

MTL 83273

2009-000304

Klamath County, Oregon



00058562200900003040110112

01/12/2009 11:14:54 AM

Fee: \$71.00

**AFFIDAVIT OF MAILING OF NOTICE OF SALE  
AND NOTICE REQUIRED BY SEC. 20 OF HB 3630, 2008  
OREGON LAWS CHAPTER 19**

STATE OF OREGON            )  
                                      ) ss.  
COUNTY OF LANE            )

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described in the attached Trustee's Notice of Sale.

2. Pursuant to Section 20 of House Bill 3630, 2008 Oregon Laws Chapter 19, on September 16, 2008, I mailed the attached Notice to Grantors and Occupants of the real property by certified and first class mail at the following address(es):

Occupant  
2716 Boone Circle  
LaPine OR 97739

Lannette Leach  
649 SE 7th Ave.  
Canby OR 97013

James Lee Leach  
16455 Cassidy Dr.  
LaPine OR 97739

3. I served the attached Trustee's Notice of Sale upon the following parties by depositing true copies thereof in the United States Mail at Eugene, Oregon, on October 2, 2008:

James Lee Leach  
16455 Cassidy Dr.  
LaPine OR 97739

Little River Ranch Property Owners Assoc.  
Attn: Harold E. Elliot, Reg. Agent  
P.O. Box 413  
LaPine OR 97739

Lannette Leach  
649 SE 7th Ave.  
Canby OR 97013

Little River Ranch Property  
Owners Association  
2543 Collar Dr.  
LaPine OR 97739

**AFTER RECORDING RETURN TO:**  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

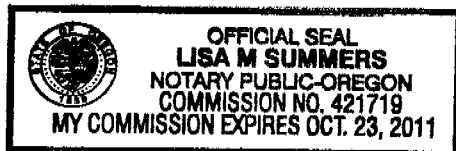
AFFIDAVIT OF MAILING

7/1/09

4. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge, were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and by first class mail, with postage prepaid.

\_\_\_\_\_  
Nancy K. Cary

Signed and sworn to before me on October 2, 2008, by NANCY K. CARY.



*Lisa M. Summers*  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: 10/23/2011

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

AFFIDAVIT OF MAILING

**NOTICE:  
YOU ARE IN DANGER OF LOSING  
YOUR PROPERTY IF YOU DO NOT  
TAKE ACTION IMMEDIATELY**

This notice is about your mortgage loan on your property at:

2716 Boone Circle  
Lapine, OR 97739

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called "foreclosure."

The amount you would have had to pay as of August 18, 2008 to bring your mortgage loan current was \$5,175.81. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call (800) 922-9909 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe. You may also get these details by sending a request by certified mail to: Nancy K. Cary, Successor Trustee, Hershner Hunter, LLP, P.O. Box 1475, Eugene, OR 97440.

**THIS IS WHEN AND WHERE  
YOUR PROPERTY WILL BE SOLD  
IF YOU DO NOT TAKE ACTION:**

Date and Time: February 12, 2009, 11:00 a.m.

Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

**THIS IS WHAT YOU CAN DO  
TO STOP THE SALE:**

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call Carleen Klein at (800) 922-9909 to find out if your lender is willing to give you more time or change the terms of your loan.

**AFTER RECORDING RETURN TO:**

Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 800-SAFENET (800-723-3638). You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at: [www.osbar.org](http://www.osbar.org). Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

**WARNING:** You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: September 16, 2008.

Trustee Name: Nancy K. Cary

/s/ Nancy K. Cary

(TS #15148.30246)

Telephone: (541) 686-0344

#### FAIR DEBT COLLECTION PRACTICES ACT NOTICE

We are attempting to collect a debt on behalf of the client named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information.

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

The following Trustee's Notice of Sale is served on you (if mailed, by certified mail, return receipt requested and first class mail) pursuant to ORS Chapter 86, requiring notice of the foreclosure to be given to the grantor of the trust deed, to certain successors in interest of the grantor and junior lien holders, and to the occupants of the property.

TO:

TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. PARTIES:

Grantor: JAMES LEE LEACH AND LANNETTE LEACH  
Trustee: CHICAGO TITLE INSURANCE COMPANY OF OREGON  
Successor Trustee: NANCY K. CARY  
Beneficiary: WASHINGTON FEDERAL SAVINGS

2. DESCRIPTION OF PROPERTY: The real property is described as follows:

Lot 14, Block 3 of Plat No. 1204, LITTLE RIVER RANCH, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

3. RECORDING. The Trust Deed was recorded as follows:

Date Recorded: July 24, 2007  
Reception No. 2007-013117  
Official Records of Klamath County, Oregon

4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$1,643.11 each, due the first (1st) of each month, for the months of June through September 2008; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$256,610.64; plus interest at the rate of 6.625% per annum from May 1, 2008; plus late charges of \$246.48; plus advances and foreclosure attorney fees and costs.

6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

7. TIME OF SALE.

Date: February 12, 2009  
Time: 11:00 a.m.  
Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

8. RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

Any questions regarding this matter should be directed to Lisa Summers, Paralegal, (541) 686-0344 (TS #15148.30246).

