

2008-010590

Klamath County, Oregon



00050350200800105900120125

07/24/2008 03:44:09 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: 65733

COVER SHEET

DOCUMENT:

Affidavit of Mailing / Trustee's Notice of Sale
Affidavit of Service
Affidavit of Publication

ORIGINAL GRANTOR ON TRUST DEED:

Bethanne House, a married woman, Michael D. House

ORIGINAL BENEFICIARY ON TRUST DEED:

Phh Mortgage Services, a New Jersey Corporation

#86-A

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
08-100401

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:

Bethanne House
1230 Wild Plum Drive
Klamath Falls, OR 97601

Michael D. House
1230 Wild Plum Drive
Klamath Falls, OR 97601

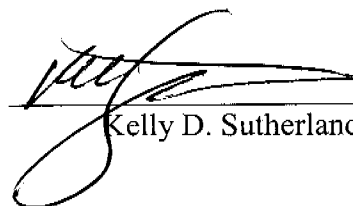
Bethanne House
15420 Mustang Road
Klamath Falls, OR 97603

Michael D. House
15420 Mustand Road
Klamath Falls, OR 97603

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 April 9, 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

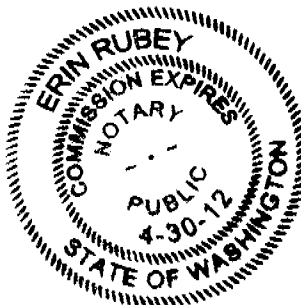
State of Washington)
)
County of Clark)

On this 22nd day of July, 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: 4/30/2012



AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
08-100401

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:

Wells Fargo Bank N.A.
Wells Fargo Services Co. Consumer Loan
Servicing Center
P.O. Box 31557
Billings, Mt 59107

Wells Fargo Bank, N.A.
464 California Street
San Francisco, Ca 94104

Wells Fargo Bank, N.A.
101 N Phillips Avenue
Sioux Falls, Sd 57104

Wells Fargo Bank, N.A.
18700 N.W. Walker Road #92
Beaverton, Or 97006

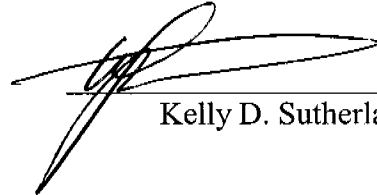
Wells Fargo Bank, N.A.
C/O Corporation Service Company
285 Liberty Street
Salem, Or 97301

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 April 11, 2008. As evidenced by signed return

receipt, each Notice was actually received by the named party at least 25 days before the day of Trustee's Sale, as provided in ORS 86.742(1).


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

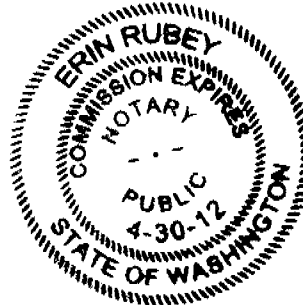

Kelly D. Sutherland

State of Washington)
)
County of Clark)

On this 22nd day of July, 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: 4/30/2012





7160 3901 9845 5848 0044

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Wells Fargo Bank, N.A.
101 N Phillips Avenue
Sioux Falls, SD 57104

08-100401

Shapiro & Sutherland, LLC

A. Received by (Please Print Clearly) <i>Shapiro & Sutherland</i>	B. Date of Delivery 4/14
C. Signature <i>[Signature]</i>	
<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

PS Form 3811, January 2005

Domestic Return Receipt

2. Article Number



7160 3901 9845 5848 0037

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Wells Fargo Bank, N.A.
464 California Street
San Francisco, CA 94104

08-100401

Shapiro & Sutherland, LLC

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly) <i>[Signature]</i>	B. Date of Delivery APR 15 2008
C. Signature <i>[Signature]</i>	
<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

PS Form 3811, January 2005

Domestic Return Receipt

2. Article Number



7160 3901 9845 5848 0020

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Wells Fargo Bank N.A.
Wells Fargo Services Co. Consumer Loan Servicing Center
P.O. Box 31557
Billings, MT 59107

08-100401

Shapiro & Sutherland, LLC

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly) <i>Robert Perdue</i>	B. Date of Delivery 4/14
C. Signature <i>Robert Perdue</i>	
<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

PS Form 3811, January 2005

Domestic Return Receipt



7160 3901 9845 5848 0013

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Wells Fargo Bank, N.A.
c/o Corporation Service Company
285 Liberty Street
Salem, OR 97301

