

2008-009299

Klamath County, Oregon



00048742200800092990110110

06/24/2008 03:39:58 PM

Fee: \$86.00

Recording Requested By:  
Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

When Recorded Return To:

Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

ATE: 65607

## COVER SHEET

**DOCUMENT:**      Affidavit of Mailing / Trustee's Notice of Sale  
                         Affidavit of Service  
                         Affidavit of Publication

**ORIGINAL GRANTOR ON TRUST DEED:** Thomas Leroy Potter and Lois Kay  
Potter, as tenants by the entirety

**ORIGINAL BENEFICIARY ON TRUST DEED:** Beneficial Oregon Inc.

#81-A

AFTER RECORDING RETURN TO:  
Shapiro & Sutherland, LLC  
5501 N.E. 109th Court, Suite N  
Vancouver, WA 98662  
08-100213

OREGON  
AFFIDAVIT OF MAILING OF NOTICE OF SALE

I, Kelly D. Sutherland, say and certify that:

I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or the successor in interest named in the Trust Deed described in the attached Notice of Sale.

I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons at their last known addresses, to-wit:

Thomas Potter  
1304 Worden Avenue  
Klamath Falls, OR 97601

Thomas Potter  
P.O. Box 1467  
Klamath Falls, OR 97601

Lois Potter  
1304 Worden Avenue  
Klamath Falls, OR 97601

Lois Potter  
P.O. Box 1467  
Klamath Falls, OR 97601

The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person 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 Kelly D. Sutherland, Shapiro & Sutherland, LLC, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on February 29, 2008. Each notice was mailed after the date that the Notice of Default and Election to Sell described in said Notice of Sale was recorded which was at least 120 days before the day of the trustee sale.

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



Kelly D. Sutherland

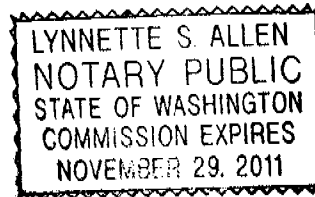
State of Washington )

County of Clark )

On this 29<sup>th</sup> day of February in the year 2008, before me the undersigned, a Notary Public in and for said County and State personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal

  
Notary Public  
My Commission Expires: 11/29/2011



AFTER RECORDING RETURN TO:  
Shapiro & Sutherland, LLC  
5501 N.E. 109th Court, Suite N  
Vancouver, WA 98662  
08-100213

OREGON  
AFFIDAVIT OF MAILING OF NOTICE OF SALE

I, Kelly D. Sutherland, say and certify that:

I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or the successor in interest named in the Trust Deed described in the attached Notice of Sale.

I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons at their last known addresses, to-wit:

Karen H Allen  
5212 Summit St.  
Klamath Falls, Or 97603

George Demoss  
P.O. Box 220  
Chiloquin, Or 97624

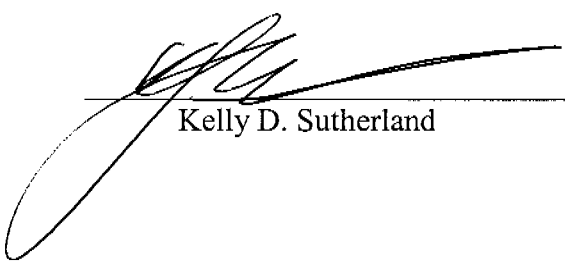
Victor James Allen  
5212 Summit St.  
Klamath Falls, Or 97603

Gail Demoss  
P.O. Box 220  
Chiloquin, Or 97624

The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person 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 Kelly D. Sutherland, Shapiro & Sutherland, LLC, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on March 4, 2008. Each notice was mailed after the date that the Notice of Default and Election to Sell described in said Notice of Sale was recorded which was at least 120 days before the day of the trustee sale.

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

  
Kelly D. Sutherland

State of Washington )

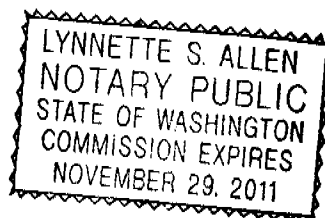
County of Clark )

On this 4<sup>th</sup> day of March, in the year 2008, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal

  
Notary Public

My Commission Expires: 11/29/2011



## TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Thomas Leroy Potter and Lois Kay Potter, as tenants by the entirety, as grantor to Regional Trustee Services, as Trustee, in favor of Beneficial Oregon, Inc., as Beneficiary, dated November 18, 2003, recorded November 24, 2003, in the mortgage records of Klamath County, Oregon, in Volume M03, at Page 86309, as covering the following described real property:

Lot 6 and the Southerly 18.7 feet of Lot 5, Block 2, Fairview 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.

**COMMONLY KNOWN AS:** 1304 Worden Avenue, Klamath Falls, OR 97601

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:

Monthly payments in the sum of \$915.26, from October 24, 2007, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit:

\$128,593.30, together with interest thereon at the rate of 7.23% per annum from September 24, 2007, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 30, 2008, at the hour of 10:00 AM PT, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 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 said described real property which the grantor has or had power to convey at the time of the execution of 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 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 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 obligations 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.

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property.

