

2008-000340

Klamath County, Oregon



00038204200800003400090091

01/08/2008 02:01:57 PM

Fee: \$76.00

**RECORDING COVER SHEET**

Pursuant to ORS 205.234

After recording return to:

Northwest Trustee Services, Inc.  
Attention: Chris Ashcraft  
P.O. Box 997  
Bellevue, WA 98009-0997

ATE: 65204

1. AFFIDAVIT OF MAILING
2. SUPPLEMENTAL AFFIDAVIT OF MAILING
3. TRUSTEE'S NOTICE OF SALE
4. PROOF OF SERVICE
5. AFFIDAVIT OF PUBLICATION

Original Grantor(s) on Trust Deed: Kim Franco, a single man

Beneficiary: Washington Mutual Bank

**THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.**

#76-A

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

Kim Franco  
2415 Eberlein Avenue  
Klamath Falls, OR 97601

Hardy Myers  
Attorney General, State of Oregon  
1162 Court Street NE  
Salem, OR 97310

State of Oregon  
Department of Justice  
39 North Central  
Medford, OR 97501

State of Oregon  
Department of Employment Security  
875 Union Street NE, Room 107  
Salem, OR 97311

Southern Oregon Credit Services, Inc.,  
c/o Brian B. Mullen  
P.O. Box 1338  
Medford, OR 97501

Southern Oregon Credit Services, Inc.,  
c/o Linda Collins, Reg. Agent  
P.O. Box 4708  
Medford, OR 97501

Southern Oregon Credit Services, Inc.,  
c/o Brian B. Mullen  
123 Black Oak Drive  
Medford, OR 97504

Occupant(s)  
2415 Eberlein Avenue  
Klamath Falls, OR 97601

State of Oregon  
Department of Human Resources  
39 North Central  
Medford, OR 97501

State of Oregon  
Department of Support Enforcement  
39 North Central  
Medford, OR 97501

State of Oregon  
Department of Consumer & Business Services  
350 Winter Street NE  
Salem, OR 97309

Southern Oregon Credit Services, Inc.,  
c/o Linda Collins, Reg. Agent  
841 Stewart Avenue, Ste 11  
Medford, OR 97501

Southern Oregon Credit Services, Inc.  
P.O. Box 4070  
Medford, OR 97501

Carter-Jones Collections LLC, c/o  
Kent Pederson, Reg. Agent  
1143 Pine Street  
Klamath Falls, OR 97601

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

**RE: Trust Deed from  
Franco, Kim**

**Grantor**

**to**

**Northwest Trustee Services, Inc.,  
Trustee**

**File No. 7258.24735**

**After recording return to:  
Northwest Trustee Services, Inc.  
Successor by merger to Northwest Trustee Services, PLLC  
(formerly known as Northwest Trustee Services, LLC)  
Attn: Chris Ashcraft  
P.O. Box 997  
Bellevue, WA 98009-0997**

Carter-Jones Collections LLC, c/o  
Nael G. Buchanan  
435 Oak Avenue  
Klamath Falls, OR 97601

Adria D. Paschal  
5032 Gatewood Drive  
Klamath Falls, OR 97603

Kim Franco  
2434 South 6th Street  
Klamath Falls, OR 97601

State of Oregon  
Department of Consumer & Business Services  
350 Winter Street NE, Room 200  
Salem, OR 97309

State of Oregon  
Department of Consumer & Business Services  
P.O. Box 14480  
Salem, OR 97309

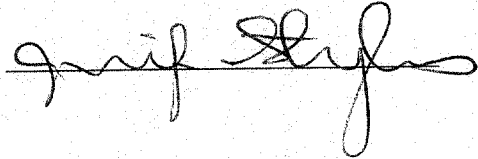
State of Oregon  
Department of Human Resources  
1841 NE 3rd Street  
Bend, OR 97701

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 9/25-07. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

