

2009-006722

Klamath County, Oregon

Recording Requested By:
Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601



00065988200900067220210217

05/12/2009 03:12:15 PM

Fee: \$136.00

When Recorded Return To:

Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

ATE 66495

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

COVER SHEET

DOCUMENT:

Affidavit of Mailing/Trustees Notice of Sale (2)

Affidavit of Service

Affidavit of Publication

Certificate of Non Military Service and DOD Certificate

Affidavit of Compliance (HB 3630)

ORIGINAL GRANTOR ON TRUST DEED:

James W. Kincaid and Wendy L. Kincaid

ORIGINAL BENEFICIARY ON TRUST DEED:

MERS

\$ 136 ATE

AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
09-101634

OREGON
AFFIDAVIT OF MAILING OF NOTICE OF SALE

I, Kelly D. Sutherland, say and certify that:

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 successor in interest named in the Trust Deed described in the attached Notice of Sale.

I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons at their last known addresses, to-wit:

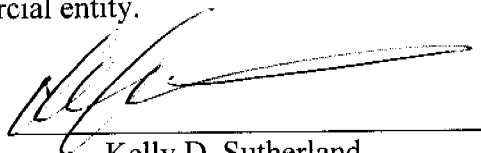
James W. Kincaid
3210 Sprague River Road
Chiloquin, OR 97624

Wendy L. Kincaid
3210 Sprague River Road
Chiloquin, OR 97624

The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person requesting notice as provided in ORS 86.785 and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by Kelly D. Sutherland, Shapiro & Sutherland, LLC, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United States post office at Vancouver, Washington, on February 11, 2009. Each notice was mailed after the date that the Notice of Default and Election to Sell described in said Notice of Sale was recorded which was at least 120 days before the day of the trustee sale.

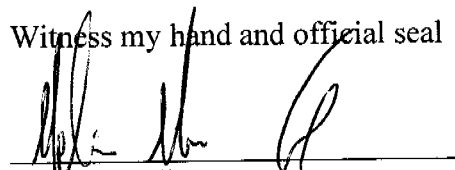
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.


Kelly D. Sutherland

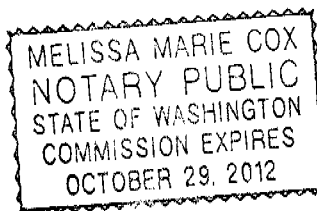
State of Washington)
)
County of Clark)

On this 19th day of May, in the year 2009, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal


Notary Public

My Commission Expires: 10/29/2012



AFTER RECORDING RETURN TO:

Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
09-101634

OREGON
AFFIDAVIT OF MAILING OF NOTICE OF SALE

I, Kelly D. Sutherland, say and certify that:

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 successor in interest named in the Trust Deed described in the attached Notice of Sale.

I have given notice of sale of the real property described in the attached Notice of Sale by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons at their last known addresses, to-wit:

Wendy L. Kincaid
P.O. Box 307
Chiloquin, OR 97624

State Of Oregon
Department Of Human Resources
P.O. Box 14506
Salem, OR 97301

Melinda M. Brown, Esq.
501 Main Street, #400
Klamath Falls, OR 97601

Oregon State Dept. Of Justice
Attorney General's Office
Justice Building
Salem, OR 97310

State Of Oregon Division Of Support
Enforcement
P.O. Box 14660
Salem, OR 97309

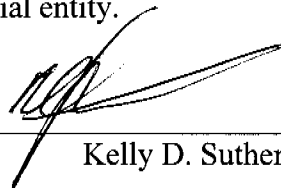
Drew A. Humphrey, Esq.
Brandsness Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

The persons mailed to include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or whose interest the trustee or the beneficiary has actual notice and any person requesting notice as provided in ORS 86.785 and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by Kelly D. Sutherland, Shapiro & Sutherland, LLC, the trustee named in said notice; each copy was mailed in a sealed envelope, with postage prepaid, and was deposited by me in the United

States post office at Vancouver, Washington, on February 18, 2009. As evidenced by signed return receipt, each Notice was actually received by the named party at least 25 days before the day of Trustee's Sale, as provided in ORS 86.742(1).

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

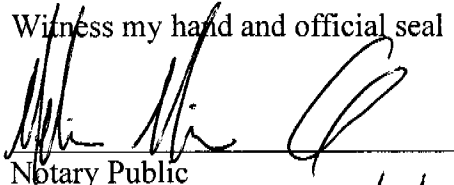


Kelly D. Sutherland

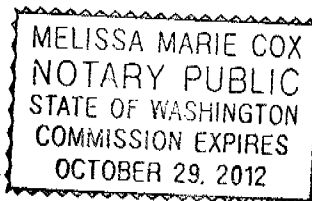
State of Washington)
)
County of Clark)

On this 11th day of May, in the year 2009, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

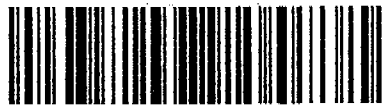
Witness my hand and official seal


Notary Public

My Commission Expires: 10/29/2012



2. Article Number



7160 3901 9848 2452 8036

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Wendy L. Kincaid
P.O. Box 307
Chiloquin, OR 97624

09-101634

Shapiro & Sutherland, LLC

PS Form 3811, January 2005

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

Lance Helmer

C. Signature

X *Lance Helmer*
☐ Agent
☐ Addressee
☐ Yes
☐ No

 D. Is delivery address different from item 1?
 If YES, enter delivery address below:

2. Article Number



7160 3901 9848 2452 8005

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Melinda M. Brown, Esq.
501 Main Street, #400
Klamath Falls, OR 97601

