

2008-015691

Klamath County, Oregon



00056594200800156910070076

11/21/2008 02:42:41 PM

Fee: \$66.00

Recording Requested By:  
Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601  
*ATE 66052*  
When Recorded Return To:

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

Until requested otherwise, send all tax statements:

(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:

**John R. Finningan and Julie K. Finnigan**

### ORIGINAL BENEFICIARY ON TRUST DEED:

**Washington Mutual Bank**

*ATE 661*

AFTER RECORDING RETURN TO:  
Shapiro & Sutherland, LLC  
5501 N.E. 109th Court, Suite N  
Vancouver, WA 98662  
08-100846

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:

John R. Finnigan  
P.O. Box 6473  
San Jose, CA 95150

John R. Finnigan  
2581 Cherry Avenue  
San Jose, CA 95125

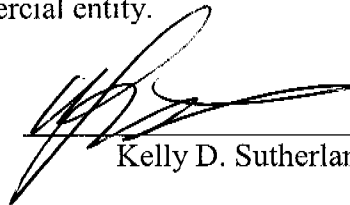
Julie K. Finnigan  
P.O. Box 6473  
San Jose, CA 95150

Julie K. Finnigan  
2581 Cherry Avenue  
San Jose, CA 95125

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 13, 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 20<sup>th</sup> day of November, 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: 4/30/2012



## TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by John R. Finnigan, who acquired title as John Finnigan, and Julie K. Finnigan, as tenants by the entirety, as grantor to First American Title Ins. Company of Oreg., as Trustee, in favor of Washington Mutual Bank, as Beneficiary, dated June 21, 2005, recorded June 29, 2005, in the mortgage records of Klamath County, Oregon, in Volume M05, at Page 49489, as covering the following described real property:

Lot 999, in Tract 1423 of Running Y Resort Phase 12, according to the official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

**COMMONLY KNOWN AS:** Lot 999, Running Y Resort Tract 1243, (Crossbill Drive)  
Klamath Falls, OR 97601

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 \$746.04, 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:

\$89,443.94, together with interest thereon at the rate of 7% 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 11, 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: 8/13/08

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

08100846 / FINIGAN  
ASAP# 2848080

SHAPOR

## AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON  
County of Klamath

ss.

I, Kent Pederson, 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 where this attempt of service was made; that I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on August 20, 2008, after personal inspection, I found the following described real property to be unoccupied:

Lot 999, in Tract 1423 of Running Y Resort Phase 12, according to the official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon

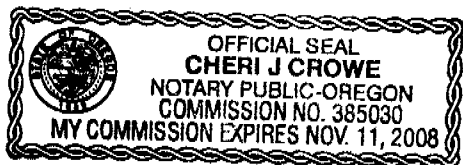
Commonly known as: **Lot 999, Running Y Resort Tract 1243 (Crossbill Drive)  
Klamath Falls, OR 97601**

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

SUBSCRIBED AND SWORN BEFORE ME  
this 22<sup>nd</sup> day of August, 2008  
by Kent Pederson.

Cheri J. Crowe  
Notary Public for Oregon

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



178673

# 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 # 10495

Notice of Sale/John R & Julie K Finnigan

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:

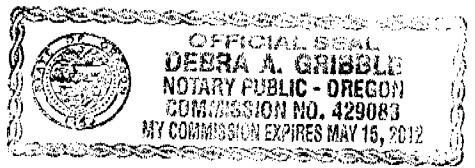
September 3, 10, 17, 24, 2008

Total Cost: \$891.84

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

Debra A Grizzle  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE 08-100846

A default has occurred under the terms of a trust deed made by John R. Finnigan, who acquired title as John Finnigan, and Julie K. Finnigan, as tenants by the entirety, as grantor to First American Title Ins. Company of Oreg., as Trustee, in favor of Washington Mutual Bank, as Beneficiary, dated June 21, 2005, recorded June 29, 2005, in the mortgage records of Klamath County, Oregon, in Volume M05, at Page 49489, as covering the following described real property: Lot 999, in Tract 1423 of Running Y Resort Phase 12, according to the official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon. COMMONLY KNOWN AS: Lot 999, Running Y Resort Tract 1243, (Crossbill Drive) Klamath Falls, OR 97601.

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 \$746.04, 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: \$89,443.94, together with interest thereon at the rate of 7% 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 11, 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: 08-08-2008. 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# 2848080 09/03/2008, 09/10/2008, 09/17/2008, 09/24/2008.  
#10495 September 3, 10, 17, 24, 2008.