08-100401

Shapiro & Sutherland, LLC

PS Form 3811, January 2005

Domestic Return Receipt

A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

2. Article Number



7160 3901 9845 5848 0051

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Wells Fargo Bank, N.A.
18700 N.W. Walker Road #92
Beaverton, OR 97006

08-100401

Shapiro & Sutherland, LLC

PS Form 3811, January 2005

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Bethanne House, a married woman, and Michael D. House, as grantor to First American Title, as Trustee, in favor of PHH Mortgage Services, as Beneficiary, dated January 31, 2006, recorded January 31, 2006, in the mortgage records of Klamath County, Oregon, as Instrument No. M06-01991, beneficial interest now held by PHH Mortgage Corporation, fka Cendant Mortgage Corporation, fka PHH Mortgage Services as covering the following described real property:

Lot 11, Block 1, Tract No. 1091, Lynnewood, according to the official Plat thereof on file in the Office of the Clerk of Klamath County, Oregon.

COMMONLY KNOWN AS: 1230 Wild Plum Drive, 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 \$1,708.72, from January 1, 2008, and monthly payments in the sum of \$1,738.73, from March 1, 2008, 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:

\$226,811.52, together with interest thereon at the rate of 5.681% per annum from December 1, 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 August 7, 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: 4/9/08

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

08-100401/HOUSE
ASAP# 2730575

SHAPOR**AFFIDAVIT OF POSTING**

STATE OF OREGON

County of Klamath

ss.

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 "**Property Address**":

1230 Wild Plum Drive
Klamath Falls, OR 97601

As follows:

On 04/07/2008 at 1:46 PM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the Front Door, pursuant to ORS 86.750 (1)(b)(A).

On 04/09/2008 at 5:02 PM, 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).

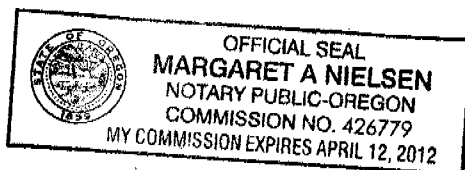
On 04/11/2008 at 10:31 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

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

SUBSCRIBED AND SWORN BEFORE ME
this 14th day of April, 2008
by Robert Bolenbaugh.

Margaret A. Nielsen
Notary Public for Oregon

X *[Signature]*
Robert Bolenbaugh
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



171812


SHAPOR


STATE OF OREGON)
County of Multnomah) ss.

The envelope was addressed as follows: **OCCUPANT**
1230 WILD PLUM DRIVE
KLAMATH FALLS, OR 97601

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

Renee L. Gourley (4740.171812)

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


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 # 10141

Notice of Sale/Bethanne & Michael D. House

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 7, 14, 21, 28, 2008

Total Cost: \$906.92

Subscribed and sworn by Jeanine P Day
before me on: May 28, 2008

Beth Furtado
Notary Public of Oregon

My commission expires November 15, 2008



TRUSTEE'S NOTICE OF SALE S&S 08-100401

A default has occurred under the terms of a trust deed made by Bethanne House, a married woman, and Michael D. House, as grantor to First American Title, as Trustee, in favor of PHH Mortgage Services, as Beneficiary, dated January 31, 2006, recorded January 31, 2006, in the mortgage records of Klamath County, Oregon, as Instrument No. M06-01991, beneficial interest now held by PHH Mortgage Corporation, fka Cendant Mortgage Corporation, fka PHH Mortgage Services as covering the following described real property: Lot 11, Block 1, Tract No. 1091, Lynnewood, according to the official Plat thereof on file in the Office of the Clerk of Klamath County, Oregon. COMMONLY KNOWN AS: 1230 Wild Plum Drive, 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 \$1,708.72, from January 1, 2008, and monthly payments in the sum of \$1,738.73, from March 1, 2008, 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: \$226,811.52, together with interest thereon at the rate of 5.681% per annum from December 1, 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 August 7, 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: 04-05-2008. KELLY D. SUTHERLAND, Successor Trustee. SHAPIRO & SUTHERLAND, LLC, 5501 N.E. 109th Court, Suite N, Vancouver, WA 98662 Telephone: (360) 260-2253 Website: www.shapiroattorneys.com/wa ASAP# 2730575 05/07/2008, 05/14/2008, 05/21/2008, 05/28/2008. #10141 May 7, 14, 21, 28, 2008.