

2009-003586

Klamath County, Oregon

**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 106325
WHEN RECORDED MAIL TO

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

Trustee's Sale No: 09-FMB-64925



00062366200900035860090099

03/13/2009 11:48:15 AM

Fee: \$71.00



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

JERRY CURTIS MORRIS, AN UNMARRIED MAN

Beneficiary

INDYMAC BANK, F.S.B

76 ATE

REGIONAL TRUSTEE SERVICES CORPORATION
616 1st Avenue, Suite 500
Seattle, WA 98104
Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-FMB-64925



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:

JERRY C. MORRIS, P.O. BOX 129, MALIN, OR, 97632
JERRY C. MORRIS, 866 WESTVIEW DRIVE, KLAMATH FALLS, OR, 97603
JERRY C. MORRIS, 1842 ROSICKY AVENUE, MALIN, OR, 97632
OCCUPANT, 866 WESTVIEW DRIVE, KLAMATH FALLS, OR, 97603
SPOUSE OF JERRY C. MORRIS, 1842 ROSICKY AVENUE, MALIN, OR, 97632
SPOUSE OF JERRY C. MORRIS, 866 WESTVIEW DRIVE, KLAMATH FALLS, OR, 97603
SPOUSE OF JERRY C. MORRIS, P.O. BOX 129, MALIN, OR, 97632

ASHLEY MARIE PENNINGTON, CASE NO. 0800863CV, 2649 PEAR STREET #2, KLAMATH FALLS, OR, 97601
ASHLEY MARIE PENNINGTON, C/O DEPARTMENT OF JUSTICE, CHILD SUPPORT SERVICES CASE NO. 0800863CV, P.O. BOX 14506, SALEM, OR, 97309
CARTER JONES COLLECTIONS, L.L.C., CASE NO. 0103803CV, P.O. BOX 145, KLAMATH FALLS, OR, 97601
CARTER JONES COLLECTIONS, L.L.C., CASE NO. 0103803CV, 1143 PINE STREET, KLAMATH FALLS, OR, 97601
DEPARTMENT OF JUSTICE, CHILD SUPPORT SERVICES, CASE NO. 0800863CV/0603214CV, P.O. BOX 14506, SALEM, OR, 97309
FERGUSON ENTERPRISES, INC., C/O LAURIE R. HAGER, SUSSMAN SHANK, LLP, CASE NO. 0804-05551, 1000 SW BROADWAY, SUITE 1400, PORTLAND, OR, 97205
FERGUSON ENTERPRISES, INC., SALEM BRANCH CASE NO. 0804-05551, 2121 N. COLUMBIA BLVD., PORTLAND, OR, 97217
JOHANNA MORRIS, C/O MATTHEW T. PARKS, CASE NO. 0603214CV, 832 KLAMATH AVE., KLAMATH FALLS, OR, 97601
JOHANNA MORRIS, C/O DEPARTMENT OF JUSTICE, CHILD SUPPORT SERVICES CASE NO. 0603214CV, P.O. BOX 14506, SALEM, OR, 97309
JOHANNA MORRIS, CASE NO. 0603214CV, P.O. BOX 16, MERRILL, OR, 97633

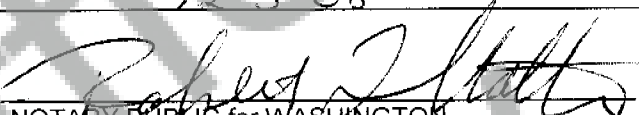
Said persons include (a) the grantor in the trust deed, together with notice required by House Bill 3630 Section 20, (b) successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice together with notice required by House Bill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

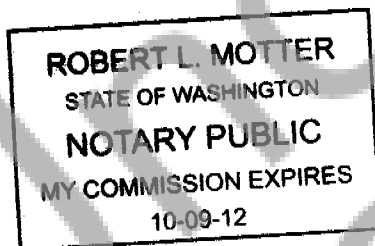
Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Seattle, WASHINGTON, on 12-3-08. 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.


On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on 12-3-08


NOTARY PUBLIC for WASHINGTON
My commission expires:



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-FMB-64925



Reference is made to that certain Deed of Trust made by, JERRY CURTIS MORRIS, AN UNMARRIED MAN, as grantor, to FIRST AMERICAN TITLE, as Trustee, in favor of INDYMAC BANK, F.S.B. as beneficiary, dated 12/29/2005, recorded 12/30/2005, under Instrument No. MO5-72146, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by IndyMac Federal Bank FSB. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 66 IN TRACT 1438, EIGHT ADDITION TO NORTH HILLS-PHASE 2, ACCORDING TO THE OFFICIAL PLAT THEROF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

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

866 WESTVIEW DRIVE
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 December 1, 2008
Delinquent Payments from August 01, 2008	
1 payments at \$ 500.21 each	\$ 500.21
1 payments at \$ 495.36 each	\$ 495.36
1 payments at \$ 485.70 each	\$ 485.70
2 payments at \$ 476.12 each	\$ 952.24
(08-01-08 through 12-01-08)	
Late Charges:	\$ 208.56
Beneficiary Advances:	\$ 6.00
Suspense Credit:	\$ 0.00
TOTAL:	\$ 2,648.07

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 \$52,894.96, PLUS interest thereon at 10% per annum from 07/01/08 to 9/1/2008, 10% per annum from 09/01/08 to 10/01/08, 10% per annum from 10/01/08 to 11/01/08, 10% per annum from 11/1/2008, 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 April 2, 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.

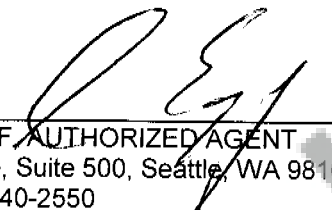
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the 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.

DATED: 12/1/2008

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>

STATE OF WASHINGTON }
 } ss.
COUNTY OF KING }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

Authorized Representative of Trustee

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

09-FMR-64925

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 **866 Westview Dr. Klamath Falls, OR 97603**

☐ **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: December 2, 2008 2:55 PM Posted

2nd Attempt: December 10, 2008 12:56 PM Posted

3rd Attempt: December 12, 2008 1:00 PM Posted

☒ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on December 2, 2008 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

Chelsa Meek

866 Westview Dr. 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.

DATE OF SERVICE

TIME OF SERVICE

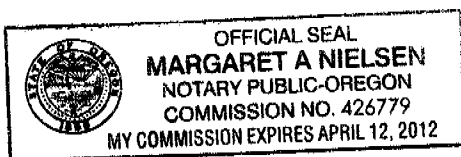
☒ or non occupancy

By:

Jake Doolin

Subscribed and sworn to before on this 23rd day of December, 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 # 10727

Notice of Sale/Jerry Curtis Morris

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:

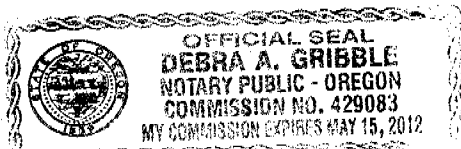
December 10, 17, 24, 31, 2008

Total Cost: \$1,091.88

Subscribed and sworn by Jeanine P Day
before me on: December 31, 2008

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-FMB-64925

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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. DATED: 12/1/2008. 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# 2940050 12/10/2008, 12/17/2008, 12/24/2008, 12/31/2008 #10727 December 10, 17, 24, 31, 2008.