

2008-001248

Klamath County, Oregon



00039305200800012480090091

01/30/2008 11:45:46 AM

Fee: \$61.00

Att: 65270

AFFIDAVIT OF MAILING

By Interface Inc.  
5839 Mission Gorge Road, Suite A  
San Diego, CA 92120

Reference No: 06-27682-OR  
Mailing Number: 0028806-01

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO } SS }

I, Clifton McBride being duly sworn, depose and say:

I am and at all times herein mentioned a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California:

That at the request of Premier Trust Deed Services, Inc. on 10/3/2007, I deposited in the United States mail a copy of the attached document, in separate sealed envelopes, in accordance with the checked mailing classes defined below, postage prepaid, to the address list on exhibit A, attached hereto and made a part hereof.

☒ First Class      ☐ Certified  
☒ Certified Return      ☐ Registered      ☐ Registered International

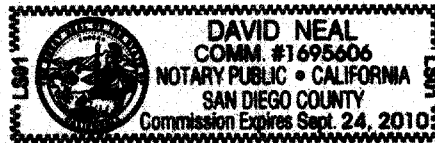
Clifton McBride  
Affiant

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

On JAN 22 2008 before me, the undersigned, a Notary Public in and for said State, personally appeared CLIFTON McBRIDE personally known to me (or proved to me on the basis of satisfactory evidence) to the person(s) whose names(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 [Signature]



#61-A

Exhibit A to Affidavit of Mailing

1/17/2008 1:43:05 PM	Sender:	Premier Trust Deed Services, Inc.	
		Null	
Postal Class:	First Class		
Type of Mailing:	OR-NOS		
Affidavit Attachment: 0028806-01 000 10031012 PTD			
Postal Number	Sequence	Recipient Name	Address Line 1/3
11041994141007217929	1	OCCUPANT	1967 LAWRENCE ST KLAMATH FALLS OR 97601-1822
11041994141007217943	2	ALLEN D. MERCK	1967 LAWRENCE ST KLAMATH FALLS OR 97601-1822
			Address Line 2/4

Exhibit A to Affidavit of Mailing

1/17/2008 1:43:06 PM      Sender:      Premier Trust Deed Services, Inc.  
Null

Postal Class:      Certified - Ret

Type of Mailing:      OR-NOS

Affidavit Attachment: 0028806-01 000 10031012 PTD

Postal Number      Sequence Recipient Name

71041994141009912688  
1      OCCUPANT

Address Line 1/3      Address Line 2/4

1967 LAWRENCE ST  
KLAMATH FALLS OR 97601-1822

71041994141009912701  
2      ALLEN D. MERCK

1967 LAWRENCE ST  
KLAMATH FALLS OR 97601-1822

0627682OR/MERCK  
ASAP# 906892

**PREMTD**

**DUPLICATE  
PROOF OF SERVICE**

STATE OF OREGON                 )  
County of Klamath              ) ss.

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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, upon an **OCCUPANT** at the following address:

**1967 LAWRENCE STREET, KLAMATH FALLS, OREGON 97601, as follows:**

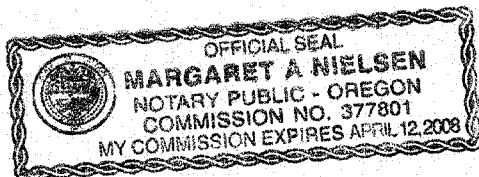
Personal service upon HARLEY MERCK, by delivering said true copy, personally and in person, at the above address on October 13, 2007 at 12:53 p.m.

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

  
Robert Bolenbaugh 328444

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of January, 2008 by Robert Bolenbaugh.

*Margaret A. Nelson*  
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 # 9699

Notice of Sale/Allen D. Merck

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:

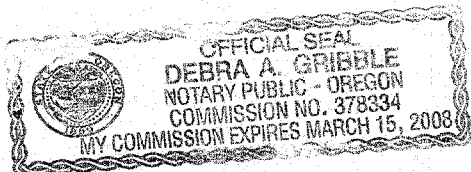
November 21, 28, December 5, 12, 2007

Total Cost: \$1,178.09

Subscribed and sworn by Jeanine P Day  
before me on: December 12, 2007

Notary Public of Oregon

My commission expires March 15, 2008



### TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq. Trustee's Sale No.: 06-27682-OR Reference is made to that certain Trust Deed made by ALLEN D. MERCK as Grantor, in which OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION is named as Beneficiary and FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON as Trustee dated 05/03/2005 and recorded 05/11/2005, as Book No. M05, Page 34140, of Official Records of Klamath County, Oregon; covering the following described real property situated in said county and state, to-wit:

The E 1/2 of Lot 21 and all of Lot 22, Block 8, HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon. EXCEPTING THEREFROM that portion conveyed to William F. Speers and Linda M. Speers by Decree entered in Klamath County Circuit Court Case No. 0204299CV on November 6, 2003, a copy of said Judgment having been recorded November 18, 2003 in Volume M03, Page 85162, Microfilm Records of

