

2008-012474

Klamath County, Oregon



00052715200800124740090097

09/05/2008 03:06:19 PM

Fee: \$71.00

**RECORDING COVER SHEET FOR NOTICE
OF SALE PROOF OF COMPLIANCE PER
O.R.S. 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED
INSTRUMENT FOR RECORDING, ANY ERRORS IN
THIS COVER SHEET DO NOT AFFECT THE
TRANSACTION(S) CONTAINED IN THE
INSTRUMENT ITSELF.

WHEN RECORDED MAIL TO

REGIONAL TRUSTEE SERVICES CORPORATION, as Trustee
616 1st Avenue, Suite 500
Seattle, WA 98104

Trustee's Sale No: 09-FMG-58366

05863 ATE



MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.



AFFIDAVIT OF MAILING NOTICE OF SALE (must have trustee's notice of sale attached)



AFFIDAVIT OF PUBLICATION NOTICE OF SALE



PROOF OF SERVICE /AFFIDAVIT OF NON-OCCUPANCY

Original Grantor on Trust Deed

JACK S MILNER, AND SHAYLA A MILNER, HUSBAND AND WIFE

Beneficiary

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS
AND ASSIGNS**

\$76-A

NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.
Trustee's Sale No. 09-FMG-58366



Reference is made to that certain Deed of Trust made by, JACK S MILNER, AND SHAYLA A MILNER, HUSBAND AND WIFE, as grantor, to FIRST AMERICAN TITLE INSURANCE COMP, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS, as beneficiary, dated 7/28/2006, recorded 7/31/2006, under Instrument No. M06-15364, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

THE NORTH 66.6 FEET OF LOT 15 IN BLOCK 6 OF THIRD ADDITION TO ALTAMONT ACRES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

The street address or other common designation, if any, of the real property described above is purported to be:

3903 AUSTIN STREET
KLAMATH FALLS, OR 97603

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

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:

	Amount due as of May 28, 2008

Delinquent Payments from December 01, 2007	
2 payments at \$ 1,080.56 each	\$ 2,161.12
4 payments at \$ 1,082.18 each (12-01-07 through 05-28-08)	\$ 4,328.72
Late Charges:	\$ 291.72
Beneficiary Advances:	\$ 149.50
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 6,931.06

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 deed of trust, 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.

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:

UNPAID PRINCIPAL BALANCE OF \$135,257.96, PLUS interest thereon at 7.67% per annum from 11/01/07 to 2/1/2008, 7.67% per annum from 2/1/2008, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on September 29, 2008, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the 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 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.


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.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

DATED: 5/28/2008

REGIONAL TRUSTEE SERVICES CORPORATION
Trustee

By


ANNA EGDORF, AUTHORIZED AGENT
616 1st Avenue, Suite 500, Seattle, WA 98104
Phone: (206) 340-2550
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON }
 } ss.
COUNTY OF KING }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

Authorized Representative of Trustee

REGIONAL TRUSTEE SERVICES CORPORATION
616 1st Avenue, Suite 500
Seattle, WA 98104
Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-FMG-58366



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and 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 the terms of that certain trust deed described in said Notice.

That 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 addresses, to-wit:

JACK S MILNER, 3903 AUSTIN STREET, KLAMATH FALLS, OR, 97603
OCCUPANT, 3903 AUSTIN STREET, KLAMATH FALLS, OR, 97603
SHAYLA A MILNER, 3903 AUSTIN STREET, KLAMATH FALLS, OR, 97603

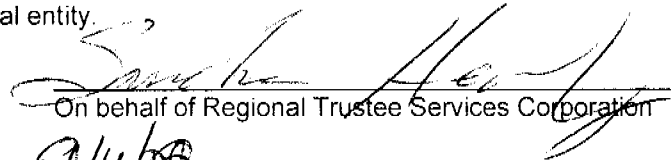
CANDACE AMBORN, POB 580, MEDFORD, OR, 97501-0214
DECISION ONE MORTGAGE COMPANY, LLC, 3023 HSBC WAY, FORT MILL, SC, 29715
DECISION ONE MORTGAGE COMPANY, LLC, C/O MERS, INC., P.O. BOX 2026, FLINT, MI, 48501-2026

JACK S. MILNER, 4318 WINTER AVENUE, KLAMATH FALLS, OR, 97603
KAREN M OAKES, 6502 6TH STREET, KLAMATH FALLS, OR, 97603
MERS, 1595 SPRING HILL RD #310, VIENNA, VA, 22182
MERS, P.O. BOX 2026, FLINT, MI, 48501-2026

Said persons include (a) the grantor in the trust deed, together with notice required by House Bill 3630 Section 20 (b) successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice together with notice required by House Bill 3630 Section 20, (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 b ORS 86.785.


Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of 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 Seattle, WASHINGTON, on 6/2/08. 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.

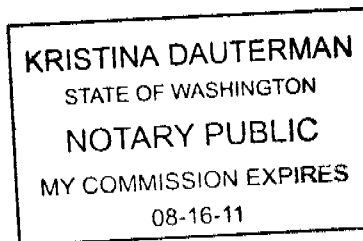
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

 *Sandra Healy*
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on

7/4/08


NOTARY PUBLIC for WASHINGTON
My commission expires 8/16/2011



**JEFFERSON STATE ADJUSTERS
RECOVERY IS OUR BUSINESS**

1135 Pine Street
Klamath Falls, Oregon 97601
Phone: (541) 882-8036 Fax: (541) 883-2129

**AFFIDAVIT OF
NON-OCCUPANCY**

STATE OF OREGON
COUNTY OF KLAMATH

09-FMG-58366

I, ROBERT W. BOLENBAUGH, being first duly sworn, depose and say: That I am and have been at all material times hereto, a competent person over the age of eighteen years and a resident of the county of Klamath, State of Oregon. I am not a party to, an attorney for, or interested in any suit or action involving the property described below.

