

WTZ 81476

2008-016965

Klamath County, Oregon

John W. Weil, Successor Trustee  
1001 S.W. Fifth Avenue, Suite 2150  
Portland, Oregon 97204



12/30/2008 02:46:39 PM

Fee: \$41.00

**After recording return to:**

John W. Weil  
1001 S.W. Fifth Avenue, Suite 2150  
Portland, Oregon 97204

**AFFIDAVIT OF SERVICE AND MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON     )  
                                  ) ss.  
County of Multnomah    )

I, John W. Weil, being first duly sworn, depose, and say that:

At all times hereinafter mentioned, 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 beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed of trust described in the notice of sale and recorded April 29, 1999 in the records of Klamath County, Oregon in Volume M99, Page 16097.

I hereby certify that I delivered true and correct copies of the attached Trustee's Notice of Sale to be served upon the occupants of the property described in the Notice of Sale, by posting and have attached hereto the original proof of service thereof.

I further certify that I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing copies 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:

Name	Address
Charles Hemmingway	c/o Michael R. Sandoval, Personal Representative 1123 S.W. Yamhill St. Portland, OR 97205
Occupants	1928 Applegate Avenue Klamath Falls, OR 97601
Carter-Jones Collection Service, Inc. Attn: Kent Pederson, Registered Agent	1143 Pine Street Klamath Falls, OR 97601
Mike Long Klamath County Tax Collector	P.O. Box 340 Klamath Falls, OR 97601

Included with the Notice of Sale served on the above person and also sent by both first class mail and certified mail with receipt requested was that NOTICE YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY, that notice required by section 20 of Enrolled House Bill 3630 (HB 3630-B).

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These persons include (a) the grantors in the trust deed; (b) any successor in interest to the grantors whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; (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 set forth in ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited in the United States post office at Portland, Oregon, on September 15, 2008. 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

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

  
\_\_\_\_\_  
John W. Weil, Successor Trustee

STATE OF OREGON, County of Multnomah ) ss.

Subscribed and sworn to before me on December 23, 2008 by John W. Weil.



  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires:

## TRUSTEE'S NOTICE OF SALE

Reference is made to the deed of trust made by Charles Hemmingway, as grantor, to John W. Weil, as successor trustee, in favor of Oakwood Acceptance Corporation, as beneficiary, dated April 29, 1998, recorded on May 1, 1998 in Volume M98, Page 14604 in the Microfilm Records of Klamath County, Oregon, which deed of trust was duly assigned to Chase Manhattan Trust Company National Association by assignment recorded April 29, 1999, in Volume M99, Page 16097 in the Microfilm Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to-wit:

LOTS 26 AND 27 Block 3 INDUSTRIAL ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said deed of trust 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 grantors' failure to pay when due the following sums:

Failure to make monthly payments of \$595.50 each due on the 1<sup>st</sup> day of August, 2007 through February, 2008; and failure to make monthly payments of \$815.50 each due on the 1<sup>st</sup> day of March, 2008 through September, 2008.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said deed of trust immediately due and payable, said sums being the following, to-wit:

\$66,571.64, plus \$10,293.34 interest, late charges and miscellaneous fees through July 18, 2008; and interest on the principal amount of \$66,571.64 at 9.00% per annum from July 18, 2008 until paid, plus attorney and trustee's fees and costs; plus \$360.00 foreclosure guaranty.

WHEREFORE, notice hereby is given that the undersigned trustee will on **January 16, 2009, at the hour of 11:00 A.M.**, in accord with the standard of time established by ORS 187.110, **at the main lobby of the Klamath County Courthouse, 316 Main St., Klamath Falls, OR 97601**, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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.

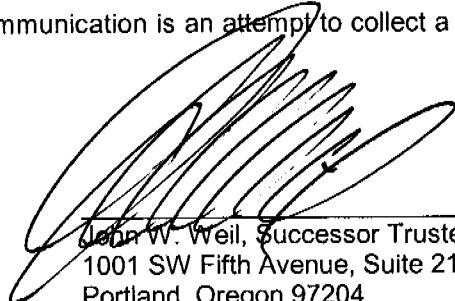
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said deed of trust, and the words "trustee" and beneficiary" include their respective successors in interest, if any.

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We are a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED: September 15, 2008

  
\_\_\_\_\_  
John W. Weil, Successor Trustee  
1001 SW Fifth Avenue, Suite 2150  
Portland, Oregon 97204  
Telephone No. (503) 226-0500

STATE OF OREGON     )  
                              ) ss.  
County of Multnomah    )

I, the undersigned, certify that I am the attorney or one of the attorneys for the above-named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Attorney for Successor Trustee

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served:

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