

2008-011771

Klamath County, Oregon



00051801200800117710100109

08/19/2008 03:07:34 PM

Fee: \$81.00

**RECORDING COVER SHEET**  
Pursuant to ORS 205.234

1st 1213935

After recording return to:

Northwest Trustee Services, Inc.  
Attention: Kathy Taggart  
P.O. Box 997  
Bellevue, WA 98009-0997

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

Original Grantor(s) on Trust Deed: Emily I. Jada, a married woman

Beneficiary: Mortgage Electronic Registration Systems, Inc. solely as nominee for Union  
Federal bank of Indianapolis

**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.**

F&U-

**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:

EMILY I. JADA  
5710 NORTHHILLS DRIVE  
KLAMATH FALLS, OR 97603

KHALIL JADA  
5710 NORTHHILLS DRIVE  
KLAMATH FALLS, OR 97603

EMILY I. JADA  
444 LINCOLN CIRCLE, APT. 4  
MILLBRAE, CA 94030

KHALIL JADA  
444 LINCOLN CIRCLE, APT. 4  
MILLBRAE, CA 94030

EMILY I. JADA  
5840 NORTH HILLS DRIVE  
KLAMATH FALLS, OR 97601

KHALIL JADA  
5840 NORTH HILLS DRIVE  
KLAMATH FALLS, OR 97601

OCCUPANTS  
5710 NORTHHILLS DRIVE  
KLAMATH FALLS, OR 97603

Mortgage Electronic Registration Systems, Inc.  
P.O. Box 2026  
Flint, MI 48501-2026

Mortgage Electronic Registration Systems, Inc.  
1595 Spring Hill Road, Suite 310  
Vienna, VA 22182

Union Federal Bank of Indianapolis  
7500 West Jefferson Boulevard  
Fort Wayne, IN 46804

EMC Mortgage Corporation  
800 State Highway 121 Bypass  
Lewisville, TX 75067

EMC Mortgage Corporation  
Macarthur Ridge II  
909 Hidden Ridge, Suite 200  
Irving, TX 75038

Ferrell's Fuel Network, Inc.  
c/o Andrew Brandsness, Atty.  
411 Pine Street  
Klamath Falls, OR 97601

Ferrell's Fuel Network, Inc.  
c/o James F. Clough, Reg. Agent  
977 South Spring Street  
Klamath Falls, OR 97601

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**  
**RE: Trust Deed from**  
**JADA, EMILY I. & KHALIL**  
**Grantor**  
**to**  
**Northwest Trustee Services, Inc.,**  
**Trustee** **File No. 7777.26351**

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

Ferrell's Fuel Network, Inc.  
c/o James F. Clough, Reg. Agent  
P.O. Box U  
Klamath Falls, OR 97601

State of Oregon  
Employment Department  
875 Union Street NE, Room 107  
Salem, OR 97311

Klamath County Tobacco & Candy, Inc.  
P.O. Box 1957  
Klamath Falls, OR 97601

Klamath County Tobacco & Candy, Inc.  
c/o Richard Mauro, Reg. Agent  
2508 Lindley Way  
Klamath Falls, OR 97601

Sondra Castel  
c/o Bradford J. Aspell, Atty.  
122 South Fifth Street  
Klamath Falls, OR 97601

Sondra Castel  
2021 Homedale Road  
Klamath Falls, OR 97603

Hardy Myers  
Attorney General-State of Oregon  
1162 Court Street Northeast  
Salem, OR 97310

Klamath County Tobacco & Candy, Inc.  
c/o Michael P. Rudd, Atty.  
411 Pine Street  
Klamath Falls, OR 97601

Klamath County Tobacco & Candy, Inc.  
3009 Maywood  
Klamath Falls, OR 97601

Keith Castel  
c/o Bradford J. Aspell, Atty.  
122 South Fifth Street  
Klamath Falls, OR 97601

Keith Castel  
2021 Homedale Road  
Klamath Falls, OR 97603

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 5/6/08. 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.

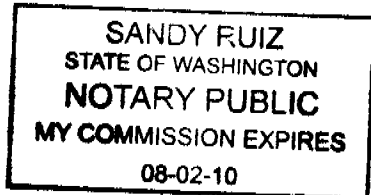
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.


STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )



I certify that I know or have satisfactory evidence that Luu Ma 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: 5/6/08



  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
My commission expires 8/5/10

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Emily I. Jada, a married woman, as grantor, to Northwest Trustee Services, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for Union Federal bank of Indianapolis, as beneficiary, dated 08/11/05, recorded 09/07/05, in the mortgage records of Klamath County, Oregon, as Volume M05 Page 63700 and subsequently assigned to US Bank National Association, as Trustee for Bear Stearns Asset Backed Securities, 2005-AC8 by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 47 of Tract 1417 - EIGHTH ADDITION TO NORTH HILLS, PHASE 1, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 5710 NORTH HILLS DRIVE  
KLAMATH FALLS, OR 97603

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 \$1,373.62 beginning 01/01/08; plus late charges of \$52.74 each month beginning 01/16/08; plus prior accrued late charges of \$0.00; plus advances of \$30.00; 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: \$170,870.89 with interest thereon at the rate of 6 percent per annum beginning 12/01/07; plus late charges of \$52.74 each month beginning 01/16/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$30.00; 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 **September 5, 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](http://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.

