

2008-015754

Klamath County, Oregon



00056675200800157540110110

11/24/2008 03:20:42 PM

Fee: \$86.00

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

When Recorded Return To:
ATE 66091
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:

Ricky E. Madden and Stella F. Madden

ORIGINAL BENEFICIARY ON TRUST DEED:

Motgage Electronic Registration Systems, Inc.

86 ATE

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
07-30311

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:

Ricky E. Madden
4006 Sturdivant Avenue
Klamath Falls, OR 97603

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 29, 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

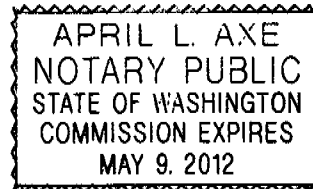
State of Washington)
)
County of Clark)

On this 21 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: May 9, 2012



AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
07-30311

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:

Stellena F. Madden
4006 Sturdivant Avenue
Klamath Falls, OR 97603

Harbourton Mortgage Investment Corp.
R/A: Corporation Service Company
285 Liberty Street, N.E.
Salem, OR 97301

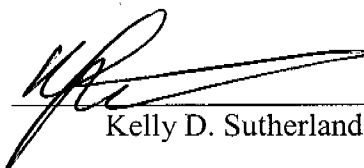
Mortgage Electronic Registration Systems,
Inc.
P. O. Box 2026
Flint, MI 48501-2026

Harbourton Mortgage Investment
Corporation
C/O Mortgage Electronic Registration
Systems, Inc.
P.O. Box 2026
Flint, MI 48501

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 September 2, 2008. As evidenced by signed return receipt, each Notice was actually received by the named party at least 25 days before the day of Trustee's Sale, as provided in ORS 86.742(1).

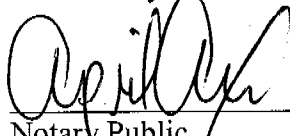
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

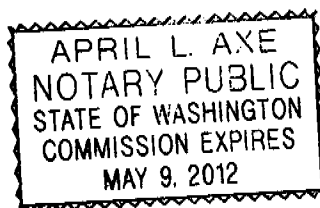

Kelly D. Sutherland

State of Washington)
)
County of Clark)

On this 21 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 May 9, 2012



COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **SEP 08 2008**

B. Date of Delivery

C. Signature ☒ Agent Addressed

D. Is delivery address different from item 1? ☒ Yes ☐ No

If YES, enter delivery address below:

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

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

07-30311 Shapiro & Sutherland, LLC

PS Form 3811, January 2005 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **SEP 08 2008**

B. Date of Delivery

C. Signature ☒ Agent Addressed

D. Is delivery address different from item 1? ☒ Yes ☐ No

If YES, enter delivery address below:

2. Article Number

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Harborton Mortgage Investment Corp.
R/A: Corporation Service Company
285 Liberty Street, N.E.
Salem, OR 97301

07-30311 Shapiro & Sutherland, LLC

PS Form 3811, January 2005 Domestic Return Receipt

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If YES, enter delivery address below:

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4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Harborton Mortgage Investment Corporation
c/o Mortgage Electronic Registration Systems, Inc.
P.O. Box 2026
Flint, MI 48501

07-30311 Shapiro & Sutherland, LLC

PS Form 3811, January 2005 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **SEP 08 2008**

B. Date of Delivery

C. Signature ☒ Agent Addressed

D. Is delivery address different from item 1? ☒ Yes ☐ No

If YES, enter delivery address below:

2. Article Number

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Stellena F. Madden
4006 Sturdivant Avenue
Klamath Falls, OR 97603

07-30311 Shapiro & Sutherland, LLC

PS Form 3811, January 2005 Domestic Return Receipt

TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Ricky E. Madden and Stellena F. Madden, as Tenants by the Entirety, as grantor to First American Title Insurance Company of Oregon, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated June 5, 2006, recorded June 13, 2006, in the mortgage records of Klamath County, Oregon as Instrument No. M06-12076, beneficial interest now held by HSBC Bank USA, N.A., as Trustee on behalf of ACE Securities Corp. Home Equity Loan Trust and for the registered holders of ACE Securities Corp. Home Equity Loan Trust, Series 2006-ASAP5, Asset Backed Pass-Through Certificates as covering the following described real property:

The Easterly 80 feet of Lot 19 in Burnsdale, according to the official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

