

2009-000617

Klamath County, Oregon



00058926200900006170090096

01/20/2009 11:15:05 AM

Fee: \$71.00

**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:

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.

1st 1284095 ☒ 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:

Jerome A. Fanaro and Davonna M. Fanaro, husband and wife

Beneficiary

Bruce E. Brink

771-

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

AFFIDAVIT OF MAILING 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 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:

Jerome A. Fanaro,
2447 Reclamation
Klamath Falls, OR 97601

Davonna M. Fanaro
2447 Reclamation
Klamath Falls, OR 97601

Fisher Nicholson Realtors, LLC
Attn: Charles Fisher, Registered Agent
403 Main Street
Klamath Falls, OR 97601

Occupant
1401 East Main Street
Klamath Falls, OR 97601

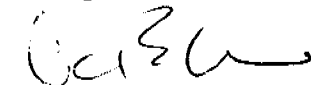
D.A. Summers dba Judgment Resolution
1990 N. California Boulevard, Suite 830
Walnut Creek, CA 94596

Occupant
1415 East Main 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 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 29, 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 Notice of Default and Election to Sell described in said notice of sale was recorded.

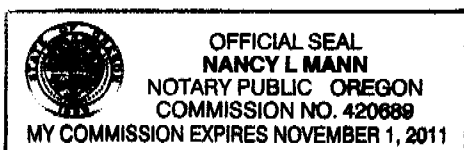
As used herein, the singular includes the plural, "trustee" includes successor trustee, and "person" includes a corporation and any other legal or commercial entity.

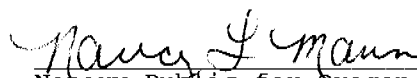


Andrew C. Brandsness

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 29 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.**

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

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

Jerome A. Fanaro and Davonna M. Fanaro, husband and wife, Grantor; First American Title Insurance Company of Oregon, Trustee; and Bruce E. Brink, Beneficiary, recorded in Official/Microfilm Records, Volume M06, Page 07058, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 1401-1415 East Main Street, Klamath Falls, OR 97601 ("Property"):

The South 50 feet of Lot 8 and the North 70 feet of Lot 8, Block 209, Mills Second Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon

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

Failed to make the monthly payment of \$1,190.78 on August 11, 2008 and monthly payments thereafter.


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:

\$156,249.10 principal plus interest thereon at the rate of 8.5% per annum from April 27, 2008 until paid, plus late charges of \$200, 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 February 5, 2009, at the hour of 10 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.

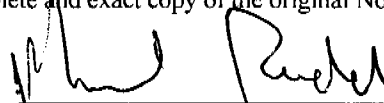
Dated: September 25, 2008.



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 OF SERVICE ON OCCUPANTS

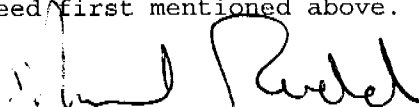
STATE OF OREGON)
) ss.
County of Klamath)

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 Jerome A. Fanaro and Davonna M. Fanaro, husband and wife as grantor to First American Title Insurance Company of Oregon as trustee in which Bruce E. Brink is beneficiary, recorded on April 11, 2006 in the mortgage records of Klamath, Oregon, in book/volume No. M06 at page 07058, covering the real property described therein.

I hereby certify that the occupant(s) of that portion of the real property described in the above-referenced trust deed commonly known as 1415 East Main Street, Klamath Falls, Oregon were served with a true copy of the attached Notice of Default and Election to Sell and of Sale pursuant to one of the methods required by ORS 86.750. The specific method is set out in the proof of service which is attached hereto.

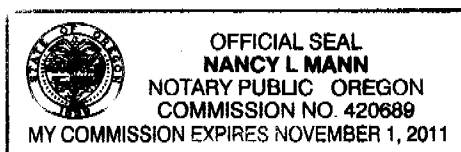
The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.

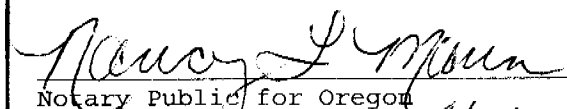


Michael P. Rudd

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 9 day of October, 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.**

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

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

Jerome A. Fanaro and Davonna M. Fanaro, husband and wife, Grantor; First American Title Insurance Company of Oregon, Trustee; and Bruce E. Brink, Beneficiary, recorded in Official/Microfilm Records, Volume M06, Page 07058, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 1401-1415 East Main Street, Klamath Falls, OR 97601 ("Property"):

The South 50 feet of Lot 8 and the North 70 feet of Lot 8, Block 209, Mills Second Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon

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

Failed to make the monthly payment of \$1,190.78 on August 11, 2008 and monthly payments thereafter.

