

2009-000411

Klamath County, Oregon



00058694200900004110080087

01/14/2009 11:40:35 AM

Fee: \$66.00

**RECORDING COVER SHEET
FOR NOTICE OF SALE PROOF
OF COMPLIANCE, PER ORS 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON
PRESENTING 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:

ATE 66073
Michael P. Rudd
411 Pine Street
Klamath Falls, or 97601

MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.

☒ AFFIDAVIT OF MAILING NOTICE OF SALE (must have trustee's notice of sale attached)

☒ AFFIDAVIT OF PUBLICATION NOTICE OF SALE

☒ PROOF OF SERVICE

Original grantor on Trust Deed:

Melanie L. Wilcher-Norman

Beneficiary

Arlene F. Johns

\$66 ATE

RETURN TO:
Brandsness, Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) ss:
County of Klamath)

I, Andrew C. Brandsness, being first duly sworn, depose, say and certify 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 trust deed described in said notice.

I gave notice of the sale of the real property described in the attached trustee's amended 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:

Melanie L. Wilcher-Norman
2458 Patterson Street
Klamath Falls, OR 97603

Carter-Jones Collection Service, Inc.
Attn: Kent Pederson, Registered Agent
1143 Pine Street
Klamath Falls, OR 97601

Said persons include (a) the grantor in the trust deed; (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; (c) and any person, including the Department of Revenue or an 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 required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original amended notice of sale by the trustee Michael P. Rudd. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on September 11, 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 the amount sufficient to accomplish the same. Each such notice was mailed after the Amended Notice of Default and Election to Sell described in said notice of sale was recorded.

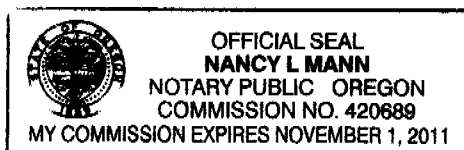
As used herein, the singular includes the plural, "trustee" includes successor trustee, and "person" includes a corporation and any other legal or commercial entity.

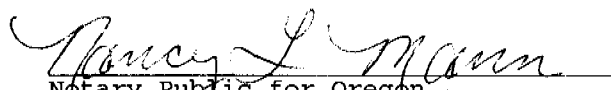


Andrew C. Brandsness

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 11 day of September, 2008, Andrew C. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed.




Notary Public for Oregon
My Commission expires: 11-1-11

**WE ARE ATTEMPTING TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**AMENDED NOTICE OF DEFAULT
AND ELECTION TO SELL AND OF SALE**

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

Melanie L. Wilcher-Norman, Grantor; AmeriTitle, Trustee; and Arlene F. Johns, Beneficiary, recorded in Official/Microfilm Records, Volume M05, Page 50916, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 4049 Frieda Avenue, Klamath Falls, OR 97603 ("Property"):

Parcel 2 of Land Partition 42-94, said Land Partition being a partition of Lot 2, Block 4, BRYANT TRACTS NO. 2, situated in the SE 1/4 SE 1/4 of Section 34, Township 38 South, Range 9, East of the Willamette Meridian, Klamath County, Oregon

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Failed to make the monthly payments of \$416.53 each due July 5, 2008 and August 5, 2008.

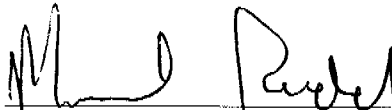
By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

The sum of \$66,424.21 plus interest thereon at the rate of 6.5% per annum from June 2, 2008 and late payments of \$445.35, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on January 22, 2009, at the hour of 10:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Offices of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described 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 the Trust Deed, to satisfy the 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 sum 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 each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: September 10, 2008.



Michael P. Rudd, Successor Trustee
411 Pine Street
Klamath Falls, OR 97601

STATE OF OREGON)
) ss.
County of Klamath)

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.

Michael P. Rudd, Successor Trustee

RETURN TO:
Brandsness, Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

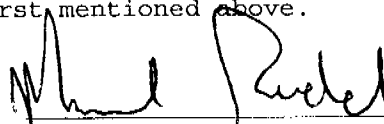
STATE OF OREGON)
) ss.
County of Klamath)

I, Michael P. Rudd, being first duly sworn, depose, say and certify that:

I am the successor trustee in that certain trust deed executed and delivered by Melanie L. Wilcher-Norman as grantor to AmeriTitle as trustee in which Arlene F. Johns is beneficiary, recorded on July 5, 2005 in the mortgage records of Klamath, Oregon, in book/volume No. M05 at page 50916.

I hereby certify that on September 10, 2008, the real property described in the afore-mentioned trust deed was not occupied.


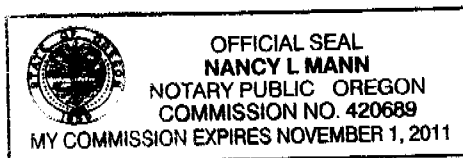
The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.