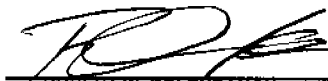
That on the 29th day of May 2008, after personal inspection, I found the following described real property to

be unoccupied.

Commonly described as (3903 Austin St. Klamath Falls, Oregon 97603)

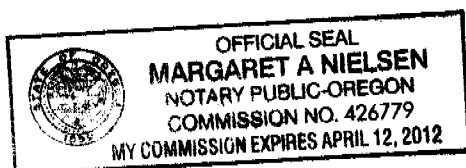
Comments: May 29, 2008 10:33 AM Posted Trustee's Notice of Sale to the front door. The house is empty, and has no power.


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



ROBERT W. BOLENBAUGH (Signed and Dated) June 3, 2008

Subscribed and Sworn to before me this 3 day of June, 2008.





MARGARET A. NIELSEN
NOTARY PUBLIC OF 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 # 10274

Notice of Sale/Jack S. & Shayla A. Milner

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:

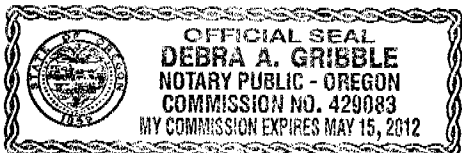
June 11, 18, 25, July 2, 2008

Total Cost: \$1,102.96

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

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Pursuant to O.R. S. 86.705 et seq. and O.R. S. 79.5010, et seq.

Trustee's Sale No. 09-FMG-58366

NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT
THE UNDERSIGNED IS ATTEMPTING TO COLLECT A
DEBT AND THAT ANY INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.

Reference is made to that certain Deed of Trust made by,
JACK S. MILNER, AND SHAYLA A MILNER, HUSBAND
AND WIFE, as grantor, to FIRST AMERICAN TITLE IN-
SURANCE COMP, as Trustee, in favor of MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMI-
NEE FOR ITS SUCCESSORS AND ASSIGNS, as beneficiary,
dated 7/28/2006, recorded 7/31/2006, under Instrument No.
M06-1-5364, records of KLAMATH County, OREGON. The be-
neficial interest under said Trust Deed and the obligations se-
cured thereby are presently held by MORTGAGE ELEC-
TRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE
FOR ITS SUCCESSORS AND ASSIGNS, Said Trust Deed en-
cumbers the following described real property situated in said
county and state, to-wit: THE NORTH 66.6 FEET OF LOT 15
IN BLOCK 6 OF THIRD ADDITION TO ALTAMONT ACRES,
ACCORDING TO THE OFFICIAL PLAT THEREOF ON
FILE IN THE OFFICE OF THE COUNTY CLERK OF KLA-
MATH COUNTY, OREGON. The street address or other com-
mon designation, if any, of the real property described above
is purported to be: 3903 AUSTIN STREET, KLAMATH
FALLS, OR 97603. The undersigned Trustee disclaims any lia-
bility for any incorrectness of the above street address or oth-
er common designation.

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: Amount due as of May 28, 2008 Delinquent
Payments from December 01, 20072 payments at \$ 1,080.56
each \$ 2,161.12 4 payments at \$ 1,082.18 each \$ 4,328.72 (12-01-
07 through 05-28-08) Late Charges: \$ 291.72 Beneficiary Advan-
ces: \$ 149.50 Suspense Credit: \$ 0.00 TOTAL: \$ 6,931.06.

ALSO, if you have failed to pay taxes on the property, provide
insurance on the property or pay other senior liens or encum-
brances as required in the note and deed of trust, the benefi-
ciary may insist that you do so in order to reinstate your ac-
count in good standing. The beneficiary may require as a con-
dition to reinstatement that you provide reliable written evi-
dence that you have paid all senior liens or encumbrances,
property taxes, and hazard insurance premiums. These re-
quirements for reinstatement should be confirmed by contact-
ing the undersigned Trustee.

By reason of said default, the beneficiary has declared all
sums owing on the obligation secured by said trust deed im-
mediately due and payable, said sums being the following:
UNPAID PRINCIPAL BALANCE OF \$135,257.96, PLUS inter-
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7.67% per annum from 2/1/2008, until paid, together with es-
crow advances, foreclosure costs, trustee fees, attorney fees,
sums required for the protection of the property and addition-
al sums secured by the Deed of Trust.

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WHEREFORE, notice hereby is given that the undersigned trustee, will on September 29, 2008, at the hour of 11:00AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the 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 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.

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. Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same. DATED: 5/28/2008. REGIONAL TRUSTEE SERVICES CORPORATION, Trustee By: ANNA EGDORF, AUTHORIZED AGENT, 616 1st Avenue, Suite 500, Seattle, WA 98104 Phone: (206) 340-2550 Sale Information: <http://www.rtrustee.com> ASAP# 2778076 06/11/2008
06/18/2008, 06/25/2008, 07/02/2008.
#10274 June 11, 18, 25, July 2, 2008.