

2008-011772

Klamath County, Oregon



00051802200800117720090091

08/19/2008 03:08:34 PM

Fee: \$76.00

RECORDING COVER SHEET

Pursuant to ORS 205.234

1st 1213303
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: Wayne T. Criss, an unmarried man

Beneficiary: Mortgage Electronic Registration Systems, Inc. solely as nominee for
GreenPoint Mortgage Funding, Inc.

**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.**

FBI-

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:

WAYNE T. CRISS
21866 MERRILL PITT ROAD
MERRILL, OR 97633

OCCUPANTS
21866 MERRILL PITT ROAD
MERRILL, OR 97633

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

GreenPoint Mortgage Funding, Inc.
100 Wood Hollow Drive
Novato, CA 94945

GMAC Mortgage, LLC
P.O. Box 969
Horsham, PA 19044-3503

WAYNE T. CRISS
129 SOUTH 6TH STREET
KLAMATH FALLS, OR 97601

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

GreenPoint Mortgage Funding, Inc.
981 Airway Court, Suite E
Santa Rosa, CA 95403-2049

GMAC Mortgage, LLC
500 Enterprise Road, Suite 150
Horsham, PA 19044-3503

GMAC Mortgage, LLC
3451 Hammond Avenue
Waterloo, IA 50702

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 5/6/09. 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)

COUNTY OF KING)

) ss.

Luu Ma

I certify that I know or have satisfactory evidence that _____ 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: 5/6/09

Sandy Ruiz
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires 8/2/10

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
CRISS, WAYNE T.

Grantor

to

Northwest Trustee Services, Inc.,
Trustee

File No. 7777.26343

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

SANDY RUIZ
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
08-02-10

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Wayne T. Criss, an unmarried man, as grantor, to First American Title Insurance Company, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for GreenPoint Mortgage Funding, Inc., as beneficiary, dated 10/20/05, recorded 10/21/05, in the mortgage records of Klamath County, Oregon, as Volume M05 Page 67171 and subsequently assigned to U.S. Bank National Association, as Trustee for Credit Suisse First Boston CSFB 2005-12 by Assignment, covering the following described real property situated in said county and state, to wit:

Real property in the County of Klamath, State of Oregon, described as follows: A portion of the SW 1/4 of Section 3, Township 41 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows: Beginning at the Southwest corner of Section 3; thence North 1329.02 feet; thence N. 89 degrees 53' 18" E. 334.94 feet to the true point of beginning; thence N. 89 degrees 53' 18" E. 1009.00 feet; thence South 29 degrees 07' 28" E. 82.61 feet; thence South 60 degrees 52' 32" W. 338.31 feet; thence N. 89 degrees 53' 18" W. 630.00 feet; thence N. 54 degrees 45' 54" W. 151.76 feet; thence N. 00 degrees 06' 42" E. 150.00 feet to the true point of beginning.

PROPERTY ADDRESS: 21866 MERRILL PITT ROAD
MERRILL, OR 97633

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 \$1,015.35 beginning 01/01/08; plus late charges of \$44.48 each month beginning 01/16/08; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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: \$116,347.58 with interest thereon at the rate of 8.25 percent per annum beginning 12/01/07; plus late charges of \$44.48 each month beginning 01/16/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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. 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 and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Dated: May 1st, 2008

Northwest Trustee Services, Inc.

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.7777.26343/CRISS, WAYNE T.

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

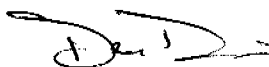
State of Oregon
County of Klamath

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 21866 MERRILL PITT ROAD, MERRILL, OR in a conspicuous place.

1st Attempt: Posted Real Property on 5/1/2008 at 16:56
2nd Attempt: Posted Real Property on 5/5/2008 at 09:45
3rd Attempt: Posted Real Property on 05/09/2008 at 13:20

Signed in Klamath County, Oregon by:



Signature
1002.90034

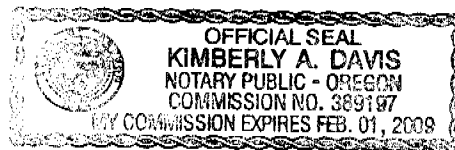
050908

Date

State of Oregon
County of Klamath

On this 9th 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.

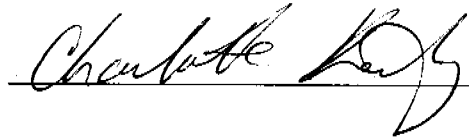
AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT
(In Lieu of Personal Service)

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 21866 MERRILL PITT ROAD, MERRILL, OR, 97633 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



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

7777.26343 / CRISS, WAYNE T.
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 # 10279

Notice of Notice of Sale/Wayne T. Criss

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:

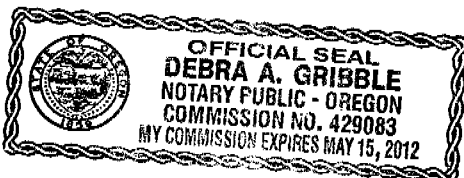
June 12, 19, 26, July 3, 2008

Total Cost: \$1,178.36

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 Wayne T. Criss, an unmarried man, as grantor, to First American Title Insurance Company, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for GreenPoint Mortgage Funding, Inc., as beneficiary, dated 10/20/05, recorded 10/21/05, in the mortgage records of Klamath County, Oregon, as Volume M05 Page 67171 and subsequently assigned to U.S. Bank National Association, as Trustee for Credit Suisse First Boston CSFB 2005-12 by Assignment, covering the following described real property situated in said county and state, to wit: Real property in the County of Klamath, State of Oregon, described as follows: A portion of the SW 1/4 of Section 3, Township 41 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows: Beginning at the Southwest corner of Section 3; thence North 1329.02 feet; thence N. 89 degrees 53' 18" E. 334.94 feet to the true point of beginning; thence N. 89 degrees 53' 18" E. 1009.00 feet; thence South 29 degrees 07' 28" E. 82.61 feet; thence South 60 degrees 52' 32" W. 338.31 feet; thence N. 89 degrees 53' 18" W. 630.00 feet; thence N. 54 degrees 45' 54" W. 151.76 feet; thence N. 00 degrees 06' 42" E. 150.00 feet to the true point of beginning. PROPERTY ADDRESS: 21866 MERRILL PITT ROAD, MERRILL, OR 97633.

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 \$1,015.35 beginning 01/01/08; plus late charges of \$44.48 each month beginning 01/16/08; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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: \$116,347.58 with interest thereon at the rate of 8.25 percent per annum beginning 12/01/07; plus late charges of \$44.48 each month beginning 01/16/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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. 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 and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and 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. 7777.26343/CRISS, WAYNE T. (TS# 7777.26343) 1002.90034-FEI
#10279 June 12, 19, 26, July 3, 2008.