

2008-015027

Klamath County, Oregon



00055810200800150270080080

11/05/2008 03:47:49 PM

Fee: \$71.00

Recording Requested By:
Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

When Recorded Return To:

Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

ATE 66041

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

COVER SHEET

DOCUMENT:

Affidavit of Mailing / Trustee's Notice of Sale
Affidavit of Service
Affidavit of Publication

ORIGINAL GRANTOR ON TRUST DEED:

Allen Bergstrom and Cynthia L. Bergstrom

ORIGINAL BENEFICIARY ON TRUST DEED:

Mortgage Electronic Registration Systems, Inc.

\$71 ATE

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
08-100818

OREGON
AFFIDAVIT OF MAILING OF NOTICE OF SALE

I, Kelly D. Sutherland, say and certify that:

I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or the successor in interest named in the Trust Deed described in the attached Notice of Sale.

I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons at their last known addresses, to-wit:

Allen D. Bergstrom
4300 Carlon Way
Klamath Falls, OR 97603

Bank Of America National Trust And
Savings Association
C/O Ct Corporation System
388 State Street, Suite 1700
Salem, OR 97301

Cynthia L. Bergstrom
4300 Carlon Way
Klamath Falls, OR 97603

Bank Of America National Trust And
Savings Association
121 Sw Morrison Street, Suite 1700
Portland, OR 97204

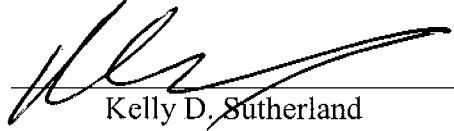
Bank Of America, N.A.
C/O Bank Of America Consumer Collateral
Tracking - F10-700-04-10
9000 Southside Boulevard, Bldg 700
Jacksonville, FL 32256

The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person requesting notice as provided in ORS 86.785 and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by Kelly D. Sutherland, Shapiro & Sutherland, LLC, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on August 7, 2008. Each notice was mailed after

the date that the Notice of Default and Election to Sell described in said Notice of Sale was recorded which was at least 120 days before the day of the trustee sale.

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


Kelly D. Sutherland

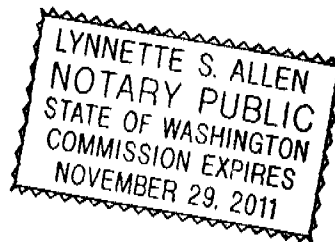
State of Washington)

County of Clark)

On this 7th day of August, in the year 2008, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal


Notary Public
My Commission Expires: 11/29/2011



TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Allen D. Bergstrom and Cynthia L. Bergstrom, as tenants by the entirety, as grantor to First American Title, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Gateway Business Bank, dba Mission Hills Mortgage Bankers, as Beneficiary, dated January 10, 2006, recorded January 17, 2006, in the mortgage records of Klamath County, Oregon, as Microfilm No. M06-00924, beneficial interest having been assigned to EverHome Mortgage Company, as covering the following described real property:

A portion of Lots 25, 26 and 27, Summer Heights, a platted subdivision, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at a point which is 15 North 90 feet and East 5 feet from the Southwest corner of Lot 26, Summers Heights; thence North on a line which is parallel to and 5.0 feet East from the West line of Lot 26 a distance of 185.6 feet, more or less, to the Southerly right of way of the U.S.R.S. A-3 Lateral; thence North $76^{\circ}18'$ East a distance of 82.7 feet, more or less, to its intersection with the East line of Lot 26 extended; thence South along said East line extended to a point which is 15.0 feet North of the Northeast corner of Lot 26; thence East along a line parallel to and 27.0 feet North of the North line of Lots 25 and 24 a distance of 160 feet to the West line of Hilddale Street; thence South along said West line a distance of 27.0 feet to the Northeast corner of Lot 24; thence West along the North lines of Lots 24 and 25 a distance of 99.8 feet to a point; thence South parallel to the East line of Lot 25, a distance of 44.7 feet to a point; thence West parallel to the South line of Lots 25 and 26 a distance of 1140.2 feet, more or less, to the point of beginning.

COMMONLY KNOWN AS: 4300 Carlon Way, Klamath Falls, OR 97603

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:

Monthly payments in the sum of \$1,213.87, from April 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit:

\$174,206.70, together with interest thereon at the rate of 6% per annum from March 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 8, 2008, at the hour of 10:00 AM PT, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 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 said described real property which the grantor has or had power to convey at the time of the execution of

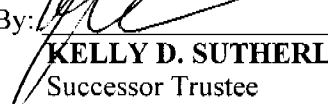
said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that 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 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 obligations 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.

Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property.

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated: 08/07/2008

By: 
KELLY D. SUTHERLAND
Successor Trustee

State of Washington, County of Clark, ss:

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Trustee's Notice of Sale

SHAPIRO & SUTHERLAND, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
Telephone: (360) 260-2253
Toll-free: 1-800-970-5647

08100818 / OCCUPANTS
ASAP# 2845171

SHAPOR

AFFIDAVIT OF SERVICE

STATE OF OREGON
County of Klamath

ss.

I, Robert Bolenbaugh, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "**Property Address**":


**4300 Carlon Way
Klamath Falls, OR 97603**

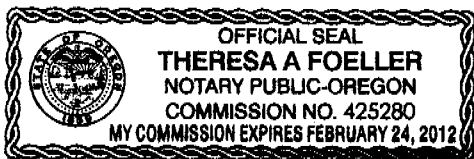
By delivering such copy, personally and in person to **Cynthia Bergstrom and Allen Bergstrom**, at the above Property Address on August 12, 2008 at 10:11 AM.

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

SUBSCRIBED AND SWORN BEFORE ME
this 21st day of August, 2008
by Robert Bolenbaugh.

Theresa A Foeller
Notary Public for Oregon

X 
Robert Bolenbaugh
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



178527

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 # 10494

Notice of Sale/Allen D & Cynthia L Bergstrom

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:

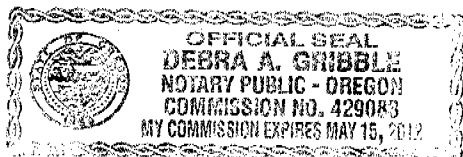
September 3, 10, 17, 24, 2008

Total Cost: \$1,087.88

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: September 24, 2008

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE 08-100818

A default has occurred under the terms of a trust deed made by Allen D. Bergstrom and Cynthia L. Bergstrom, as tenants by the entirety, as grantor to First American Title, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Gateway Business Bank, dba Mission Hills Mortgage Bankers, as Beneficiary, dated January 10, 2006, recorded January 17, 2006, in the mortgage records of Klamath County, Oregon, as Microfilm No. M06-00924, beneficial interest having been assigned to EverHome Mortgage Company, as covering the following described real property: A portion of Lots 25, 26 and 27, Summer Heights, a platted subdivision, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows: Beginning at a point which is 15 North 90 feet and East 5 feet from the Southwest corner of Lot 26, Summers Heights; thence North on a line which is parallel to and 5.0 feet East from the West line of Lot 26 a distance of 185.6 feet, more or less, to the Southerly right of way of the U.S.R.S. A-3 Lateral; thence North 76°18' East a distance of 82.7 feet, more or less, to its intersection with the East line of Lot 26 extended; thence South along said East line extended to a point which is 15.0 feet North of the Northeast corner of Lot 26; thence East along a line parallel to and 27.0 feet North of the North line of Lots 25 and 24 a distance of 160 feet to the West line of Hilldale Street; thence South along said West line a distance of 27.0 feet to the Northeast corner of Lot 24; thence West along the North lines of Lots 24 and 25 a distance of 99.8 feet to a point; thence South parallel to the East line of Lot 25, a distance of 44.7 feet to a point; thence West parallel to the South line of Lots 25 and 26 a distance of 1140.2 feet, more or less, to the point of beginning. COMMONLY KNOWN AS: 4300 Carlon Way, Klamath Falls, OR 97603.

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: Monthly payments in the sum of \$1,213.87, from April 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit: \$174,206.70, together with interest thereon at the rate of 6% per annum from March 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 8, 2008, at the hour of 10:00 AM PT, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 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 said described real property which the grantor has or had power to convey at the time of the execution of 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

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and the trust deed reinstated by payment to the beneficiary of the entire amount 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 obligations 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. Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property. The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt. Dated: 08-06-2008 By: Kelly D. Sutherland, KELLY D. SUTHERLAND, Successor Trustee. SHAPIRO & SUTHERLAND, LLC, 5501 N.E. 109th Court, Suite N, Vancouver, WA 98662. Telephone: (360) 260-2253 Toll-free: 1-800-970-5647 ASAP# 2845171 09/03/2008, 09/10/2008, 09/17/2008, 09/24/2008. #10494 September 3, 10, 17, 24, 2008.