

2008-010681

Klamath County, Oregon



00050475200800106810110115

07/28/2008 02:34:04 PM

Fee: \$71.00

After recording Mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

ATE: 65706

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

T.S

STATE OF CALIFORNIA, COUNTY OF ORANGE, ss:

I, Kristina Bernal, 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 California a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under terms of that certain trust 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, attached hereto.

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 of 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 of 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 by David Kubat, OSBA No. 84265, the trustee named in said notice; 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 Santa Ana, CA on

With respect to each person listed on the attached, one such notice was mailed with postage thereon sufficient for first-class delivery to the address indicated, and another such notice was mailed with 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.

\$71-4

Page 2

T.S. No:

BY: KB

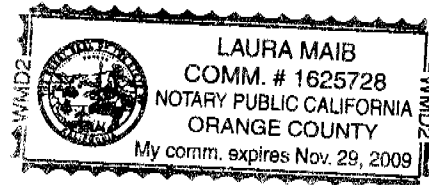
State of California)
County of ORANGE)

Subscribed and sworn to (or affirmed) before me on this 8th day of April, 2008, by
Kristina Bernal

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Laura Maib
Notary Signature

(Area for Notary Seal)



DECLARATION OF MAILING BY CERTIFIED/REGISTERED MAIL

T.S.# F 355209

Date: 04/08/08

WESLEY E. HARDISTY
22770 SPAQUE RIVER RD
CHILOQUIN, OR 97624-8612

CERTIFIED 7105 2257 2920 0369 2952
RETURN RECEIPT REQUESTED

MARLA S. SYKORA-HARDISTY
22770 SPAQUE RIVER RD
CHILOQUIN, OR 97624-8612

CERTIFIED 7105 2257 2920 0369 2969
RETURN RECEIPT REQUESTED

WESLEY E. HARDISTY
22770 SPRAGUE RIVER ROAD
CHILOQUIN, OR 97624

CERTIFIED 7105 2257 2920 0369 2976
RETURN RECEIPT REQUESTED

MARLA S. SYKORA-HARDISTY
22770 SPRAGUE RIVER ROAD
CHILOQUIN, OR 97624

CERTIFIED 7105 2257 2920 0369 2983
RETURN RECEIPT REQUESTED

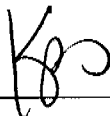
OCCUPANT
22770 SPRAGUE RIVER ROAD
CHILOQUIN, OR 97624

CERTIFIED 7105 2257 2920 0369 2990
RETURN RECEIPT REQUESTED

STATE OF CALIFORNIA
COUNTY OF ORANGE

The undersigned does hereby declare that he/she is over the age of 18 year and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by Certified/Registered mail, in a sealed envelope, a copy of the document which is attached to this declaration.

I certify or declare under penalty of perjury that the foregoing is true and correct.



AFFIDAVIT OF MAILING
BY FIRST CLASS MAIL

T.S.# F 355209

Date: 04/08/08

STATE OF CALIFORNIA
COUNTY OF ORANGE

SS.

The undersigned does hereby declare that he/she is over the age of 18 years and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by First Class Mail, in a sealed envelope, a copy of the Notice of Default / Notice of Trustee's Sale (Circle)

Addressed to the following:

WESLEY E. HARDISTY
22770 SPAQUE RIVER RD
CHILOQUIN, OR 97624-8612

MARLA S. SYKORA-HARDISTY
22770 SPAQUE RIVER RD
CHILOQUIN, OR 97624-8612

WESLEY E. HARDISTY
22770 SPRAGUE RIVER ROAD
CHILOQUIN, OR 97624

MARLA S. SYKORA-HARDISTY
22770 SPRAGUE RIVER ROAD
CHILOQUIN, OR 97624

OCCUPANT
22770 SPRAGUE RIVER ROAD
CHILOQUIN, OR 97624

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



RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

____ Space above this line for recorder's use _____

OREGON TRUSTEE'S NOTICE OF SALE

T.S. No: F355209 OR Unit Code: F Loan No: 1190015088/HARDISTY Investor No: 171129183
Title #: W870238

Reference is made to that certain Trust Deed made by WESLEY E. HARDISTY, MARLA S. SYKORA-HARDISTY as **Grantor**, to WELLS FARGO FINANCIAL NATIONAL BANK as **Trustee**, in favor of WELLS FARGO BANK, N.A. as **Beneficiary**.

Dated March 23, 2007, Recorded April 30, 2007 as Instr. No. 2007-007653 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON

covering the following described real property situated in said county and state, to wit:
SEE ATTACHED EXHIBIT

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:

Sub-Total of Amounts in Arrears:

\$3,122.58

Together with any default in the payment of recurring obligations as they become due.

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 Trust Deed, 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.

The street or other common designation if any, of the real property described above is purported to be :
22770 SPRAGUE RIVER RD., CHILOQUIN, OR 97624

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

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, to wit: Principal \$76,651.30, together with interest as provided in the note or other instrument secured from 09/01/07, and such other costs and fees are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned trustee will, on July 28, 2008, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 187.110, INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS, County of KLAMATH, State of OREGON, (which is the new date, time and place set for said sale) sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of execution by him of the 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 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 herein that is capable of being cured by tendering the performance required under the obligation of the 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.

T.S. No:

Loan No:

It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check.

The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

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.

We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing.

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.

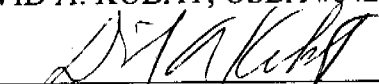
If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: (714)480-5690 or you may access sales information at www.ascentex.com/websales/.

