

2009-002856

Klamath County, Oregon



00061478200900028560090094

02/24/2009 11:50:38 AM

Fee: \$71.00

**RECORDING COVER SHEET FOR NOTICE
OF SALE PROOF OF COMPLIANCE PER
O.R.S. 205.234**

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

ATE 66254
WHEN RECORDED MAIL TO

REGIONAL TRUSTEE SERVICES CORPORATION, as Trustee
616 1st Avenue, Suite 500
Seattle, WA 98104

Trustee's Sale No: 09-FMG-63590



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 /AFFIDAVIT OF NON-OCCUPANCY

Original Grantor on Trust Deed

ROBERT P CRAPO, JR., MARRIED

Beneficiary

AMERICA'S MONEYLINE INC.

71 ATE

REGIONAL TRUSTEE SERVICES CORPORATION

616 1st Avenue, Suite 500

Seattle, WA 98104

Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-FMG-63590



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached original Notice of Sale given under the terms of that certain trust deed described in said Notice.

That I gave notice of the sale of the real property described in the attached Notice of Sale by mailing a copy 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:

- OCCUPANT, 4811 COTTAGE AVE, KLAMATH FALLS, OR, 97603
ROBERT P CRAPO, JR., 4811 COTTAGE AVE, KLAMATH FALLS, OR, 97603
SPOUSE OF ROBERT P CRAPO, JR., 4811 COTTAGE AVE, KLAMATH FALLS, OR, 97603
CAPITAL ONE BANK, C/O DERRICK E. MC GAVIC, ATTORNEY, CASE NO. 0700600CV, 1666 W 12TH AVE, EUGENE, OR, 97440
CAPITAL ONE BANK, CASE NO. 0700600CV, P.O. BOX 6700, NORCROSS, GA, 30091-6700
CAPITAL ONE BANK, C/O DERRICK E. MC GAVIC, ATTORNEY, CASE NO. 0700600CV, P.O. BOX 10163, EUGENE, OR, 97440
HUDSON & KEYSE, LLC, C/O DERRICK E. MCGAVIC, ATTORNEY, CASE NO. 0704732CV, 1666 W 12TH AVE, EUGENE, OR, 97440
HUDSON & KEYSE, LLC, C/O DERRICK E. MCGAVIC, ATTORNEY, CASE NO. 0704732CV, P.O. BOX 10163, EUGENE, OR, 97440
HUDSON & KEYSE, LLC, CASE NO. 0704732CV, P.O. BOX 1090, MENTOR, OH, 44061
STATE OF OREGON, DEPARTMENT OF HUMAN RESOURCES, SUPPORT ENFORCEMENT DIVISION, 39 NORTH CENTRAL, MEDFORD, OF, 97501
STATE OF OREGON, C/O ATTORNEY GENERAL, 1162 COURT STREET NE, SALEM, OR, 97301

Said persons include (a) the grantor in the trust deed, together with notice required by House Bill 3630 Section 20 (b) successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice together with notice required by House Bill 3630 Section 20, (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 required b ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Seattle, WASHINGTON, on 11-4-09. 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 and postage thereon in the amount sufficient to accomplish the same. Each of said notices 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 corporation and any other legal or commercial entity.

Jammi Afford
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on 11-4-08

Robert Motter
NOTARY PUBLIC for WASHINGTON
My commission expires: 10/9/12

ROBERT L. MOTTER
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
10-09-12

NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.
Trustee's Sale No. 09-FMG-63590



Reference is made to that certain Deed of Trust made by, ROBERT P CRAPO, JR., MARRIED, as grantor, to KLAMATH COUNTY TITLE NKA FIRST AMERICAN TITLE INSURANCE COPANY, as Trustee, in favor of AMERICA'S MONEYLINE INC., as beneficiary, dated 12/18/2003, recorded 12/26/2003 in Volume M03, page 93295, of Deeds of Trust, under Instrument No. XXX, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Deutsche Bank Trust Company Americas formerly known as Banker's Trust Company, as Trustee for Saxon Asset Securities Trust 2004-1. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

TRACT 7, PLEASANT HOME TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.

The street address or other common designation, if any, of the real property described above is purported to be:

4811 COTTAGE AVENUE
KLAMATH FALLS, OR 97603

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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

	Amount due as of October 30, 2008

Delinquent Payments from July 01, 2008	
4 payments at \$ 686.41 each	\$ 2,745.64
(07-01-08 through 10-30-08)	
Late Charges:	\$ 334.86
Beneficiary Advances:	\$ 28.00
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 3,108.50

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

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

UNPAID PRINCIPAL BALANCE OF \$60,513.17, PLUS interest thereon at 7.75% per annum from 06/01/08 to 10/1/2008, 7.75% per annum from 10/1/2008, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on March 4, 2009, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him 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 masculine gender includes the feminine and the neuter, 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 trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

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 # 10658
Notice of Sale/Robert P. Crapo, Jr.