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated: 2/29/2008

By:   
**KELLY D. SUTHERLAND**  
Successor Trustee

State of Washington, County of Clark, ss:

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

SHAPIRO & SUTHERLAND, LLC  
5501 N.E. 109th Court, Suite N  
Vancouver, WA 98662  
Telephone: (360) 260-2253

08100213/POTTER  
ASAP# 2701855

**SHAPOR****AFFIDAVIT OF POSTING**

STATE OF OREGON     )  
                                  ) ss.  
County of Klamath     )

I, Robert Bolenbaugh, 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/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following address:


**1304 Worden Avenue, Klamath Falls, Oregon 97601 ("Property Address")**, as follows:

On February 29, 2008 at 10:28 a.m., I attempted personal service at the Property Address. I received no answer at the front door. At that time, I POSTED such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).


On March 3, 2008 at 9:58 a.m., I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

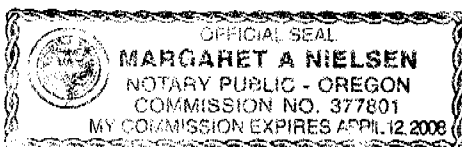
On March 6, 2008 at 1:46 p.m., I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

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

  
Robert Bolenbaugh (4740.335316)

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

  
Notary Public for Oregon



NATIONWIDE PROCESS SERVICE, INC.  
420 Century Tower  
1201 SW 12<sup>th</sup> Avenue  
Portland, Oregon 97205  
(503) 241-0636



08100213/POTTER  
ASAP# 2701855

**SHAPOR****AFFIDAVIT OF SERVICE**

STATE OF OREGON     )  
                              ) ss.  
County of Klamath     )

I, Robert Bolenbaugh, 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/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following address:

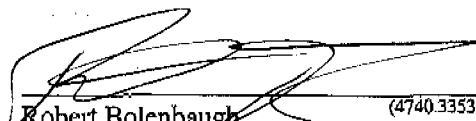
**1304 1/2 Worden Avenue, Klamath Falls, Oregon 97601 ("Property Address"), as follows:**

By delivering such copy, personally and in person, to **RUBY FRENCH**, at the Property Address on March 3, 2008 at 9:58 a.m.

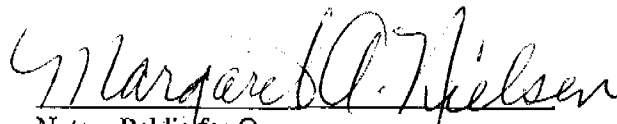
Prior to the aforementioned service, I attempted personal service at the Property Address on February 29, 2008 at 10:28 a.m. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

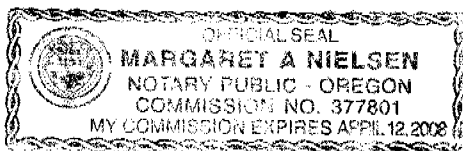
The effective date of service upon an occupant at the Property Address is **February 29, 2008**, as calculated pursuant to ORS 86.750 (1)(c).

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

  
Robert Bolenbaugh (4740.335316)

SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of March, 2008, by Robert Bolenbaugh.

  
Notary Public for Oregon



NATIONWIDE PROCESS SERVICE, INC.  
420 Century Tower  
1201 SW 12<sup>th</sup> Avenue  
Portland, Oregon 97205  
(503) 241-0838

# SHAPOR


STATE OF OREGON               )  
County of Multnomah          ) ss.  
                                    )

The envelope was addressed as follows:

**OCCUPANT  
1304 WORDEN AVENUE  
KLAMATH FALLS, OR 97601**

I declare under the penalty of perjury that the above statements are true and correct.

Renee L. Gourley (740.335316)

 OFFICIAL SEAL  
CARRIE ELISH  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 391438  
MY COMMISSION EXPIRES APRIL 22, 2009

Carrie Cash  
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 # 10036

Notice of Sale/Thomas Leroy & Lois Kay Potter

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 9, 16, 23, 30, 2008

Total Cost: \$876.76

Subscribed and sworn by Jeanine P Day

before me on: April 30, 2008

Beth Hurtado  
Notary Public of Oregon

My commission expires November 15, 2008



### TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Thomas Leroy Potter and Lois Kay Potter, as tenants by the entirety, as grantor to Regional Trustee Services, as Trustee, in favor of Beneficial Oregon, Inc., as Beneficiary, dated November 18, 2003, recorded November 24, 2003, in the mortgage records of Klamath County, Oregon, in Volume M03, at Page 86309, as covering the following described real property: Lot 6 and the Southerly 18.7 feet of Lot 5, Block 2, Fairview 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. COMMONLY KNOWN AS: 1304 Worden Avenue, Klamath Falls, OR 97601.

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: Monthly payments in the sum of \$915.26, from October 24, 2007, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum

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(Continued from below)

being the following, to-wit: \$128,593.30, together with interest thereon at the rate of 7.23% per annum from September 24, 2007, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 30, 2008, at the hour of 10:00 AM PT, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 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 said described real property which the grantor has or had power to convey at the time of the execution of 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 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 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 obligations 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.

In construing this notice, the masculine gender includes the feminine and the neuter, 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. Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property. The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated: 02/27/2008. KELLY D. SUTHERLAND, Successor Trustee, SHAPIRO & SUTHERLAND, LLC, 5501 N.E. 109th Court, Suite N, Vancouver, WA 98662. Telephone: (360) 260-2253 www.shapiroattorneys.com/wa ASAP# 2701855 04/09/2008, 04/16/2008, 04/23/2008, 04/30/2008. #10036 April 9, 16, 23, 30, 2008.