

MTC 81602

2008-008236
Klamath County, Oregon



06/06/2008 11:23:32 AM

Fee: \$51.00

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 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 February 27, 2008:

Richard F. Mulkey, Jr.
10027 McGuire Ave.
Klamath Falls OR 97603

State of Oregon
Division of Child Support (DCS)
PO Box 14506
Salem OR 97309

Beneficial Oregon, Inc.
1345 Center Drive, Ste D
Medford OR 97501

Department of Justice
Division of Child Support
1495 Edgewater St NW, Ste. 120
Salem OR 97304

Elizabeth A. Kasper
fka Elizabeth A. Mulkey
5295 Peggy Ave.
Klamath Falls OR 97601

Oregon Attorney General
Justice Department
1162 Court Street, NE
Salem OR 97310

Falcon Heights Condominium
Association, Inc.
c/o Kelly W. Louellyn, R.A.
135 South 9th Street
Klamath Falls OR 97601

Falcon Heights Condominium
Association, Inc.
PO Box 127
Klamath Falls OR 97601

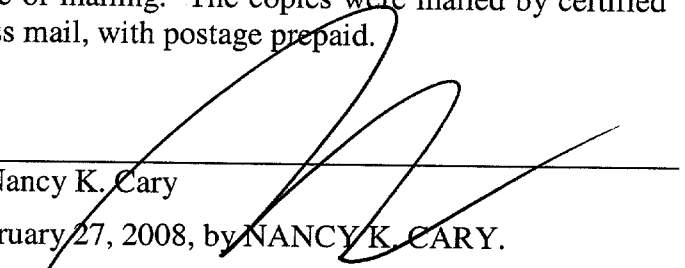
3. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge,

AFTER RECORDING RETURN TO:

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

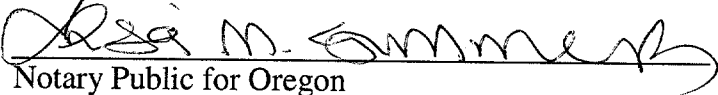
5/11/08 AFFIDAVIT OF MAILING

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.

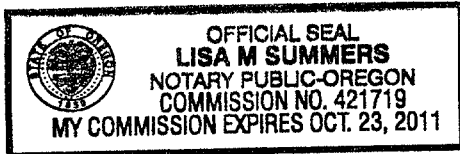


Nancy K. Cary

Signed and sworn to before me on February 27, 2008, by NANCY K. CARY.



Notary Public for Oregon
My Commission Expires: 10/23/2011



AFFIDAVIT OF MAILING

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: RICHARD F. MULKEY, JR.
Trustee: AMERITITLE
Successor Trustee: NANCY K. CARY
Beneficiary: OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT,
STATE OF OREGON, Assignee of WHIDBEY ISLAND BANK

2. DESCRIPTION OF PROPERTY: The real property is described as follows:

Unit 10027 (McGuire Avenue) SUPPLEMENTAL PLAT TRACT 1379, FALCON HEIGHTS CONDOMINIUM STAGE 3, 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: May 8, 2003
Recorded: Vol: M03, Page: 30863
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 \$373.87 due October 1, 2007; plus monthly payments in the amount of \$530.00 each, due the first of each month, for the months of November 2007 through February 2008; 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 \$77,721.36; plus interest at the rate of 4.9500% per annum from September 1, 2007; plus late charges of \$223.90; 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: July 10, 2008
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 #07754.30121).

DATED: February 7, 2008.

/s/ Nancy K. Cary

Nancy K. Cary, Successor Trustee
Hershner Hunter, LLP
P.O. Box 1475
Eugene, OR 97440

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.

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 _____, _____, at _____ .M., I delivered the attached original Trustee's Notice of Sale to _____ in person, at _____.

On _____, _____, at _____ .M., I delivered the attached original Trustee's Notice of Sale to _____ in person, at _____.

On _____, _____, at _____ .M., I delivered the attached original Trustee's Notice of Sale to _____ in person, at _____.

SUBSTITUTE SERVICE

On _____, _____, at _____ .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 _____.

On _____, _____, at _____ .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 _____ .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 _____ .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 _____.

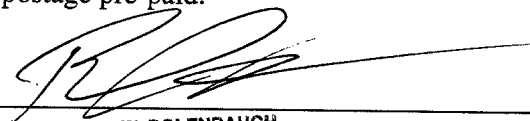
AFTER RECORDING RETURN TO:
Hershner Hunter LLP
Attn: Lisa Summers
PO Box 1475
Eugene, OR 97440

POSTING

On February 11, 2008, at 5:03 P.M., I posted the attached original Trustee's Notice of Sale at 10027 McGuire Ave. Klamath Falls, Oregon 97603 (address) by taping a copy to the front door (method of posting).

On February 14, 2008, at 10:52 A.M., I posted the attached original Trustee's Notice of Sale at 10027 McGuire Ave. Klamath Falls, Oregon 97603 (address) by taping a copy to the front door (method of posting).


On February 20, 2008, at 2:05 P.M., I posted the attached original Trustee's Notice of Sale at 10027 McGuire Ave. Klamath Falls, Oregon 97603 (address) by taping a copy to the front door (method of posting). Following this third posting, I sent a copy of the Notice bearing the word "Occupant" as the addressee to the property address of 10027 McGuire Ave. Klamath Falls, Oregon 97603 by first class mail with postage pre-paid.



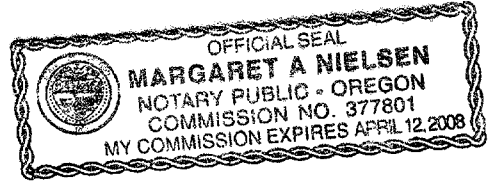
ROBERT W. BOLENBAUGH

Signed and sworn to before me on February 20, 2008, by

ROBERT W. BOLENBAUGH



Notary Public for Oregon
My Commission Expires: _____



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 # 10126

Notice of Sale/Richard F. Mulkey, 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:

May 4, 11, 18, 25, 2008

Total Cost: \$725.96

Jeanine P. Day
Subscribed and sworn by Jeanine P Day
before me on: May 25, 2008

Beth Furtado
Notary Public of Oregon

My commission expires November 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: RICHARD F. MULKEY, JR.
Trustee: AMERITITLE
Successor Trustee: NANCY K. CARY
Beneficiary: OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON, Assignee of WHIDBEY ISLAND BANK

2. DESCRIPTION OF PROPERTY:
The real property is described as follows:
Unit 10027 (McGuire Avenue) SUPPLEMENTAL PLAT TRACT 1379, FALCON HEIGHTS CONDOMINIUM STAGE 3, 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: May 8, 2003
Recorded: Vol: M03, Page: 30863
Official Records of Klamath County, Oregon

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7. TIME OF SALE.
Date: July 10, 2008
Time: 11:00 a.m.
Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

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Any questions regarding this matter should be directed to Lisa Summers, Legal Assistant, (541) 686-0344 (TS #07754.30121).

DATED: February 7, 2008.
/s/ Nancy K. Cary

Nancy K. Cary, Successor Trustee
Hershner Hunter, LLP
P.O. Box 1475
Eugene, OR 97440
#10126 May 4, 11, 18, 25, 2008.

AFTER RECORDING RETURN TO:

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