

WTC 81476

2009-000161

Klamath County, Oregon



00058389200900001610030034

01/07/2009 11:47:32 AM

Fee: \$36.00

## RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED  
BY THE PERSON REPRESENTING THE  
ATTACHED INSTRUMENT FOR RECORDING.  
ANY ERRORS IN THIS COVER SHEET DO NOT  
AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.

### After Recording, Return To:

Hooper, Englund & Weil LLP  
Attorneys at law  
Suite 2150 the Congress Center  
1001 Southwest Fifth Avenue  
Portland, OR 97204-2150

### 1. Name(s) of the Transaction(s):

Affidavit of Publication and Proof of Service

### 2. Direct Party (Grantor):

Charles Hemmingway

### 3. Indirect Party (Grantee):

### 4. True and Actual Consideration Paid:

n/a

### 5. Legal Description:

See Attached

# 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 # 10644

Notice of Sale/Charles Hemmingway

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:

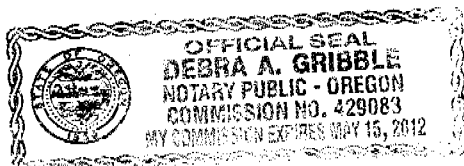
November 16, 23, 30, December 7, 2008

Total Cost: \$850.60

Subscribed and sworn by Jeanine P Day  
before me on: December 7, 2008

Notary Public of Oregon

My commission expires May 15, 2012



### 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 1st day of August, 2007 through February, 2008; and failure to make monthly payments of \$815.50 each due on the 1st 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 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 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.

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

#10644 November 16, 23, 30, December 7, 2008.

NOT 81476

**PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS**

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 **1928 Applegate Ave. Klamath Falls, OR 97601**

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

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

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

1<sup>st</sup> Attempt: September 17, 2008 10:46 AM Posted

2<sup>nd</sup> Attempt: September 19, 2008 12:29 PM Served

3<sup>rd</sup> 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 \_\_, 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 \_\_\_\_\_

**1928 Applegate Ave. Klamath Falls, OR 97601  
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.

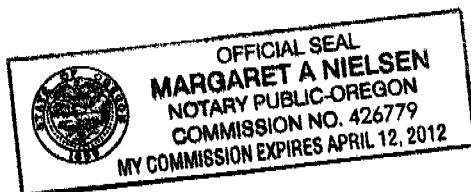
September 17, 2008 10:46 AM  
**DATE OF SERVICE TIME OF SERVICE**

☐ or non occupancy

By: \_\_\_\_\_

ROBERT W. BOLENSAUGH

Subscribed and sworn to before on this 24<sup>th</sup> day of September, 2008.



Margaret A. Nielsen  
Notary Public for Oregon