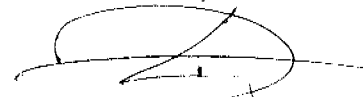
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com).

Northwest Trustee Services, Inc.

Dated: May 1<sup>st</sup>, 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. 7777.26351/JADA, EMILY I. & KHALIL**

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 5710 NORTH HILLS DRIVE, KLAMATH FALLS, OR in a conspicuous place.

1st Attempt: Posted Real Property on 5/1/2008 at 15:55  
2nd Attempt: Posted Real Property on 5/5/2008 at 17:59  
3rd Attempt: Posted Real Property on 05/08/2008 at 13:30

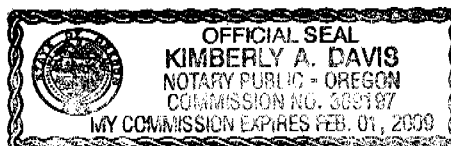
Signed in Klamath County, Oregon by:

<u><i>Dave Davis</i></u>	<u>050808</u>
Signature	Date
1002.90035	

State of Oregon  
County of Klamath

On this 8<sup>th</sup> day of May in the year of 2008, before me a Notary Public, Personally appeared Dave 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 County  
Commission expires: 01 Feb. 2009



**Statement of Property Condition****Occupancy:**☒ Occupied☐ Vacant**Type of Dwelling:**☐ Single Family☐ Condominium☐ Apartment Bldg☐ Commercial Bldg☐ Mobil Home☐ Vacant Land☐ Multi-Family: Number of Units \_\_\_\_\_**Property Condition:**

Damage:

☐ Fire☐ Vandalism☐ Other - Describe: \_\_\_\_\_**Landscape:**☒ Good☐ Poor**Other:**☐ Property Address Discrepancies☐ Code Enforcement Notices☐ Livestock☐ For Sale, Sign By: \_\_\_\_\_

Comments: \_\_\_\_\_

**Disclaimer:**

Foreclosure Expeditors/Initiators, LLC provides the information herein as a courtesy. That information is obtained from field service representatives possessing varying degrees of knowledge and sophistication in the observance and reporting of real property conditions and should not be relied upon in lieu of the lender's or servicer's regular property inspections for the property. No guaranty, warranty or representation of any kind, expressed or implied, is made concerning the accuracy, completeness or correctness of the matters reported upon by FEI's representatives herein. Foreclosure Expeditors/Initiators, LLC, its affiliates, officers, directors, employees, or agents are neither responsible nor liable for any direct, indirect, incidental, consequential special, punitive, exemplary or other damages arising out of or relating in any way to the content or information contained in this Statement of Property Condition.

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT**  
(In Lieu of Personal Service)

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.

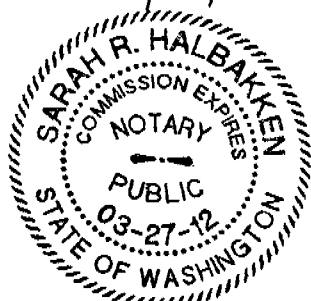
On June 20, 2008 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 5710 NORTH HILLS DRIVE, KLAMATH FALLS, OR, 97603 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.

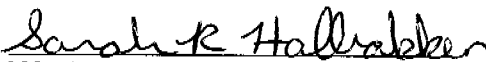


STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF KING                )

I certify that I know or have satisfactory evidence that Charlotte Kinder 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: 6/20/08



  
NOTARY PUBLIC in and for the State of  
Washington, residing at King  
My commission expires 3/27/12

7777.26351 / JADA, EMILY I. & KHALIL  
Kathy Taggart



# 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 # 10282

Notice of Sale/Emily I. Jada

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:

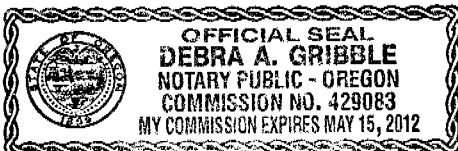
June 12, 19, 26, July 3, 2008

Total Cost: \$1,087.88

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: July 3, 2008

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Emily I. Jada, a married woman, as grantor, to Northwest Trustee Services, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for Union Federal Bank of Indianapolis, as beneficiary, dated 08/11/05, recorded 09/07/05, in the mortgage records of Klamath County, Oregon, as Volume M05 Page 63700 and subsequently assigned to US Bank National Association, as Trustee for Bear Stearns Asset Backed Securities, 2005-AC8 by Assignment, covering the following described real property situated in said county and state, to wit: Lot 47 of Tract 1417 - EIGHTH ADDITION TO NORTH HILLS, PHASE 1, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. PROPERTY ADDRESS: 5710 NORTH HILLS DRIVE, KLAMATH FALLS, OR 97603.

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 \$1,373.62 beginning 01/01/08; plus late charges of \$52.74 each month beginning 01/16/08; plus prior accrued late charges of \$0.00; plus advances of \$30.00; 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: \$170,870.89 with interest thereon at the rate of 6 percent per annum beginning 12/01/07; plus late charges of \$52.74 each month beginning 01/16/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$30.00; 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 September 5, 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](http://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](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com). 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 586-1900 File No. 7777.26351/JADA, EMILY I. & KHALIL. (TS# 7777.26351) 1002.90035-FEI

#10282 June 12, 19, 26, July 3, 2008.