

2008-008618

Klamath County, Oregon



00047955200800086180080087

RECORDING COVER SHEET

Pursuant to ORS 205.234

06/13/2008 03:17:34 PM

Fee: \$71.00

After recording return to:

Northwest Trustee Services, Inc.

Attention: Kathy Taggart

P.O. Box 997

Bellevue, WA 98009-0997

151 1179286

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

Original Grantor(s) on Trust Deed: Thomas M Flanagan and Diane J Flanagan

Beneficiary: Mortgage Electronic Registration Systems, Inc. solely as nominee for BCK Capital Inc.

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.

F71-

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:

THOMAS M. FLANAGAN
700 DOTY STREET
KLAMATH FALLS, OR 97601

DIANE J. FLANAGAN
700 DOTY STREET
KLAMATH FALLS, OR 97601

OCCUPANT(S)
700 DOTY STREET
KLAMATH FALLS, OR 97601

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 2/28/08. 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 A. Hogan 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: Feb 28, 2008

Sandy Ruiz
NOTARY PUBLIC in and for the State of
Washington, residing at
My commission expires 8/2/10

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
RE: Trust Deed from
FLANAGAN, THOMAS M. and DIANE J.
Grantor
to
Northwest Trustee Services, Inc.,
Trustee File No. 7301.23622

SANDY RUIZ
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
08-02-10

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

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Thomas M Flanagan and Diane J Flanagan, as grantor, to Amerititle, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for BCK Capital Inc., as beneficiary, dated 06/16/05, recorded 06/17/05, in the mortgage records of Klamath County, Oregon, as Vol. M05 Page 45657 and subsequently assigned to CitiMortgage, Inc. by Assignment, covering the following described real property situated in said county and state, to wit:

A portion of Lots 4 and 4 in Block 7 of FIRST 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, more particularly described as follows: Beginning at the most Westerly corner of Lot 5, Block 7, FIRST ADDITION, to the City of Klamath Falls, Oregon; thence Southeasterly along the Northeasterly Line of Seventh Street in said City, 60 feet; thence Northeasterly at right angles to Seventh Street, 70 feet; thence Northwesterly parallel with Seventh, 60 feet; thence Southwesterly along the Southeasterly line of Doty Street, 70 feet to the place of beginning.

PROPERTY ADDRESS: 700 DOTY STREET
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 \$1,106.18 beginning 10/01/07; plus late charges of \$45.51 each month beginning 10/16/07; plus prior accrued late charges of \$0.00; plus advances of \$75.00; 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: \$149,560.57 with interest thereon at the rate of 5.875 percent per annum beginning 09/01/07; plus late charges of \$45.51 each month beginning 10/16/07 until paid; plus prior accrued late charges of \$0.00; plus advances of \$75.00; 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 **June 30, 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. 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 and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Northwest Trustee Services, Inc.

Dated: FEBRUARY 25, 2008

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:

Kathy Taggart
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900
File No.7301.23622/FLANAGAN, THOMAS M. and DIANE J.

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.**

FEI, LLC
Affidavit of Posting and Service

State of Oregon
County of Klamath

DAVE DAVIS being sworn, says: That I am a citizen of the United States, over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale: That my business address is 422 N 6th St, Klamath Falls, OR.

That I posted a copy of the attached Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 700 DOTY STREET, KLAMATH FALLS, OR in a conspicuous place.

1st Attempt: Posted Real Property on 02/26/2008 at 13:20

AND: / OR:

That I personally served a copy of the attached Notice of Trustee's Sale upon an adult occupant of the real property in the manner in which a summons is served by delivering to or leaving with Diane Flanagan, a person over the age of eighteen (18) years, then residing therein on Tuesday, February 26, 2008, at 13:20.

Signed in Klamath County, Oregon by:

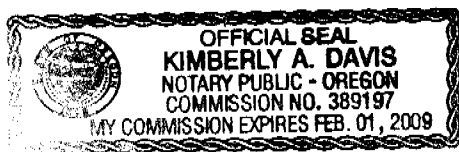
Dave Davis

Signature DAVE DAVIS
1002.85872

Date 02/26/08

State of Oregon
County of Klamath

On this 26th day of Feb. in the year of 2008, before me a Notary Public, Personally appeared DAVID DAVIS, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.



Kimberly A. Davis
Notary Public for Oregon
Residing at Klamath
Commission expires: Feb. 01, 2009

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 # 10013

Notice of Sale/Thomas M. & Diane J. Flanagan

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:

April 3, 10, 17, 24, 2008

Total Cost: \$1,163.28

Subscribed and sworn by Jeanine P Day

before me on: April 24, 2008

Notary Public of Oregon

My commission expires November 15, 2008

TRUSTEE'S NOTICE OF SALE

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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. 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.

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Dated: February 25, 2008. By Assistant Vice President, Northwest Trustee Services, Inc. For further information, please contact: Kathy Taggart, Northwest Trustee Services, Inc. P.O. Box 997, Bellevue, WA 98009-0997. 586-1900 File No.7301.23622/FLANAGAN, THOMAS M. and DIANE J. (TS# 7301.23622) 1002.85872-FEI
#10013 April 3, 10, 17, 24, 2008.

[illegible]

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