

2008-011770
Klamath County, Oregon



08/19/2008 03:05:34 PM

Fee: \$51.00

**AFFIDAVIT OF MAILING
TRUSTEE'S NOTICE OF SALE**

RE: Trust Deed from **ELWOOD H. MILLER, JR.**
Grantor

To: **First American Title Insurance Co. Successor
Trustee**

1st 1201601

After recording return to:
**First American Title Insurance Co
P.O. Box 961254
Fort Worth, TX 76161**

This space reserved for Recorder's use

T.S. Number: **20089170000080**

STATE OF TEXAS }

COUNTY OF TARRANT }

I, **Cheri Brewer** being first duly sworn, depose, say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of Texas, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original or copy of the Notice of Sale given under the terms of that certain trust deed described in said Notice of Sale.

I gave Notice of Sale of the real property described in the attached Trustee's Notice of Sale by mailing a copy thereof by both first class and certified mail, return receipt requested, to each of the following named persons, or their legal representatives, if any, at their respective last known addresses, to-wit:

NAME & ADDRESS

**ELWOOD H. MILLER, JR.
40340 RIVERVIEW DRIVE
CHILOQUIN, OR 97624**

CERTIFIED NO.

7194 2272 8320 0000 0638

**ELWOOD H. MILLER, JR.
P O BOX 274
CHILOQUIN, OR 97624**

7194 2272 8320 0000 0645

FSI-

Said person(s) 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, (d) any person, including the Department of Revenue or other state agency, having a lien or interest subsequent to the deed of trust, if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person(s) requesting notice as provided in ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by FIRST AMERICAN TITLE INSURANCE COMPANY, 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 mail in Westlake, TX on 4/4/2008. Each of said notices was mailed after the Notice of Default and Election to Sell, described in said Trustee's Notice of Sale, was recorded and at least 120 days before the day fixed in said Notice of Sale by the trustee for the trustee's sale.

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

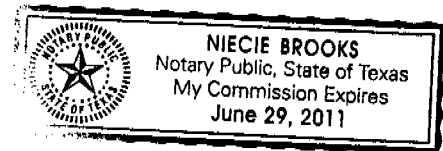
State of: Texas }
County of: Tarrant }
§

Cheri Brewer
Cheri Brewer

Before me, Niecie Brooks, on this day personally appeared Cheri Brewer, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that this person executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 15th day of August, A.D., 2008.

Signature Niecie Brooks (Notary Seal)



TRUSTEE'S NOTICE OF SALE

T.S. Number: **20089170000080**

Reference is made to that certain trust deed made by _____ as grantor, to **VISTA TITLE** as trustee, in favor of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC SOLEY AS NOMINEE FOR STONECREEK FUNDING CORPORATION**, as beneficiary, dated **04/14/2005**, recorded on **5/4/2005**, in the Records of **KLAMATH** County, Oregon, in book **M05** at page **32096**, and/or as fee/file/instrument/microfilm/reception No. , covering the following described real property situated in the above-mentioned county and state, to wit:

APN: R195746

SEE LEGAL DESCRIPTION EXHIBIT "A"
KLAMATH COUNTY

Commonly Known As:

40340 RIVERVIEW DRIVE
CHILOQUIN, OR 97624

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 ORS 86.735(3). The default for which the foreclosure is made is the grantor's failure to pay when due the following sums:

PAYMENTS FROM - 8/1/2007	\$	13,713.76
LATE CHARGES	\$	599.98
ADVANCES/EXPENSES	\$	10,064.82
MISCELLANEOUS FEES	\$	675.00

As of 3/17/2008, the sum due is **\$14,313.74** plus any late charges, attorneys' fees, collection costs, and any other sum as the beneficiary may have or will advance, plus real property taxes due and owing.

By reason of the 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:

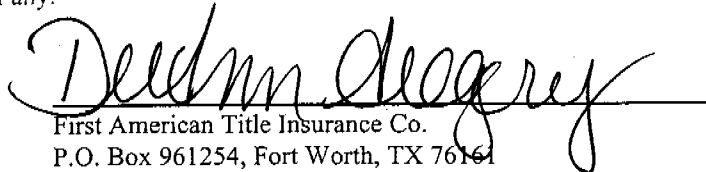
As of **08/01/2007**, the principal balance is **\$187,795.78**, plus interest and late charges, plus any sum advanced by the beneficiary or the beneficiary's successor in interest for the protection of the above described real property; plus any attorneys' and trustee's fees incurred by reason of said default. Interest on the principal balance continues to accrue at the note default rate of **7.25%** per annum until the loan is paid in full.