Michael P. Rudd
Successor Trustee

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 15 day of September, 2008, Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon
My Commission expires: 11-1-11

RETURN TO:
Brandsness, Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

TRUSTEE'S AFFIDAVIT OF SERVICE ON OCCUPANTS

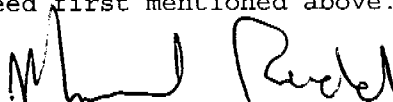
STATE OF OREGON)
) ss.
County of Klamath)

I, Michael P. Rudd, being first duly sworn, depose, say and certify that:

I am the successor trustee of that certain trust deed executed and delivered by Melanie L. Wilcher-Norman as grantor to AmeriTitle as trustee in which Arlene F. Johns is beneficiary, recorded on July 5, 2005 in the mortgage records of Klamath, Oregon, in book/volume No. M05 at page 50916, covering the real property described therein.

I hereby certify that on December 5, 2008 the occupant(s) of the real property described in the above-referenced trust deed were served with a true copy of the attached Notice of Default and Election to Sell and of Sale. I further certify that pursuant to ORCP 7D(2)(b) true copies of the Notice of Default and Election to Sell and of Sale were mailed to the occupants with a statement of the date, time, and place at which substituted service was made. The return of service is attached hereto.

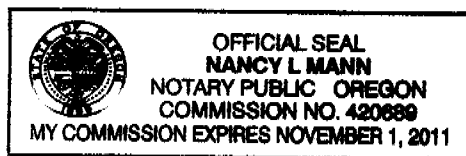
The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.




Michael P. Rudd

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 29 day of December, 2008, Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed.





Notary Public for Oregon
My Commission expires: 11-1-11

**WE ARE ATTEMPTING TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**AMENDED NOTICE OF DEFAULT
AND ELECTION TO SELL AND OF SALE**

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

Melanie L. Wilcher-Norman, Grantor; AmeriTitle, Trustee; and Arlene F. Johns, Beneficiary, recorded in Official/Microfilm Records, Volume M05, Page 50916, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 4049 Frieda Avenue, Klamath Falls, OR 97603 ("Property"):

Parcel 2 of Land Partition 42-94, said Land Partition being a partition of Lot 2, Block 4, BRYANT TRACTS NO. 2, situated in the SE 1/4 SE 1/4 of Section 34, Township 38 South, Range 9, East of the Willamette Meridian, Klamath County, Oregon

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Failed to make the monthly payments of \$416.53 each due July 5, 2008 and August 5, 2008.

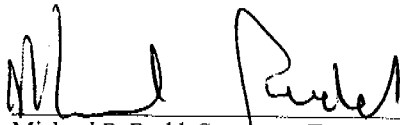
By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

The sum of \$66,424.21 plus interest thereon at the rate of 6.5% per annum from June 2, 2008 and late payments of \$445.35, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on January 22, 2009, at the hour of 10:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Offices of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described 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 the Trust Deed, to satisfy the 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 sum 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 each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: September 10, 2008.



Michael P. Rudd, Successor Trustee
411 Pine Street
Klamath Falls, OR 97601

STATE OF OREGON)
) ss.
County of Klamath)

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.

Michael P. Rudd, Successor Trustee

**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 **4049 Frieda Ave. Klamath Falls, OR 97603**

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

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

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

1st Attempt: December 5, 2008 2:14 PM Posted

2nd Attempt: December 8, 2008 10:48 AM Posted

3rd Attempt: December 11, 2008 12:46 PM Served

☐ **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 December 23, 2008, 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

Chelsea Muel

4049 Frieda Ave. Klamath Falls, OR 97603

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.

December 11, 2008

12:46 PM

DATE OF SERVICE

TIME OF SERVICE

☐ or non occupancy

By:

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 23rd day of December, 2008.



Margaret A. Nielsen
ROBERT W. BOLENBAUGH
Notary Public for Oregon

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 # 10645

Notice of Sale/Melanie L. Wilcher-Norman

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:

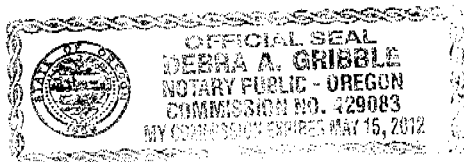
November 8, 15, 22, 29, 2008

Total Cost: \$820.44

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

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



WE ARE ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. NOTICE OF DEFAULT AND ELECTION TO SELL AND OF SALE

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Dated: September 10, 2008.

/s/ Michael P. Rudd, Successor Trustee
411 Pine Street
Klamath Falls, OR 97601

STATE OF OREGON,)

) ss.

County of Klamath)

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.

/s/ Michael P. Rudd, Successor Trustee
#10645 November 8, 15, 22, 29, 2008.