

2008-000131

Klamath County, Oregon



01/03/2008 03:27:39 PM

Fee: \$56.00

WHEN RECORDED MAIL TO:  
EXECUTIVE TRUSTEE SERVICES  
15455 SAN FERNANDO MISSION BLVD, SUITE 208  
MISSION HILLS, CA 91345  
(818) 837-2300

T.S. NO.: OR-115942-C LOAN NO.: 7421713850

Space above line for Recorder's Use

1st 1107095

**AFFIDAVIT OF MAILING NOTICE OF SALE**

STATE OF California} SS  
COUNTY OF Los Angeles}

I, Christian Paulson 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 California, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original or copy of notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of sale of the real property described in the attached notice of sale by mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

**NAME & ADDRESS**

**SEE ATTACHED**

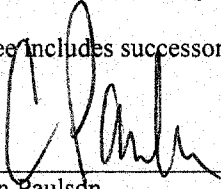
**CERTIFIED NO.**

Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any persons 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 Karen J. Cooper, for FIRST AMERICAN TITLE INSURANCE COMPANY, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States mail Los Angeles California, on 9/17/2007. Each of said notices was mailed after the notice of default and election to sell described in said Notice of Sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

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

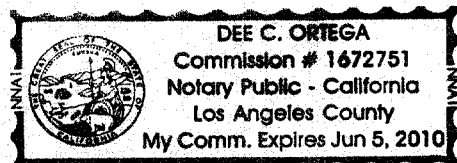
STATE California} SS  
COUNTY Los Angeles}

  
Christian Paulson

On 9/17/2007 before me, Dee C. Ortega the undersigned, a Notary Public in and for said State, personally appeared Christian Paulson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature   
Dee C. Ortega, Notary Public



F-56

AFFIDAVIT OF MAILING

Date: **9/17/2007**

T.S. No.: **OR-115942-C**

Loan No.: **7421713850**

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in Los Angeles County at Executive Trustee Service, LLC, and is not a party to the within action and that on 9/17/2007, (s)he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

LAURA PENKAVA ✓  
787 SOUTH ALAMEDA AVENUE  
KLAMATH FALLS, OR 97603  
71006309264049471766

LAURA PENKAVA ✓  
5242 DOBROT WAY  
CENTRAL POINT, OR 97502-1600  
71006309264049471773

WELLS FARGO FINANCIAL BANK ✓  
PO BOX 5943  
SIOUX FALLS SD 57117-5943  
71006309264049471780

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

X

  
Affiant **Christian Paulson**

## TRUSTEE'S NOTICE OF SALE

Loan No: 7421713850  
T.S. No.: OR-115942-C

Reference is made to that certain deed made by, LAURA PENKAVA as Grantor to ASPEN TITLE & ESCROW, as trustee, in favor of HOMECOMINGS FINANCIAL NETWORK, INC., as Beneficiary, dated 8/16/2004, recorded 8/19/2004, in official records of Klamath County, Oregon in book/reel/volume No. M04 at page No. 54817, fee/file/instrument/microfile/reception No. (indicated which), covering the following described real property situated in said County and State, to-wit:

**APN: R443112; R-3809-034BC-000**  
SEE ATTACHED EXHIBIT "A"

Commonly known as:  
787 SOUTH ALAMEDA 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 notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's:

Unpaid principal balance of \$114,651.22; plus accrued interest plus impounds and / or advances which became due on 6/1/2007 plus late charges, and all subsequent installments of principal, interest, balloon payments, plus impounds and/or advances and late charges that become payable.

