

2008-015273

Klamath County, Oregon



00056100200800152730090094

11/12/2008 11:46:53 AM

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-FMB-60428

ATE 66038



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

SHANNON LEE CHEDESTER AND MISTY ROSE CHEDESTER, AS TENANTS BY THE ENTIRETY

Beneficiary

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

71 ATE

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-FMB-60428



Reference is made to that certain Deed of Trust made by, SHANNON LEE CHEDESTER AND MISTY ROSE CHEDESTER, AS TENANTS BY THE ENTIRETY, as grantor, to FIRST AMERICAN TITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS, as beneficiary, dated 1/24/2007, recorded 1/30/2007, under Instrument No. 2007-001627, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by INDYMAC BANK, F.S.B.. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 8 IN BLOCK 4, TRACT 10⁷8, SECOND ADDITION TO KELENE GARDENS,
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:

4917 DARWIN PLACE
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 July 25, 2008
Delinquent Payments from March 01, 2008	
5 payments at \$ 936.23 each	\$ 4,681.15
(03-01-08 through 07-25-08)	
Late Charges:	\$ 184.05
Beneficiary Advances:	\$ 11.00
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 4,876.20

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 \$188,577.25, PLUS interest thereon at 7.000% 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 November 26, 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.

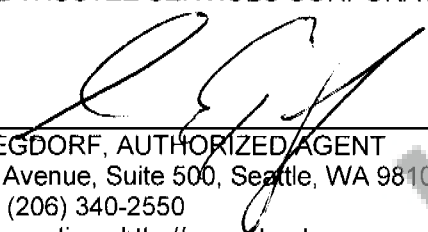
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the 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: 7/25/2008

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-FMB-60428



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:

MISTY ROSE CHEDESTER, 4917 DARWIN PL, KLAMATH FALLS, OR, 97603
OCCUPANT, 4917 DARWIN PL, KLAMATH FALLS, OR, 97603
SHANNON LEE CHEDESTER, 4917 DARWIN PL, KLAMATH FALLS, OR, 97603

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.

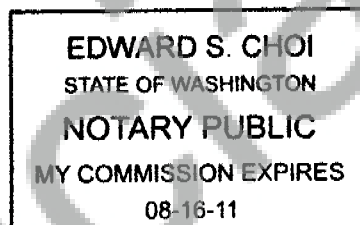
Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Seattle, WASHINGTON, on 7-30-08. 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.

Tamm. Offord
Jamm. Offord
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on 7-30-08

Edward S. Choi
NOTARY PUBLIC for WASHINGTON
My commission expires: 08/16/2011



**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

09-FMB-60428

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 **4917 Darwin Pl. Klamath Falls, OR 97603**

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

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

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

1st Attempt:

2nd Attempt:

3rd Attempt:

☐ **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 **August 1**, 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

Shannon Chedester

4917 Darwin Pl. Klamath Falls, OR 97603

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.

July 29, 2008

1:07 PM

DATE OF SERVICE

TIME OF SERVICE

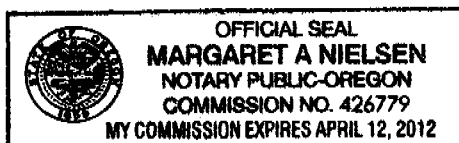
☐ or non occupancy

By:

Robert W. Bolenbaugh

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 1st day of August, 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 # 10435

Notice of Sale/Shannon Lee Chedester &
Misty Rose Chedester

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:

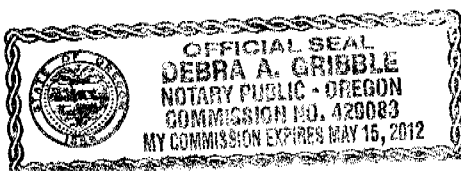
August 8, 15, 22, 29, 2008

Total Cost: \$1,072.80

Subscribed and sworn by Jeanine P Day
before me on: August 29, 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-FMB-60428

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,
SHANNON LEE CHEDESTER AND MISTY ROSE
CHEDESTER, AS TENANTS BY THE ENTIRETY, as gran-
tor, to FIRST AMERICAN TITLE, as Trustee, in favor of
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS,
as beneficiary, dated 1/24/2007, recorded 1/30/2007, under In-
strument No. 2007-001627, records of KLAMATH County, ORE-
GON. The beneficial interest under said Trust Deed and the
obligations secured thereby are presently held by INDYMAC
BANK, F.S.B.. Said Trust Deed encumbers the following de-
scribed real property situated in said county and state, to-wit:
LOT 8 IN BLOCK 4, TRACT 1028, SECOND ADDITION TO
KELENE GARDENS, 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 re-
al property described above is purported to be: 4917 DARWIN
PLACE, 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 July 25, 2008 Delinquent
Payments from March 01, 2008 5 payments at \$936.23 each
\$4,681.15 (03-01-08 through 07-25-08) Late Charges: \$184.05 Ben-
eficiary Advances: \$11.00 Suspense Credit: \$0.00 TOTAL:
\$4,876.20.

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 \$188,577.25, PLUS interest
thereon at 7.000% per annum from 2/1/2008, until paid, to-
gether 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 November 26, 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 in-
terest 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

5-1-50

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: 7/25/2008. 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# 2837349 08/08/2008, 08/15/2008, 08/22/2008, 08/29/2008 #10435, August 8, 15, 22, 29, 2008.