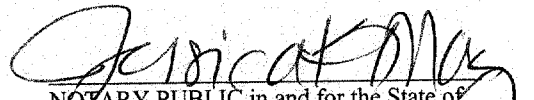
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )



I certify that I know or have satisfactory evidence that Jennifer Stephens is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 9/25/07

  
NOTARY PUBLIC in and for the State of  
Washington, residing at Naceyville  
My commission expires 04/19/09

JESSICA K. MAY  
STATE OF WASHINGTON  
NOTARY — • — PUBLIC  
MY COMMISSION EXPIRES 04-19-09

**SUPPLEMENTAL AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

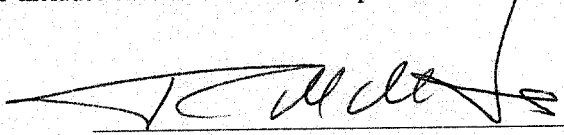
I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

Kim Franco  
4480 South 6th Street  
Klamath Falls, OR 97603

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 11-5-07. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

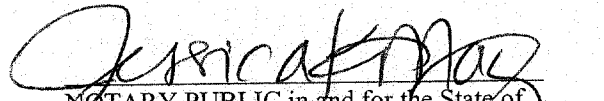
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I certify that I know or have satisfactory evidence that Tim M. Murta is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 11/5/07

  
NOTARY PUBLIC in and for the State of  
Washington, residing at Maple Hill  
My commission expires 11/10/09

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**  
**RE: Trust Deed from**  
**Franco, Kim**  
**Grantor**  
**to**  
**Northwest Trustee Services, Inc.,**  
**Trustee** **File No. 7258.24735**

JESSICA K. MAY  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 04-19-09

After recording return to:  
Northwest Trustee Services, Inc.  
Successor by merger to Northwest Trustee Services, PLLC  
(fka Northwest Trustee Services, LLC)  
Attn: Chris Ashcraft  
P.O. Box 997  
Bellevue, WA 98009-0997

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Kim Franco, a single man, as grantor, to Chicago Title Insurance Company, as trustee, in favor of Washington Mutual Bank, as beneficiary, dated 11/17/06, recorded 12/01/06, in the mortgage records of Klamath County, Oregon, as 2006-023968 and subsequently assigned to Deutsche Bank National Trust Company, as Trustee for WaMu Series 2007-HE1 Trust by Assignment recorded, covering the following described real property situated in said county and state, to wit:

Lot 16 in Block 302 of Darrow Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

PROPERTY ADDRESS: 2415 Eberlein Avenue  
Klamath Falls, OR 97601

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the 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 of \$577.09 beginning 04/01/07; plus late charges of \$28.85 each month beginning 04/16/07; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$57,784.52 with interest thereon at the rate of 11.875 percent per annum beginning 03/01/07; plus late charges of \$28.85 each month beginning 04/16/07 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on **January 24, 2008** at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com). 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 then 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 obligation 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. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

In construing this notice, 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.

The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com).

Dated: September 20, 20 07

Northwest Trustee Services, Inc.

By 

Assistant Vice President,

Northwest Trustee Services, Inc. is successor by merger to Northwest Trustee Services, PLLC (formerly known as Northwest Trustee Services, LLC)

For further information, please contact:

**Chris Ashcraft**  
**Northwest Trustee Services, Inc.**  
**P.O. Box 997**  
**Bellevue, WA 98009-0997**  
**(425) 586-1900**  
**File No.7258.24735/Franco, Kim**

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

\_\_\_\_\_  
By Authorized Signer

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

WA MUTUAL BANK  
vs  
KIM FRANCO

1002.76717  
2007

PROOF OF SERVICE

STATE OF OREGON )  
County of KLAMATH ) SS.