DATED: September 16, 2008.

*/s/ Nancy K. Cary*

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Nancy K. Cary, Successor Trustee  
Hershner Hunter, LLP  
P.O. Box 1475  
Eugene, OR 97440

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FAIR DEBT COLLECTION PRACTICES ACT NOTICE

We are attempting to collect a debt on behalf of the beneficiary named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information.

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

AFFIDAVIT OF NONOCCUPANCY

STATE OF OREGON           )  
                                      ) ss.  
COUNTY OF KLAMATH    )

I, Kent Pederson, being first duly sworn, depose and say:

1. I am a private process server retained by the Successor Trustee of the Trust Deed described in the attached Trustee's Notice of Sale.

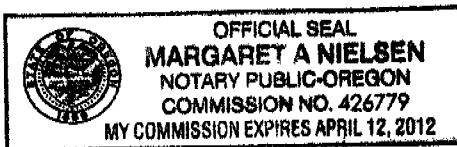
2. On September 17, 2008 at 12:00 P.m., the Successor Trustee retained me to serve the occupant, if any, of the real property described in the Trustee's Notice of Sale and located at:

2716 Boone Circle  
Lapine, OR 97739

3. After I was retained and on September 17, 2008, I went to the real property and observed that the residence located on the real property was vacant and unoccupied.

Signed and sworn to before me on 24<sup>th</sup> Sept. by KENT PEDERSEN

Margaret A. Nielsen  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_



AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

# 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 # 10710

Notice of Sale/James Lee & Lannette Leach

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:

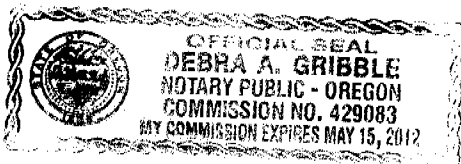
December 3, 10, 17, 24, 2008

Total Cost: \$760.12

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

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

#### 1. PARTIES:

Grantor: JAMES LEE LEACH AND LANNETTE LEACH  
Trustee: CHICAGO TITLE INSURANCE COMPANY  
OF OREGON  
Successor Trustee: NANCY K. CARY  
Beneficiary: WASHINGTON FEDERAL SAVINGS

#### 2. DESCRIPTION OF PROPERTY: The real property is described as follows:

Lot 14, Block 3 of Plat No. 1204, LITTLE RIVER RANCH, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

#### 3. RECORDING. The Trust Deed was recorded as follows:

Date Recorded: July 24, 2007 Reception No. 2007-013117

(Continued on top of next column)

#### (Continued from below)

Official Records of Klamath County, Oregon

4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$1,643.11 each, due the first (1st) of each month, for the months of June through September 2008; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$256,610.64; plus interest at the rate of 6.625% per annum from May 1, 2008; plus late charges of \$246.48; plus advances and foreclosure attorney fees and costs.

6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

#### 7. TIME OF SALE.

Date: February 12, 2009  
Time: 11:00 a.m.  
Place: Klamath County Courthouse, 316 Main Street,  
Klamath Falls, Oregon

8. RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

Any questions regarding this matter should be directed to Lisa Summers, Paralegal, (541) 686-0344 (TS #15148.30246).  
DATED: September 16, 2008.

/s/ Nancy K. Cary  
Nancy K. Cary, Successor Trustee  
Hershner Hunter, LLP  
P.O. Box 1475  
Eugene, OR 97440

#10710 December 3, 10, 17, 24, 2008.



**NONMILITARY AFFIDAVIT**

STATE OF OREGON           )  
  ) ss.  
COUNTY OF LANE         )

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described below:

Parties:

Grantor: JAMES LEE LEACH AND LANNETTE LEACH  
Trustee: CHICAGO TITLE INSURANCE COMPANY OF  
OREGON  
Beneficiary: WASHINGTON FEDERAL SAVINGS

Recorded:

Date: July 24, 2007  
Reception No. 2007-013117  
Klamath County Oregon Records

To the best of my knowledge and belief the Grantors of the above Trust Deed are not in the military service, or a dependent of a service member in military service based on the following facts made known to me by the Beneficiary or based on inquiry made by this office: (1) Grantors' addresses are not part of a military installation; and (2) the Beneficiary has not been provided with any information that indicated that Grantors are members of any branch of military service, whether active or reserve, and a search of the Department of Defense Manpower Data Center ("DMDC") did not indicate Grantors are on active duty (See DMDC printouts attached as Exhibit A).

\_\_\_\_\_  
Nancy K. Cary

Signed and sworn to before me on October 2, 2008, by NANCY K. CARY.



\_\_\_\_\_  
Lisa M. Summers  
Notary Public for Oregon  
My Commission Expires: 10/23/2011

NONMILITARY AFFIDAVIT

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

Department of Defense Manpower Data Center

OCT-02-2008 11:25:36



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
LEACH	JAMES	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: KEVIIKVBR

EXHIBIT 5  
Page 1 of 2

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

Department of Defense Manpower Data Center

OCT-02-2008 11:25:59



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
LEACH	LANNETTE	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

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See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **KFABRQNA**X

EXHIBIT *3*  
Page *3* of *3*

AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440