

2007-016314

Klamath County, Oregon



00031494200700163140070079

09/17/2007 03:20:06 PM

Fee: \$66.00

MTA 79335

**After Recording Return To:**

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

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

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

**2. Direct Party (Grantor):**

Moran, Timothy J

**3. Indirect Party (Grantee):**

N/A

**4. True and Actual Consideration Paid:**

N/A

**5. Legal Description:**

see attached document

**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.

6/6 AMT

**AFFIDAVIT OF MAILING OF NOTICE OF SALE**

STATE OF OREGON            )  
  ) ss.  
COUNTY OF LANE            )

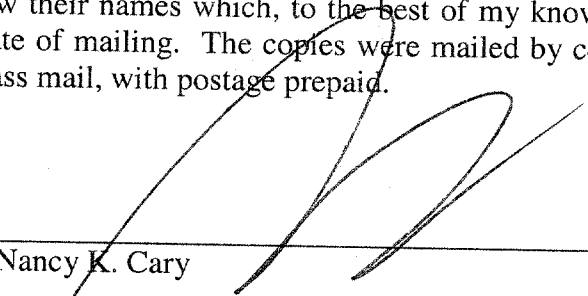
I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described in the attached Trustee's Notice of Sale.

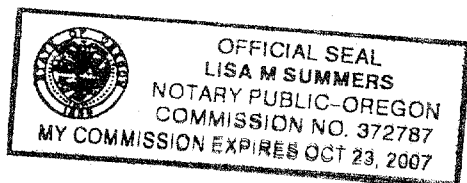
2. I served a courtesy copy of the attached Trustee's Notice of Sale upon the following parties by depositing true copies thereof in the United States Mail at Eugene, Oregon, on June 14, 2007:

Arrow Financial Services, L.L.C.  
c/o CT Corporation System, RA  
388 State St., Ste. 420  
Salem, OR 97301

3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and by first class mail, with postage prepaid.

  
\_\_\_\_\_  
Nancy K. Cary

Signed and sworn to before me on June 14, 2007, by NANCY K. CARY.



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

My Commission Expires: 10/23/2007

AFFIDAVIT OF MAILING

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

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 MAY, 24TH, at 12:45 o'clock, P M., I delivered the attached original Trustee's Notice of Sale to BECKY MORAN in person, at 10738 KINCHLOE AVE, KLAMATH FALLS, OR.  
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 MAY, 24TH, at 12:45 o'clock, P M., I served the attached Trustee's Notice of Sale on TIMOTHY MORAN by delivering a original copy to BECKY MORAN, a person over the age of 14 years residing in said party's dwelling house or usual place of abode at 10738 KINCHLOE AVE., KLAMATH FALLS, OR.  
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 \_\_\_\_\_.

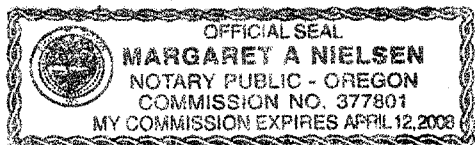
Office Service

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 \_\_\_\_\_.

A Thompson

Signed and sworn to before me on May 25th, 2007, by Andrew Thompson

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



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

NOTICE OF SUBSTITUTE SERVICE

TO: Timothy Moran  
10738 Kincheloe Ave  
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: May 24, 2007 @ 12:45 p.m.

Person to Whom the Notice Was Delivered: Becky Moran

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

AFFIDAVIT OF MAILING

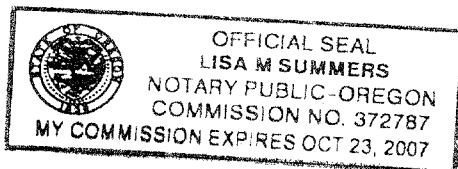
STATE OF OREGON       )  
                                  ) ss.  
COUNTY OF LANE       )

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 June 8, 2007.

Nancy K. Cary

Signed and sworn to before me on June 8, 2007, 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:	TIMOTHY J. MORAN
Trustee:	AMERITITLE
Successor Trustee:	NANCY K. CARY
Beneficiary:	OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, assignee of Security Bank
2. DESCRIPTION OF PROPERTY: The real property is described as follows:  
  
Unit 10738, (Kincheloe Avenue), Tract 1336 - FALCON HEIGHTS CONDOMINIUMS - STAGE 1 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: August 23, 1999  
Volume M99, Page 34013  
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 \$98.00 due January 1, 2007; plus monthly payments in the amount of \$748.00 each, due the first of each month, for the months of February 2007 through May 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 \$57,765.46; plus interest at the rate of 6.5% per annum from December 1, 2006; plus late charges of \$128.44; 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: October 11, 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 #30057.30093).

DATED: May 21, 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 # 9479

Notice of Sale/Timothy J. Moran

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:

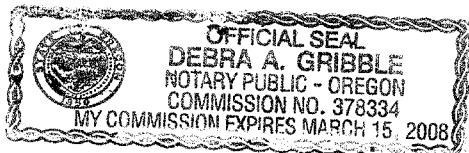
July 31, August 7, 14, 21, 2007

Total Cost: \$648.89

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: August 21, 2007

*Debra A. Gribble*  
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: TIMOTHY J. MORAN  
Trustee: AMERITITLE  
Successor Trustee: NANCY K. CARY  
Beneficiary: OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, assignee of Security Bank

2. DESCRIPTION OF PROPERTY:  
The real property is described as follows:  
Unit 10738, (Kinche-loe Avenue), Tract 1336 - FALCON HEIGHTS CONDOMINIUMS - STAGE 1 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: August 23, 1999  
Volume M99, Page 34013  
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 \$98.00 due January 1, 2007; plus monthly payments in the amount of \$748.00 each, due the first of each month, for the months of February 2007 through May 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 \$57,765.46; plus interest at the rate of 6.5% per annum from December 1, 2006; plus late charges of \$128.44; 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: October 11, 2007  
Time: 11:00 a.m.  
Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

8. RIGHT TO REINSTATE / AFTER RECORDING RETURN TO:

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

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 #30057.30093).

DATED: May 21, 2007.

/s/ Nancy K. Cary  
Nancy K. Cary,  
Successor Trustee  
Hershner Hunter, LLP  
P.O. Box 1475  
Eugene, OR 97440  
#9479 July 31, August 7, 14, 21, 2007.