I hereby certify that on the 25 day of September, 2007, at the hour of 1415  
I served OCCUPANTS (ZAK STRUBEL) by

- Personal Service (personally and in person)
- Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the within named)
- Office Service (by serving the person apparently in charge)
- By posting (said residence)

- A certified/true copy of:
- Summons
  - Motion
  - Complaint
  - Petition
  - Other: TRUSTEES NOTICE OF SALE
  - Writ of Garnishment
  - Order
  - Citation
  - Notice
  - Small Claims
  - Affidavit
  - Subpoena
  - Decree

Together with a copy of

To ZAK STRUBEL At 2415 EBERLEIN AVE  
KLAMATH FALLS, OR. 97601

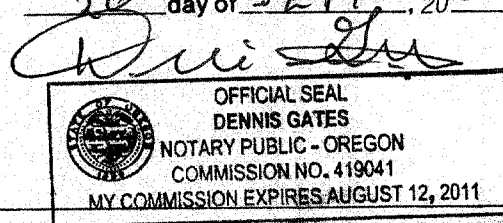
NOT FOUND: I certify that I received the within document for service on the day of , 20 and after due and diligent search and inquiry, I have been unable to locate within the county of . Dated this day of , 20

ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF KLAMATH

I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the action.

Subscribed to and sworn to before me this 20 day of SEPT, 2007

*David Davis*  
DAVE DAVIS (#16)  
Cleveland Process Serving, LLC.  
(541) 665-5162



Papers Received From FEI LLC  
PO BOX 219  
BELLEVUE  
WA 98009-0219  
425-458-2112  
ATTN:

Remit to: CPS, LLC.	Service Fee	\$ 45.00
P.O. Box 5358	Mileage	\$
Central Point, OR 97502	Rush/Emergency	\$ 25.00
Date: 10-01-2007	Incorrect Add.	\$
CPS File No. 5451-K		\$
Client No. 7258-24735	Amount Paid	\$ 0.00
	TOTAL DUE	\$ 70.00

# 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 # 9642  
Notice of Sale/Kim Franco

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:

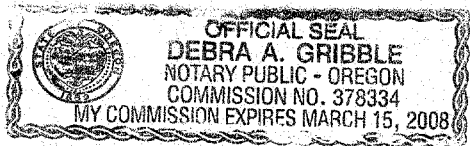
October 25, November 1, 8, 15, 2007

Total Cost: \$1,089.89

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: November 15, 2007

*Debra A Gribble*  
Notary Public of Oregon

My commission expires March 15, 2008



**TRUSTEE'S  
NOTICE OF SALE**

Reference is made to that certain trust deed made by Kim Franco, a single man, as grantor, to Chicago Title Insurance Company, as trustee, in favor of Washington Mutual Bank, as beneficiary, dated 11/17/06, recorded 12/01/06, in the mortgage records of Klamath County, Oregon, as 2006-023968 and subsequently assigned to Deutsch Bank National Trust Company, as Trustee for WaMu Series 2007-HEI Trust by assignment recorded, covering the following described real property situated in said county and state, to wit:

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**PROPERTY ADDRESS:** 2415 Eberlein Avenue, Klamath Falls, OR 97601.

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ments of \$577.09 beginning 04/01/07; plus late charges of \$28.85 each month beginning 04/16/07; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein, and prepayment penalties/premiums, if applicable.

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WHEREFORE, notice hereby is given that the undersigned trustee will on January 24, 2008, at the hour of 10:00 o'clock, A.M. in ac-

cord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com). Notice is further given that any per-



son 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 then 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 obligation 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. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

In construing this notice, 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.

The trustee's rules of auction may be accessed at [www.northwest-trustee.com](http://www.northwest-trustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com).

Dated: September 20, 2007. Northwest Trustee Services, Inc. By: Chris Ashcraft, Assistant Vice President, Northwest Trustee Services, Inc. is successor by merger to Northwest Trustee Services, PLLC (formerly known as Northwest Trustee Services, LLC). For further information, please contact: Chris Ashcraft, Northwest Trustee Services, Inc., P.O. Box 997, Bellevue, WA 98009-0997 (425) 586-1900. File No. 7258.24735/Franco, Kim. #9642 October 25, November 01, 08, 15, 2007.

RECD NOV 20 2007