

2007-016217

Klamath County, Oregon



09/14/2007 03:43:03 PM

Fee: \$46.00

AFTER RECORDING RETURN TO:  
Shapiro & Sutherland, LLC  
5501 N.E. 109th Court, Suite N  
Vancouver, WA 98662  
07-19127

OREGON

AFFIDAVIT OF MAILING OF NOTICE OF SALE

ATE: 64851

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:

Kim Lenahan  
5340 Alva Avenue  
Klamath Falls, OR 97603

Randy Rose  
5340 Alva Avenue  
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 May 29, 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.

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

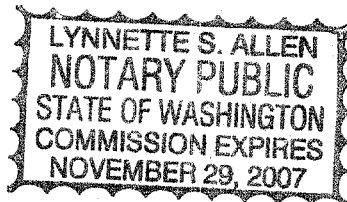
State of Washington )  
County of Clark )

On this 29<sup>th</sup> day of May, 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



#46-14

## TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Kim Lenahan, an unmarried person, and Randy Rose, an unmarried person, as grantor to First American Title, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Cendant Mortgage Corporation, dba Coldwell Banker Mortgage, as Beneficiary, dated November 12, 2001, recorded November 20, 2001, in the mortgage records of Klamath County, Oregon, in Book M01, at Page 59573, and re-recorded July 30, 2002, in Volume M02, at Page 42819, beneficial interest now held by Mortgage Electronic Registration Systems, Inc, as nominee for PHH Mortgage Corp., fka Cendant Mortgage Corporation as covering the following described real property:

Lot 61 of Yalta Gardens, according to the official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon. EXCEPTING therefrom the Westerly 100 feet thereof.

**COMMONLY KNOWN AS:** 5340 Alva Avenue, 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 \$624.54, from January 1, 2007, 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:

\$70,412.99, together with interest thereon at the rate of 6.875% per annum from December 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 September 28, 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: 05-29-2007

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

AFTER RECORDING RETURN TO:  
Shapiro & Sutherland, LLC  
5501 N.E. 109th Court, Suite N  
Vancouver, WA 98662  
07-19127

**TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY**

State of Washington           )  
  )  
County of Clark                )

I, Kelly D. Sutherland, being first duly sworn, depose, say and certify that:

I am the Successor trustee in that certain trust deed executed and delivered by Kim Lenahan, an unmarried person, and Randy Rose, an unmarried person as grantor to First American Title as trustee, in which Mortgage Electronic Registration Systems, Inc., as nominee for Cendant Mortgage Corporation, dba Coldwell Banker Mortgage is beneficiary, recorded on November 20, 2001, in the mortgage records of Klamath County, Oregon, in Microfilm Volume No. M01, at Page 59573, and re-recorded July 30, 2002, in Microfilm Volume M02, at Page 42819, covering the following described real property situated in said county:

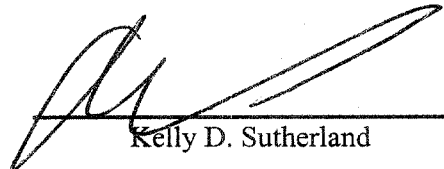
Lot 61 of Yalta Gardens, according to the official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon

EXCEPTING therefrom the Westerly 100 feet thereof.

Commonly known as: 5340 Alva Avenue, Klamath Falls, OR 97603

I hereby certify that on May 30, 2007, the above described real property was not occupied.


The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

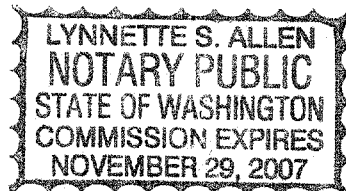
  
Kelly D. Sutherland

State of Washington           )  
  )  
County of Clark                )

On this 11<sup>th</sup> day of September 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



# 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 # 9442

Notice of Sale/Lenahan & Rose

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:

July 5, 12, 19, 26, 2007

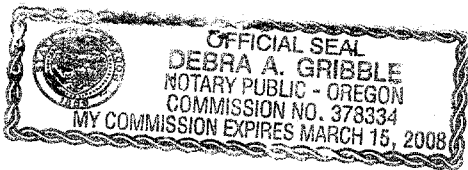
Total Cost: \$913.49

Subscribed and sworn by Jeanine P Day

before me on: July 26, 2007

Notary Public of Oregon

My commission expires March 15, 2008



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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.

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Dated: 05-25-2007

**KELLY D.**

**SUTHERLAND**

Successor Trustee

SHAPIRO &

SUTHERLAND,

LLC

5501 N.E.

109th Court, Suite N

Vancouver, WA

98662

Telephone:

(360) 260-2253

S&S 07-19127.

#9442 July 5, 12, 19,

26, 2007.