

2007-018858

Klamath County, Oregon



00034513200700188580110110

11/02/2007 03:32:56 PM

Fee: \$71.00

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
07-19217

OREGON

AFFIDAVIT OF MAILING OF NOTICE OF SALE

ATE: 65068

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:

Lupe Brown
212 East Chocktoot Street
Chiloquin, OR 97624

Lupe Brown
P.O. Box 241
Chiloquin, OR 97624

Tianna Brown
212 East Chocktoot Street
Chiloquin, OR 97624

Tianna Brown
P.O. Box 241
Chiloquin, OR 97624

Wauseka Brown
212 East Chocktoot Street
Chiloquin, OR 97624

Wauseka Brown
3600 Hillyard Avenue
Klamath Falls, OR 97603


Wauseka Brown
P.O. Box 241
Chiloquin, OR 97624

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 July 23, 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.

871-14

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

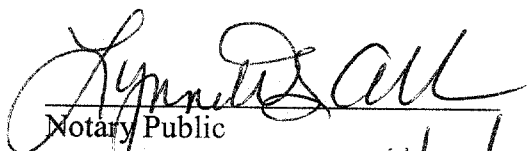


Kelly D. Sutherland

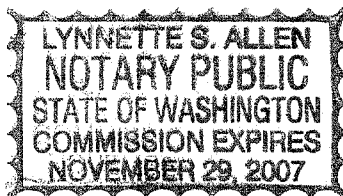
State of Washington)
)
County of Clark)

On this 23rd day of July, 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



AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
07-19217

OREGON
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:

State Of Oregon
Dept. Of Human Resources
500 Summer Street, N.E.
Salem, Or 97310-1012

Klamath County District Attorney
Klamath County Courthouse
316 Main Street
Klamath Falls, Or 97601

State Of Oregon
Attorney General
1162 Court Street, N.E.
Salem, Or 97310

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 July 27, 2007. As evidenced by signed return receipt, each Notice was actually received by the named party at least 25 days before the day of Trustee's Sale, as provided in ORS 86.742(1).

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

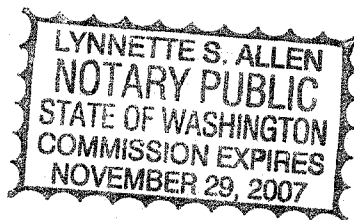
State of Washington)


County of Clark)


On this 23rd day of October, 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



 7160 3901 9845 1410 6674		COMPLETE THIS SECTION ON DELIVERY A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>7/30/07</u> C. Signature _____ <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: CENTRAL SERVICES 500 SUMMER ST. NE E-19 SALEM, OREGON 97310-1065 STEVE CHUMBLEY	
3. Service Type CERTIFIED MAIL			
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			
1. Article Addressed to: State of Oregon Dept. of Human Resources 500 Summer Street, N.E. Salem, OR 97310-1012			
07-19217		Shapiro & Sutherland, LLC	
PS Form 3811, January 2005		Domestic Return Receipt	

2. Article Number  7160 3901 9845 1410 6681		COMPLETE THIS SECTION ON DELIVERY A. Received by (Please Print Clearly) <u>Mary Hale</u> B. Date of Delivery <u>7/30/07</u> C. Signature _____ <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
3. Service Type CERTIFIED MAIL			
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			
1. Article Addressed to: Klamath County District Attorney Klamath County Courthouse 316 Main Street Klamath Falls, OR 97601			
07-19217		Shapiro & Sutherland, LLC	
PS Form 3811, January 2005		Domestic Return Receipt	

2. Article Number  7160 3901 9845 1410 6698		COMPLETE THIS SECTION ON DELIVERY A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>7-30</u> C. Signature _____ <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:	
3. Service Type CERTIFIED MAIL			
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			
1. Article Addressed to: State of Oregon Attorney General 1162 Court Street, N.E. Salem, OR 97310			
07-19217		Shapiro & Sutherland, LLC	
PS Form 3811, January 2005		Domestic Return Receipt	

TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Lupe Brown, Tianna Brown and Wauseka Brown, Jr., as grantor to AmeriTitle, as Trustee, in favor of Beneficial Oregon, Inc., dba Beneficial Mortgage Co., as Beneficiary, dated January 13, 1999, recorded January 19, 1999, in the mortgage records of Klamath County, Oregon, in Volume M99, at Page 1708, as covering the following described real property:

Lot 3, Block 11 of First Addition to Chiloquin, according to the official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

COMMONLY KNOWN AS: 212 East Chocktoot Street, Chiloquin, OR 97624

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 \$681.52, from February 8, 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:

\$50,363.42, together with interest thereon at the rate of 14.75% per annum from January 8, 2007, 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 November 21, 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

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: 07-18-2007

By: /s/ Kelly D. Sutherland
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

KLAMATH COUNTY SHERIFF'S OFFICE
RETURN OF SERVICE

State of Oregon
County of Klamath

Court Case No.
Sheriff's Case No. **A07002241**

Received for Service **7/20/2007**

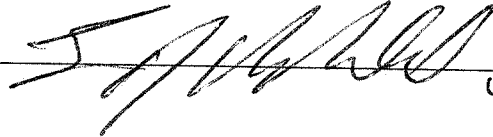
I hereby certify that I received for service on
BROWN, LOUISA MAE
the within:

BROWN, LOUISA MAE
was served personally, and in person, at
212 E CHOCKTOOT STREET
CHILOQUIN, OR 97624
on **7/20/2007** at **16:14** hours.

All search and service was made within Klamath County, State of Oregon.

Timothy M. Evinger, Sheriff
Klamath County, Oregon

By


4145

Copy to:

P O BOX 3225
PORTLAND, OR 97208

KLAMATH COUNTY SHERIFF'S OFFICE
RETURN OF SERVICE

State of Oregon
County of Klamath

Court Case No.
Sheriff's Case No. **A07002241**

Received for Service **7/20/2007**

I hereby certify that I received for service on
JACKSON, RAMON MARCELLE
the within:

JACKSON, RAMON MARCELLE
was served personally, and in person, at
212 E CHOCKTOOT STREET
CHEMULT, OR 97624
on **7/20/2007** at **16:14** hours.

All search and service was made within Klamath County, State of Oregon.

Timothy M. Evinger, Sheriff
Klamath County, Oregon

By

 4145

Copy to:

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 # 9482

Notice of Sale/Lupe, Tianna, Wauseka Brown, Jr.

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:

August 1, 8, 15, 22, 2007

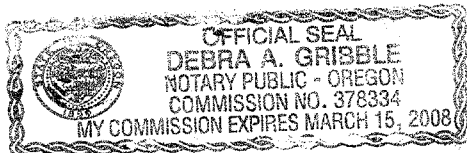
Total Cost: \$839.99

Subscribed and sworn by Jeanine P Day

before me on: August 22, 2007

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 Lupe Brown, Tianna Brown and Wauseka Brown, Jr., as grantor to AmeriTitle, as Trustee, in favor of Beneficial Oregon, Inc., dba Beneficial Mortgage Co., as Beneficiary, dated January 13, 1999, recorded January 19, 1999, in the mortgage records of Klamath County, Oregon, in Volume M99, at Page 1708, as covering the following described real property: Lot 3, Block 11 of First Addition to Chiloquin, according to the official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon. COMMONLY KNOWN AS: 212 East Chocktoot Street, Chiloquin, OR 97624.

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 \$681.52, from February 8, 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: \$50,363.42, together with interest thereon at the rate of 14.75% per annum from January 8, 2007, 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 November 21, 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 dis-

missed 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

Shapiro

(29)

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: 07-18-2007
KELLY D. SUTHERLAND Successor Trustee SHAPIRO & SUTHERLAND, LLC 5501 N.E. 109th Court, Suite N Vancouver,

WA 98662 Telephone: (360) 260-2253
www.shapiroattorneys.com/wa S&S
07-19217 ASAP#
879005 08/01/2007,
08/08/2007,
08/15/2007,
08/22/2007.
#9482 August 1, 8, 15,
22, 2007.