Service: March 20, 2007 @ 3:30 p.m.

Person to Whom the Notice Was Delivered: Nichole Hernandez

/s/ Nancy K. Cary  
Nancy K. Cary,  
Successor Trustee

AFFIDAVIT OF MAILING

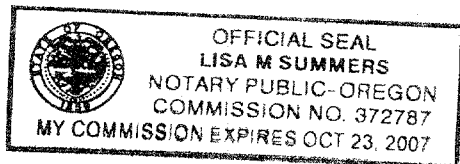
STATE OF OREGON       )  
                                  ) ss.  
COUNTY OF LANE       )

I, NANCY K. CARY, being first duly sworn, depose and say that:

I mailed an original Notice of Substitute Service, a true copy of which appears above, together with a true copy of the Notice of Sale referred to therein, by placing them in a sealed envelope, addressed as shown above and mailed by first class mail, with postage prepaid in the United States Mail at Eugene, Oregon, on March 27, 2006.

Nancy K. Cary

Signed and sworn to before me on March 27, 2006, by NANCY K. CARY.



Lisa M. Summers  
Notary Public for Oregon  
My Commission Expires: 10/23/2007

NOTICE OF SUBSTITUTE SERVICE

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

The following Trustee's Notice of Sale is served on you (if mailed, by certified mail, return receipt requested and first class mail) pursuant to ORS Chapter 86, requiring notice of the foreclosure to be given to the grantor of the trust deed, to certain successors in interest of the grantor and junior lien holders, and to the occupants of the property.

TO:

TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. PARTIES:  

Grantor:	JOAN GABRIEL HERNANDEZ-ZUNIGA
Trustee:	ASPEN TITLE AND ESCROW, INC.
Successor Trustee:	NANCY K. CARY
Beneficiary:	OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, ASSIGNEE OF UMPQUA BANK
2. DESCRIPTION OF PROPERTY: The real property is described as follows:  
  
Lot 30, KENNICOTT COUNTRY ESTATES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon
3. RECORDING. The Trust Deed was recorded as follows:  
Date Recorded: April 30, 2003  
Volum M03, Page 28734  
Official Records of Klamath County, Oregon
4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: A partial monthly payment in the amount of \$582.00 due June 1, 2006; plus monthly payments in the amount of \$666.00 each, due the first of each month, for the months of July 1, 2006 through March 1, 2007; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.
5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$78,578.18; plus interest at the rate of 4.95% per annum from May 1, 2006; plus late charges of \$299.20; plus advances and foreclosure attorney fees and costs.
6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.
7. TIME OF SALE.  
Date: August 9, 2007  
Time: 11:00 a.m.  
Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon
8. RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

Any questions regarding this matter should be directed to Lisa Summers, Legal Assistant, (541) 686-0344 (TS #30057.30112).

DATED: March 16, 2007.

*/s/ Nancy K. Cary*

Nancy K. Cary, Successor Trustee  
Hershner Hunter, LLP  
P.O. Box 1475  
Eugene, OR 97440

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FAIR DEBT COLLECTION PRACTICES ACT NOTICE

We are attempting to collect a debt on behalf of the beneficiary named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information.

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

# 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 # 9328

Notice of Sale/Joan Gabriel Hernandez-Zuniga

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:

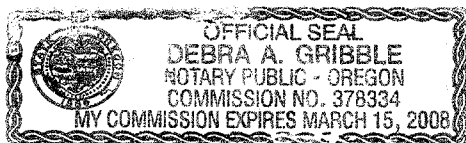
May 29, June 5, 12, 19, 2007

Total Cost: \$648.89

Subscribed and sworn by Jeanine P Day  
before me on: June 19, 2007

Notary Public of Oregon

My commission expires March 15, 2008



### TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

#### 1. PARTIES:

Grantor: JOAN GABRIEL HERNANDEZ-ZUNIGA  
Trustee: ASPEN TITLE AND ESCROW, INC.  
Successor Trustee: NANCY K. CARY  
Beneficiary: OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, ASSIGNEE OF UMPQUA BANK

#### 2. DESCRIPTION OF PROPERTY:

The real property is described as follows:

Lot 30, KENNICOTT COUNTRY ESTATES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

#### 3. RECORDING:

The Trust Deed was recorded as follows:  
Date Recorded: April 30, 2003  
Volume M03, Page 28734  
Official Records of Klamath County, Oregon

#### 4. DEFAULT.

The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: A partial monthly payment in the amount of \$582.00 due June 1, 2006; plus monthly payments in the amount of \$666.00 each, due the first of each month, for the months of July 1, 2006 through March 1, 2007; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

#### 5. AMOUNT DUE.

The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$78,578.18; plus interest at the rate of 4.95% per annum from May 1, 2006; plus late charges of \$299.20; plus advances and foreclosure attorney fees and costs.

#### 6. ELECTION TO SELL.

The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

#### 7. TIME OF SALE.

Date: August 9, 2007  
Time: 11:00 a.m.  
Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

#### 8. RIGHT TO RE-INSTATE.

Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

Any questions regarding this matter should be directed to Lisa Summers, Legal Assistant, (541) 686-0344 (TS #30057.30112).

DATED: March 16, 2007.

/s/ Nancy K. Cary  
Nancy K. Cary,  
Successor Trustee  
Hershner Hunter, LLP  
P.O. Box 1475  
Eugene, OR 97440  
#9328 May 29, June 5, 12, 19, 2007.

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440