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: (4)
Four

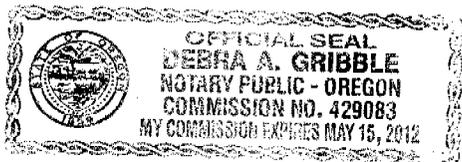
Insertion(s) in the following issues:
November 12, 19, 26, December 3, 2008

Total Cost: \$1,091.88

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: December 3, 2008

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE
Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.
Trustee's Sale No. 09-FMG-63590
NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Reference is made to that certain Deed of Trust made by, ROBERT P CRAPO, JR., MARRIED, as grantor, to KLA-MATH COUNTY TITLE NKA FIRST AMERICAN TITLE IN-SURANCE COMPANY, as Trustee, in favor of AMERICA'S MONEYLINE INC., as beneficiary, dated 12/18/2003, record-ed 12/26/2003 in Volume M03, page 93295, of Deeds of Trust, under Instrument No. XXX, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Deut-sche Bank Trust Company Americas formerly known as Banker's Trust Company, as Trustee for Savings and Securities Trust 2004-1. Said Trust Deed encumbers the following de-scribed real property situated in said county and state, to-wit TRACT 7, PLEASANT HOME TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OF-FICE OF THE COUNTY CLERK, KLAMATH COUNTY, OR-EGON. The street address or other common designation, if any, of the real property described above is purported to be: 4811 COTTAGE AVENUE, KLAMATH FALLS, OR 97603. The undersigned Trustee disclaims any liability for any incorrect-ness of the above street address or other common designa-tion.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 66.735(3); the default for which the foreclosure is made is grantor's failure to pay when due, the following sums: Amount due as of October 30, 2008 Delin-quent Payments from July 01, 2008 4 payments at \$ 686.41 each \$ 2,745.64 (07-01-08 through 10-30-08) Late Charges: \$ 334.86 Beneficiary Advances: \$ 28.00 Suspense Credit: \$ 0.00 TOTAL: \$ 3,108.50.

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encum-brances as required in the note and deed of trust, the benefi-ciary may insist that you do so in order to reinstate your ac-count in good standing. The beneficiary may require as a con-dition to reinstatement that you provide reliable written evi-dence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These re-quirements for reinstatement should be confirmed by contact-ing the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed im-mediately due and payable, said sums being the following: UNPAID PRINCIPAL BALANCE OF \$60,513.17, PLUS inter-est thereon at 7.75% per annum from 06/01/08 to 10/1/2008, 7.75% per annum from 10/1/2008, until paid, together with es-crow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and addition-al sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on March 4, 2009, at the hour of 11:00AM, in ac-cord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the said trust deed, together with any in-

05-08

terest 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 attorneys fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same. DATED: 10/30/2008 REGIONAL TRUSTEE SERVICES CORPORATION Trustee By ANNA EGDORF AUTHORIZED AGENT 616 1st Avenue, Suite 500, Seattle, WA 98104 Phone: (206) 340-2550 Sale Information: <http://www.rtrustee.com> ASAP# 2919543 11/12/2008, 11/19/2008, 11/26/2008, 12/03/2008. #10658 November 12, 19, 26, December 3, 2008.

**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 **4811 Cottage Ave. Klamath Falls, OR 97601**

PERSONALLY SERVED: Original or True Copy to within named, personally and in person to **Robert Crapo** 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: **November 3, 2008 1:30 PM Posted**

2nd Attempt: **November 5, 2008 2:01 PM Served**

3rd 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 **November 6, 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 *Chulsen Meek*

**4811 Cottage Ave. Klamath Falls, OR 97601
ADDRESS OF SERVICE**

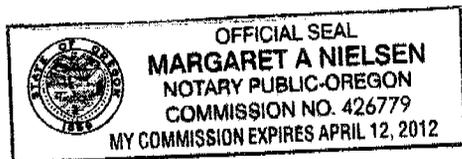
I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

November 3, 2008 1:30 PM
DATE OF SERVICE TIME OF SERVICE

or non occupancy

By: *[Signature]*
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 10th day of February, 2009.



Margaret A. Nielsen
Notary Public for Oregon