Monthly Payment \$947.38                      Monthly Late Charge \$40.75

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$114,651.22 together with interest thereon at the rate of 7.375 % per annum from 5/1/2007 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee will on **1/23/2008** at the hour of **10:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **On the front steps of the Circuit Court, 316 Main St, in the City of Klamath Falls, County of Klamath, Oregon** 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 had or had power to convey at the time of the execution by him of the 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

Loan No: 7421713850  
T.S. No: OR-115942-C

### TRUSTEE'S NOTICE OF SALE

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: 9/4/2007

FIRST AMERICAN TITLE INSURANCE COMPANY  
C/O EXECUTIVE TRUSTEE SERVICES  
15455 San Fernando Mission Blvd., Suite 208  
Mission Hills, CA 91345  
Sale Line: 714-259-7850

Signature By Karen Balsano  
Karen Balsano  
Assistant Secretary

State of California ) ss.  
County of Los Angeles)

I, the undersigned, certify that I am the Trustee Sale Officer, and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

Marvell L. Carmouche  
Marvell L. Carmouche  
Trustee Sale Officer

**Executive Trustee Services, LLC**  
**15455 S.F. Mission Blvd., #208**  
**Mission Hills, California 91345**

**(818) 837-2300**

Date: 9/4/2007

T.S. Number: OR-115942-C  
Loan Number: 7421713850

### **DEBT VALIDATION NOTICE**

1. The enclosed document relates to a debt owed to the current creditor:

#### **MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC.**

You may send us a written request for the name and address of the original creditor, if different from the current creditor, and we will obtain and mail the information to you.

2. As of **9/4/2007** the total delinquency owed was **\$9,207.01**, but this amount will increase until the delinquency has been fully cured.
3. As of **9/4/2007** the amount required to pay the entire debt in full was **\$120,010.77** but this amount will increase daily until the debt has been fully paid.
4. You may dispute the validity of this debt, or any portion thereof, within thirty (30) days after receiving this notice. Otherwise, we will assume that the debt is valid.
5. If you notify us in writing that you dispute all or any portion of this debt within thirty (30) days after receiving this notice, we will obtain and mail to you verification of the debt, or a copy of any judgement against you.

**WE ARE ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION  
WE OBTAIN WILL BE USED FOR THAT PURPOSE.**

OR-115942-C

Property Address: 787 SOUTH ALAMEDA AVENUE, KLAMATH FALLS, OREGON 97603

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

A.P.N. #: R-3809-034BC-02500-000

A parcel of land located in Section 34, Township 38 South, Range 9 East of the Willamette Meridian, in Tract 39B of ENTERPRISE TRACT, described as follows:

**BEGINNING** at a point located 402.6 feet North, 481.7 feet North 89° 44' West and 125 feet North 21° 10' West of Southeast corner of Tract 39A of ENTERPRISE TRACTS, said point of beginning being the Northwestern corner of a parcel of land described in a deed recorded in Deed Volume 317 at page 483, Records of Klamath County, Oregon; Thence continuing North 21° 10' West 100 feet to a point; thence North 68° 50' East 97.9 feet, more or less, to the Westerly right-of-way line of the proposed State Highway; thence South 40° East 105.60 feet along the Westerly right-of-way line of said propose highway; thence South 68° 50' West along the Northerly line of the parcel described in Deed recorded in Volume 317 at page 483, Records of Klamath County, Oregon, 131.6 feet, more or less, to the point of beginning.

A.P.N. # : R-3809-034BC-02500-000

OR115942C/PENKAVA  
ASAP# 897474

**EXEC**

**PROOF OF SERVICE**

STATE OF OREGON )  
 ) ss.  
County of KLAMATH )

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, together with the Notice Under the Federal Fair Debt Collection Practices Act, upon an **OCCUPANT** at the following address:

**787 SOUTH ALAMEDA AVENUE, KLAMATH FALLS, OREGON 97603**, as follows:

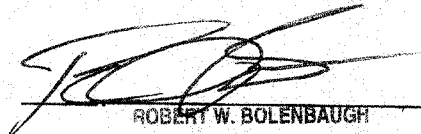
Personal service upon David Foreman, by delivering said true copy, personally and in person, at the above address on September 12, 2007 at 4 : 55 p.m.

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

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

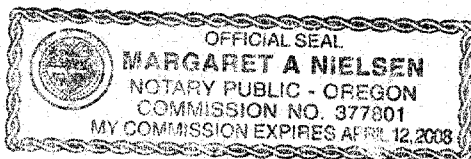
Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2007 at \_\_\_\_\_ : \_\_\_\_\_ m.