DATED:

3-20-08

DAVID A. KUBAT, OSBA #84265

By



DAVID A. KUBAT, ATTORNEY AT LAW

DIRECT INQUIRIES TO:

**T.D. SERVICE COMPANY
FORECLOSURE DEPARTMENT
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988
(800)843-0260**

EXHIBIT "A"

**THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN SECTION 3,
TOWNSHIP 36 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN,
KLAMATH COUNTY, OREGON, DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE
NORTH ALONG THE WEST SECTION LINE A DISTANCE OF 1320 FEET;
THENCE EAST 660 FEET; THENCE SOUTH 57 DEGREES 30 MINUTES
EAST TO THE WEST LINE OF THE SPRAGUE RIVER; THENCE
SOUTHERLY, FOLLOWING THE WESTERLY LINE OF SAID SPRAGUE
RIVER TO THE SOUTH LINE OF SAID SECTION 3; THENCE WEST ALONG
THE SOUTH LINE OF SECTION 3 TO THE POINT OF BEGINNING. ALSO
THE SOUTHERLY 660 FEET OF SAID SECTION 3 LYING WEST OF THE
SPRAGUE RIVER HIGHWAY AND EAST OF THE SPRAGUE RIVER.**

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **22770 Sprague River Rd. Chiloquin, OR 97624**

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to **Wesley Hardisty** at the address below.

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to **Wesley Hardisty**, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: **Marla Hardisty**

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1 st Attempt:	March 24, 2008	8:30 AM	Posted
2 nd Attempt:	March 26, 2008	10:00 AM	Served
3 rd Attempt:			

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on _____ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of **March 26**, 2008 I mailed a copy of the Trustee's Notice of Sale addressed to **All Known Occupants** at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed Chelsa Meek

22770 Sprague River Rd. Chiloquin, OR 97624

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

March 26, 2008 10:00 AM
DATE OF SERVICE TIME OF SERVICE

☐ or non occupancy

By: Andrew Thompson
ANDREW THOMPSON

Subscribed and sworn to before on this 26th day of March, 2008.



Margaret A. Nielsen
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 # 10286
Notice of Sale/Hardisty

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:

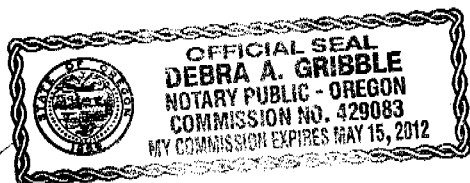
June 13, 20, 27, July 4, 2008

Total Cost:

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: July 4, 2008

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



OREGON TRUSTEE'S NOTICE OF SALE

T.S. No: ~~F33207~~ OR Unit Code: F
Loan No: 1190015088/HARDISTY Investor No: 171129183
AP #1: R-3610-00300-01300-000 Title #: W870238

Reference is made to that certain Trust Deed made by WESLEY E. HARDISTY, MARLA S. SYKORA-HARDISTY as Grantor, to WELLS FARGO FINANCIAL NATIONAL BANK as Trustee, in favor of WELLS FARGO BANK, N.A. as Beneficiary. Dated March 23, 2007, Recorded April 30, 2007 as Instr. No. 2007-007653 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON covering the following described real property situated in said county and state, to wit: EXHIBIT "A" THE FOLLOWING DESCRIBED REAL PROPERTY, SITUATED IN SECTION 3, TOWNSHIP 36 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE NORTH ALONG THE WEST SECTION LINE A DISTANCE OF 1320 FEET; THENCE EAST 660 FEET; THENCE SOUTH 57 DEGREES 30 MINUTES EAST TO THE WEST LINE OF THE SPRAGUE RIVER; THENCE SOUTHERLY, FOLLOWING THE WESTERLY LINE OF SAID SPRAGUE RIVER TO THE SOUTH LINE OF SAID SECTION 3; THENCE WEST ALONG THE SOUTH LINE OF SECTION 3 TO THE POINT OF BEGINNING. ALSO THE SOUTHERLY 660 FEET OF SAID SECTION 3 LYING WEST OF THE SPRAGUE RIVER HIGHWAY AND EAST OF THE SPRAGUE RIVER.

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: Sub-Total of Amounts in Arrears: \$3,122.58 Together with any default in the payment of recurring obligations as they become due.

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 Trust Deed, 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. The street or other common designation if any, of the real property described above is purported to be : 22770 SPRAGUE RIVER RD., CHILOQUIN, OR 97624. The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

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, to wit: Principal \$76,651.30, together with interest as provided in the note or other instrument secured from 09/01/07, and such other costs and fees are due under the note or other instrument secured, and as are provided by statute. WHEREFORE, notice is hereby given that the undersigned trustee will, on July 28, 2008, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 187.110, INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURT-HOUSE, 316 MAIN STREET KLAMATH FALLS, County of KLAMATH, State of OREGON, (which is the new date, time and place set for said sale) sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of execution by him of the 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 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 herein that is capable of being cured by tendering the performance required under the obligation of the 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. It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check. The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

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. We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing. 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. If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: (714) 480-5690 or you may access sales information at www.ascentex.com/websales/ DATED: 03/20/08 DAVID A. KUBAT, OSBA #84265 By DAVID A. KUBAT, ATTORNEY AT LAW DIRECT INQUIRIES TO: T.D. SERVICE COMPANY FORECLOSURE DEPARTMENT 1820 E. FIRST ST., SUITE 210 P.O. BOX 11988 SANTA ANA, CA 92711-1988 (800) 843-026 TAC# 785914W PUB: 06/13/08, 06/20/08, 06/27/08, 07/04/08 #10286 June 13, 20, 27, July 4, 2008.