Klamath County, Oregon, described as follows: That portion of said Lot 21, Block 8 of "HILLSIDE ADDITION to the City of Klamath Falls", described as follows: Beginning at a point on the South line of said Lot 21, said point being the Southwest corner of that tract of land described in Deed Volume M02, Page 2904 of the Klamath County Deed Records from which the Southwest corner of said Lot 21 bears South 68° 52' 23" West 24.98 feet; thence North 21° 14' 04" West along the West line of said Deed Volume, 139.85 feet to a point on the North line of said Lot 21 and said Deed Volume; thence North 68° 52' 23" East, along the North line of said Lot 21 and said Deed Volume, 7.06 feet; thence South 21° 59' 37" East 139.86 feet to a point on the South line of said Lot 21 and said Deed Volume; thence South 68° 52' 23" West 8.91 feet to the point of beginning, with bearings based on R.O.S. 4527 on file at the office of the Klamath County Surveyor, CODE 001 MAP 3809-029AA TL 05100 KEY #186809.

The street address or other common designation, if any, of the real property described above is purported to be: 1967 LAWRENCE STREET, KLAMATH FALLS, OR 97601-1822. The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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: Total payments from 5/1/2007 through 09/1/2007 \$7,464.34 Total late charges \$315.55 Total advances \$3,593.77 TOTAL DUE THE BENEFICIARY \$4,186.12.

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Deed of Trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

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 sums being the following: The unpaid principal balance of \$184,434.61 together with interest thereon at the current rate of 10.09 per cent per annum from 05/01/2007 until paid, plus all accrued late charges, escrow advances, attorney's fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

PremTD

WHEREFORE, notice hereby is given that the undersigned trustee will, on 02/04/2008, at the hour of 10:00 A.M. in accord with the standard of time established by O.R.S. 187.110 at the following place: At the front steps of the Circuit Court, 316 Main St. in the City of Klamath Falls, County of Klamath, OR 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 execution by him of the said Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee. Notice is further given that any person named in O.R.S. 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 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.

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 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. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

Dated: 11/13/2007.  
Fidelity National Title Company of Oregon by Premier Trust Deed Services, Inc., as agent, 6501 Irvine Center Drive, Mail Stop DB-PT, Irvine CA 92618. Phone (949) 784-6173. By Kim Thorne, Assistant Secretary. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. ASAP# 906892 11/21/2007, 11/28/2007, 12/05/2007, 12/12/2007. #9699 November 21, 28, December 5, 12, 2007.

## TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.  
Trustee's Sale No.: 06-27682-OR

Reference is made to that certain Trust Deed made by ALLEN D. MERCK as Grantor, in which OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION is named as Beneficiary and FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON as Trustee dated 05/03/2005 and recorded 05/11/2005, as Book No. M05, Page 34140, of Official Records of Klamath County, Oregon; covering the following described real property situated in said county and state, to-wit:

**See Legal Description attached hereto and made a part hereof**

The street address or other common designation, if any, of the real property described above is purported to be:

**1967 LAWRENCE STREET, KLAMATH FALLS, OR 97601-1822**

**The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.**

***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:***

Total payments from 5/1/2007 through 09/1/2007	\$7,464.34
Total late charges	\$315.55
Total advances	-\$3,593.77
<b>TOTAL DUE THE BENEFICIARY</b>	<b><u>\$4,186.12</u></b>

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Deed of Trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

***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 sums being the following:***

The unpaid principal balance of **\$184,434.61** together with interest thereon at the current rate of **10.09** per cent per annum from 05/01/2007 until paid, plus all accrued late charges, escrow advances, attorney's fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

WHEREFORE, notice hereby is given that the undersigned trustee will, on **02/04/2008**, at the hour of **10:00 A.M.** in accord with the standard of time established by O.R.S. 187.110 at the following place:

**At the front steps of the Circuit Court, 316 Main St. in the City of Klamath Falls, County of Klamath, OR**

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 execution by him of the said Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee.

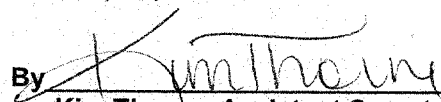
Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such 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 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.

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 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.

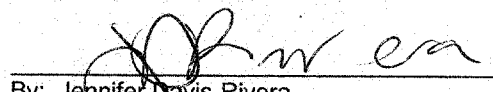
If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

Dated: 9/21/2007

**Fidelity National Title Company of Oregon by  
Premier Trust Deed Services, Inc., as agent  
6501 Irvine Center Drive,  
Mail Stop DB-PT  
Irvine CA 92618  
Phone (949) 784-6173**

By   
**Kim Thorne, Assistant Secretary**

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

  
By: Jennifer Davis-Rivera

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



Exhibit A

The E 1/2 of Lot 21 and all of Lot 22, Block 8, HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

EXCEPTING THEREFROM that portion conveyed to William F. Speers and Linda M. Speers by Decree entered in Klamath County Circuit Court Case No. 0204299CV on November 6, 2003, a copy of said Judgment having been recorded November 18, 2003 in Volume M03, Page 85162, Microfilm Records of Klamath County, Oregon, described as follows:

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CODE 001 MAP 3809-029AA TL 05100 KEY #186809