Wherefore, notice hereby is given that **First American Title Insurance Co.**, the undersigned trustee will on **8/21/2008** at the hour of **10:00 AM**, Standard of Time, AT THE MAIN ENTRANCE TO THE COUNTY COURTHOUSE, 316 MAIN STREET, KLAMATH FALLS, OR as established by ORS187.110, 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 had or had power to convey at the time of the execution by grantor 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 ORS 86.753 has the right, at any time prior to five (5) days before the date last set for 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 the 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 fees not exceeding the amounts provided by 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 this grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated 4/4/2008


First American Title Insurance Co.
P.O. Box 961254, Fort Worth, TX 76161

**FIRST AMERICAN MAY BE ACTING AS A DEBT COLLECTOR
ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION
OBTAINED MAY BE USED FOR THAT PURPOSE.**

TS No.: 20089170000080

EXHIBIT "A"

REAL PROPERTY IN THE COUNTY OF KLAMATH, STATE OF OREGON, DESCRIBED AS FOLLOWS:
A PART OF GOVERNMENT LOT 8 IN SECTION 27, TOWNSHIP 34 SOUTH, RANGE 7 EAST OF THE
WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SECTION 27 WITH THE WESTERLY
RIGHT OF WAY LINE OF SOUTHERN PACIFIC RAILROAD; THENCE NORTHERLY ALONG SAID
RIGHT OF WAY LINE 641.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY ON
SAID WESTERLY RIGHT OF WAY LINE 320.50 FEET; THENCE WEST TO THE MEAN HIGH WATER
LINE OF THE WILLIAMSON RIVER; THENCE SOUTHERLY ALONG SAID WATER LINE TO A POINT
DUE WEST OF THE TRUE POINT OF BEGINNING; THENCE EAST TO THE TRUE POINT OF
BEGINNING.

**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 **40340 Riverview Dr. Chiloquin, Oregon 97624**

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

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

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

☐ **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 April 11, 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

40340 Riverview Dr. Chiloquin, Oregon 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.

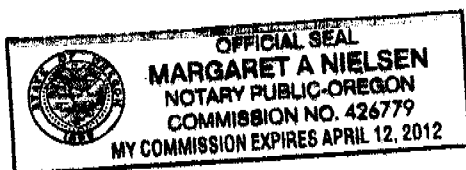
April 11, 2008 11:10 AM
DATE OF SERVICE TIME OF SERVICE

☐ or non occupancy

By: Andrew Thompson
ANDREW THOMPSON

Subscribed and sworn to before on this 11th day of April, 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 # 10051

Notice of Sale/Elwood H. Miller, 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:

April 11, 18, 25, May 2, 2008

Jeanine P. Day
Subscribed and sworn by Jeanine P Day
before me on: May 2, 2008

Beth Furtado
Notary Public of Oregon

My commission expires November 15, 2008

TRUSTEE'S NOTICE OF SALE
T.S. Number: 20089170000080

Reference is made to that certain trust deed made by Elwood H. Miller, Jr. as grantor, to Vista Title as trustee, in favor of Mortgage Electronic Registration Systems Inc Soley as Nominee for Stonecreek Funding Corporation, as beneficiary, dated 4/14/2005, recorded on 05/04/2005, in the Records of Klamath County, Oregon, in book M05 at page 32096, and/or as fee/file/instrument/microfilm/reception No. , covering the following described real property situated in the above-mentioned county and state, to wit: APN: R195746 EXHIBIT "A" Real Property in the County of Klamath, State of Oregon, described as follows: A part of Government lot 8 in section 27, township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, described as follows: beginning at the intersection of the South line of section 27 with the westerly right of way line of Southern Pacific railroad, thence Northerly along said right of way line 641.00 feet to the true point of beginning, thence Northerly on said Westerly right of way line 320.50 feet; thence West to the mean high water line of the Williamson River; thence Southerly along said water line to a point due West of the true point of beginning; thence East to the true point of beginning. Commonly Known As: 40340 Riverview Drive, Chiloquin, OR 97624.

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 ORS 86.735(3). The default for which the foreclosure is made is the grantor's failure to pay when due the following sums: Payments from 8/1/2007 \$ 13,713.76 Late Charges \$ 599.98 Advances/Expenses \$ 10,064.82 Miscellaneous Fees \$ 675.00 As of 3/17/2008, the sum due is \$ 14,313.74 plus any late charges, attorneys' fees, collection costs, and any other sum as the beneficiary may have or will advance, plus real property taxes due and owing.

By reason of the 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: As of 8/01/2007, the principal balance is \$ 187,795.78, plus interest and late charges, plus any sum advanced by the beneficiary or the beneficiary's successor in interest for the protection of the above described real property; plus any attorneys' and trustee's fees incurred by reason of said default. Interest on the principal balance continues to accrue at the note default rate of 7.25 % per annum until the loan is paid in full.

Wherefore, notice hereby is given that First American Title Insurance Co., the undersigned trustee will on 8/21/2008 at the hour of 10:00 AM, Standard of Time, At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR as established by ORS187.110, in the city of Klamath, 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 had or had power to convey at the time of the execution by grantor 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 ORS 86.753 has the right, at any time prior to five (5) days before the date last set for 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 the 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 fees not exceeding the amounts provided by 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 this grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated 4/4/2008. First American Title Insurance Co., P.O. Box 961254, Fort Worth, TX 76161. Signature by DeeAnn Gregory. First American may be acting as a debt collector attempting to collect a debt, and any information obtained may be used for that purpose. P391686 4/11, 4/18, 4/25, 05/02/2008.
#10051 April 11, 18, 25, May 2, 2008.