COMMONLY KNOWN AS: 4006 Sturdivant Avenue, 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 \$134,491.00, from May 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:

\$153,066.98, together with interest thereon at the rate of 8% per annum 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.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 30, 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: _____

7/29/08

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

0730311 / MADDEN
ASAP# 2866157

SHAPOR

AFFIDAVIT OF POSTING

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":

**4006 Sturdivant Avenue
Klamath Falls, OR 97603**

As follows:

On 09/02/2008 at 10:40 AM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

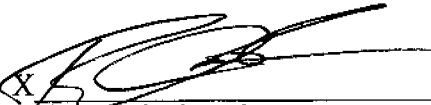
On 09/04/2008 at 12:55 PM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

On 09/08/2008 at 4:36 PM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

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

SUBSCRIBED AND SWORN BEFORE ME
this 16 day of September, 2008
by Robert Bolenbaugh.

Margaret A. Nielsen
Notary Public for Oregon


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



179845

0730311 / MADDEN
ASAP# 2866157

SHAPOR

AFFIDAVIT OF MAILING

STATE OF OREGON

County of Multnomah

ss.

I, Royal Hebert, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On September 11, 2008, I mailed a copy of the Trustee's Notice of Sale, by First ClassMail, postage pre-paid, to occupant, pursuant to ORS 86.750(1)(a)(C).

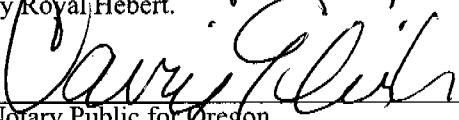
The envelope was addressed as follows:

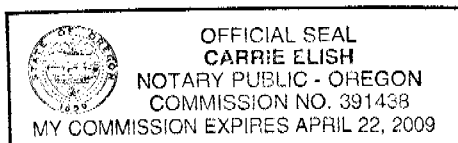
OCCUPANT
4006 Sturdivant Avenue
Klamath Falls, OR 97603

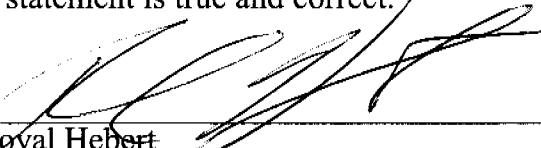
This mailing completes service upon an occupant at the above address with an effective date of **09/02/2008** as calculated pursuant to ORS 86.750 (1)(c).

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

SUBSCRIBED AND SWORN BEFORE ME
this 11th day of September, 2008
by Royal Hebert.


Notary Public for Oregon



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



179845

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 # 10576

Notice of Sale/Ricky E. & Stellena F. Madden

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:

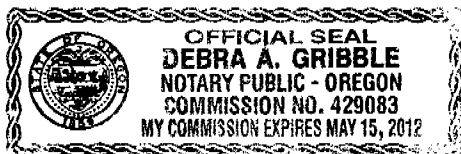
October 8, 15, 22, 29, 2008

Total Cost: \$906.92

Subscribed and sworn by Jeanine P Day
before me on: October 29, 2008

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by Ricky E. Madden and Stellena F. Madden, as Tenants by the Entirety, as grantor to First American Title Insurance Company of Oregon, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated June 5, 2006, recorded June 13, 2006, in the mortgage records of Klamath County, Oregon as Instrument No. M06-12076, beneficial interest now held by HSBC Bank USA, N.A., as Trustee on behalf of ACE Securities Corp. Home Equity Loan Trust and for the registered holders of ACE Securities Corp. Home Equity Loan Trust, Series 2006-ASAP5, Asset Backed Pass-Through Certificates as covering the following described real property: The Easterly 80 feet of Lot 19 in Bursdale, according to the official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon. COMMONLY KNOWN AS: 4006 Sturdivant Avenue, 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 \$134,491.00, from May 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: \$153,066.98, together with interest thereon at the rate of 8% per annum 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.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 30, 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: 8/28/2008. By: KELLY D. SUTHERLAND, Successor Trustee. SHAPIRO & SUTHERLAND, LLC, 5501 N.E. 109th Court, Suite N, Vancouver, WA 98662 www.shapiroattorneys.com/wa Telephone: (360) 260-2253 Toll-free: 1-800-970-5647 S&S 07-30311 ASAP# 2866157 10/08/2008, 10/15/2008, 10/22/2008, 10/29/2008. #10576 October 8, 15, 22, 29, 2008.