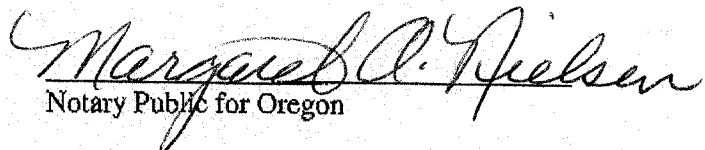
I declare under the penalty of perjury that the above statement is true and correct.

  
ROBERT W. BOLENBAUGH

327711

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of September, 2007 by ROBERT W. BOLENBAUGH



  
Notary Public for Oregon

# 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 # 9653

Notice of Sale/Laura Penkava

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:

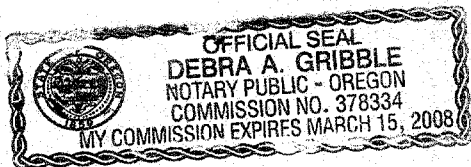
October 31, November 7, 14, 21, 2007

Total Cost: \$884.09

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

Notary Public of Oregon

My commission expires March 15, 2008



### TRUSTEE'S NOTICE OF SALE Loan No: 7421713850 TS No: OR-115942-C

Reference is made to that certain deed made by, LAURA PENKAVA as Grantor to ASPEN TITLE & ESCROW, as trustee, in favor of HOMECOMINGS FINANCIAL NETWORK, INC., as Beneficiary, dated 8/16/2004, recorded 8/19/2004, in official records of Klamath County, Oregon in book/reel/volume No. M04 at page No. 54817, fee/file/instrument/microfilm/reception No. (indicated which), covering the following described real property situated in said County and State, to-wit: APN: R443112; R-3809-034BC-000 A parcel of land located in Section 34, Township 38 South, Range 9 East of the Williamette Meridian, in Tract 39B of Enterprise Tract, described as follows: Beginning at a point located at 402.6 feet North, 481.7 feet North 89°44' West and 125 feet North 21°10' West of South-east corner of Tract 39A of Enterprise Tracts, said point of beginning being the Northwestern corner of a parcel of land described in a deed recorded in Deed Volume 317 at page 483, Records of Klamath County, Oregon; Thence continuing North 21°10' West 100 feet to a point; thence North 68°50' East 97.2 feet more or less, to the Westerly right-of-way line of the proposed State Highway; thence South 40° East 105.60 feet along the Westerly right-of-way line of said proposed highway; thence South 68°50' West along the Northerly line of the parcel described in Deed recorded in Volume 317 at page 483, Records of Klamath County, Oregon, 131.6 feet more or less, to the point of beginning. Commonly known as: 787 SOUTH ALAMEDA 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 notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's: Unpaid principal balance of \$114,651.22; plus accrued interest plus impounds and / or advances which became due on 6/1/2007 plus late charges, and all subsequent installments of principal, interest, balloon payments, plus impounds and/or advances and late charges that become payable. Monthly Payment \$947.38 Monthly Late Charge \$40.75.

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$114,651.22 together with interest thereon at the rate of 7.375 % per annum from 5/1/2007 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee, will on 1/23/2008 at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at On the front steps of the Circuit Court, 316 Main St, in the City of Klamath Falls, County of Klamath, Oregon 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 had or had power to convey

at the time of the execution by him of the 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

In construing this notice, the masculine gender includes the feminine and the neuter; the singular includes plural; the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: 9/4/2007.  
FIRST AMERICAN  
TITLE INSURANCE COMPANY  
C/O EXECUTIVE TRUSTEE SERVICES, 15455 San Fernando Blvd., Suite 208, Mission Hills, CA 91345. Sale Line: 714-259-7850. Signature By Karen Balsano, Assistant Secretary. ASAP# 897474 10/31/2007, 11/07/2007, 11/14/2007, 11/21/2007, #9653 October 31, November 7, 14, 21, 2007.