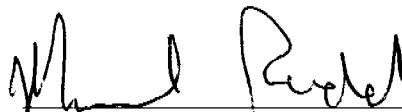
By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

\$156,249.10 principal plus interest thereon at the rate of 8.5% per annum from April 27, 2008 until paid, plus late charges of \$200, 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 February 5, 2009, at the hour of 10 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.

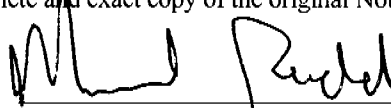
Dated: September 25, 2008.



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 **1415 East Main St. Klamath Falls, OR 97601**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to ___ 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.

1st Attempt: September 30, 2008 10:10 AM Posted

2nd Attempt: October 2, 2008 12:21 PM Posted

3rd Attempt: October 6, 2008 11:25 AM Posted

☐ **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 October 8, 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

Chubee Meek

1415 East Main St. 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.

DATE OF SERVICE

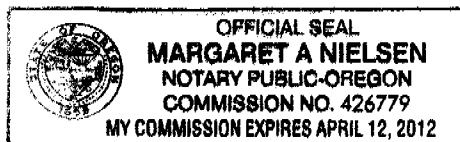
TIME OF SERVICE

☐ or non occupancy

By:

[Signature]
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 8th day of October, 2008.



Margaret A. Nielsen
Notary Public for Oregon

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

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

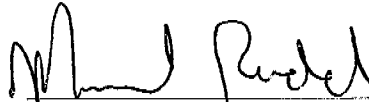
STATE OF OREGON)
) ss.
County of Klamath)

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 Jerome A. Fanaro and Davonna M. Fanaro, husband and wife as grantor to First American Title Insurance Company of Oregon as trustee in which Bruce E. Brink is beneficiary, recorded on April 11, 2006 in the mortgage records of Klamath, Oregon, in book/volume No. M06 at page 07058.

Following posting of a true copy of the Notice of Default and Election to Sell and of Sale to the main entrance of that portion of the real property described in the afore-mentioned trust deed commonly known as 1401 East Main Street, Klamath Falls, Oregon, the premises was determined to be unoccupied. The proof of service is attached hereto.

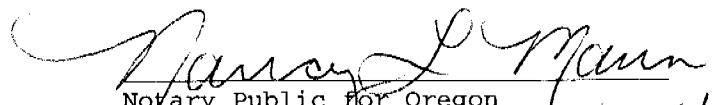
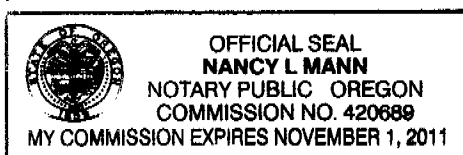
The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.



Michael P. Rudd
Successor Trustee

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 9 day of October, 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

**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 **1401 East Main St. Klamath Falls, OR 97601**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to ___ 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.

1st Attempt: **September 30, 2008 10:12 PM Posted**

2nd Attempt:

3rd Attempt:

☒ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on **September 29, 2008** 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 _____

1401 East Main St. 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.

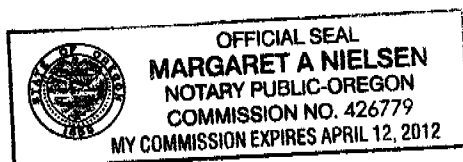
DATE OF SERVICE TIME OF SERVICE

☒ or non occupancy

By: _____

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 8th day of October, 2008.



Margaret A. Nielsen

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 # 10678

Notice of Sale/Jerome A. & Davonna M. Fanaro

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:

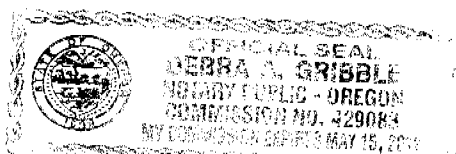
November 21, 28, December 5, 12, 2008

Total Cost: \$835.52

Subscribed and sworn by Jeanine P Day
before me on: December 12, 2008

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

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

Jerome A. Fanaro and Davonna M. Fanaro, husband and wife, Grantor; First American Title Insurance Company of Oregon, Trustee; and Bruce E. Brink, Beneficiary, recorded in Official/Microfilm Records, Volume M06, Page 07058, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 1401-1405 East Main Street, Klamath Falls, OR 97601 ("Property"):

The South 50 feet of Lot 8 and the North 70 feet of Lot 8, Block 209, Mills Second Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon

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

Failed to make the monthly payment of \$1,190.78 on August 11, 2008 and monthly payments thereafter.

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:

\$156,249.10 principal plus interest thereon at the rate of 8.5% per annum from April 27, 2008 until paid, plus late charges of \$200, 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 February 5, 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 considering 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 25, 2008.

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

STATE OF OREGON)
County of Klamath)ss

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
#10678 November 21, 28, December 5, 12, 2008.