09-101634

Shapiro & Sutherland, LLC

PS Form 3811, January 2005

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

Desiree Brannan

2-2009

C. Signature

X *Desiree Brannan*
☐ Agent
☐ Addressee

 D. Is delivery address different from item 1?
 If YES, enter delivery address below:

☐ Yes
☐ No

2. Article Number



7160 3901 9848 2452 7978

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

State of Oregon Division of Support Enforcement
P.O. Box 14660
Salem, OR 97309

09-101634

Shapiro & Sutherland, LLC

PS Form 3811, January 2005

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

FEB 19 2009

C. Signature

X *Dani M. Davis*
☐ Agent
☐ Addressee

 D. Is delivery address different from item 1?
 If YES, enter delivery address below:

☐ Yes
☐ No

2. Article Number



7160 3901 9848 2452 7985

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

State of Oregon
Department of Human Resources
P.O. Box 14506
Salem, OR 97301

09-101634

Shapiro & Sutherland, LLC

PS Form 3811, January 2005

Domestic Return Receipt

Number



7160 3901 9848 2452 7992

Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Oregon State Dept. of Justice
Attorney General's Office
Justice Building
Salem, OR 97310

09-101634

Shapiro & Sutherland, LLC

PS Form 3811, January 2005

Domestic Return Receipt

2. Article Number



7160 3901 9848 2452 8012

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

Drew A. Humphrey, Esq.
Brandsness Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

09-101634

Shapiro & Sutherland, LLC

PS Form 3811, January 2005

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

State of Oregon DAS PD

X

Sami Monnis

☐ Agent☐ AddresseeD. Is delivery address different from item 1?
If YES, enter delivery address below:☐ Yes☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

Lavin Thelan

☐ Agent☒ AddresseeD. Is delivery address different from item 1?
If YES, enter delivery address below:☐ Yes☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

Karen Baker

☐ Agent☐ AddresseeD. Is delivery address different from item 1?
If YES, enter delivery address below:☐ Yes☐ No

TRUSTEE'S NOTICE OF SALE

A default has occurred under the terms of a trust deed made by James W. Kincaid and Wendy L. Kincaid, husband and wife,, as grantor to First American Title, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for InstaMortgage.com,, as Beneficiary, dated September 20, 2006, recorded October 2, 2006, in the mortgage records of Klamath County, Oregon as Instrument No. 2006-019773, beneficial interest now held by Mortgage Electronic Registration Systems, Inc., as nominee for PHH Mortgage Corporation, as covering the following described real property:

See complete Legal description attached hereto as Exhibit "A"

COMMONLY KNOWN AS: 3210 Sprague River Road, Chiloquin, OR 97624

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:

Monthly payments in the sum of \$1,465.66, from November 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit:

\$203,126.45, together with interest thereon at the rate of 6.46% per annum from October 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on June 11, 2009, at the hour of 10:00 AM PT, in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor has or had power to convey at the time of the execution of 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 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 obligations 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.

Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property.

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated: 2/10/2009

By: 
KELLY D. SUTHERLAND
Successor Trustee

State of Washington, County of Clark, ss:

I, the undersigned certify that the foregoing instrument is a complete and exact copy of the original Trustee's Notice of Sale

SHAPIRO & SUTHERLAND, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
Telephone: (360) 260-2253
Toll-free: 1-800-970-5647

Exhibit A

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE NORTH 88 DEGREES 56 MINUTES 56 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 35, 700.37 FEET TO A POINT THAT IS LOCATED 700 FEET EAST, MEASURED AT RIGHT ANGLES FROM THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 508.41 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE CHILOQUIN-SPRAGUE RIVER HIGHWAY, AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 373.57 FEET TO A 5/8 INCH IRON PIN ON THE NORTH BANK OF THE SPRAGUE RIVER; THENCE CONTINUING SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 91.00 FEET, MORE OR LESS, TO THE THREAD OF THE SPRAGUE RIVER; THENCE NORTH 72 DEGREES 49 MINUTES 58 SECONDS EAST ALONG THE THREAD OF THE SPRAGUE RIVER 231.28 FEET TO A POINT LOCATED 920 FEET EAST, MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 00 DEGREES 47 MINUTES 57 SECONDS EAST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 83.00 FEET TO A 5/8 INCH IRON PIN ON THE NORTH BANK OF THE SPRAGUE RIVER; THENCE CONTINUING NORTH 00 DEGREES 47 MINUTES 57 SECONDS EAST PARALLEL TO THE SAID WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 380.86 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE CHILOQUIN-SPRAGUE RIVER HIGHWAY; THENCE SOUTH 72 DEGREES 59 MINUTES 59 SECONDS WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID CHILOQUIN-SPRAGUE RIVER HIGHWAY 231.06 FEET TO THE SAID TRUE POINT OF BEGINNING. BEARING BASED ON AND REFER TO RECORD SURVEY 4939.

SITUATED IN THE COUNTY OF KLAMATH AND STATE OF OREGON.

09101634 / KINCAID
ASAP# 2992093

SHAPOR

AFFIDAVIT OF SERVICE

STATE OF OREGON
County of Klamath

ss.

I, Jake Doolin, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "Property Address":

3210 Sprague River Road
Chiloquin, OR 97624

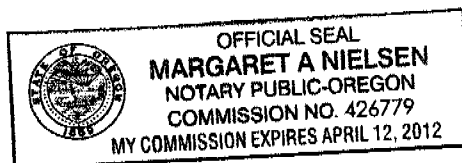
By delivering such copy, personally and in person to James Kincaid, at the above Property Address on February 19, 2009 at 10:15 AM.

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 25 day of February, 2009
by Jake Doolin.

Margaret A. Nielsen
Notary Public for Oregon

X Jake Doolin
Jake Doolin
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



189098

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Heidi Wright, Publisher,
being first duly sworn, depose and say
that I am 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 # 10983

Notice of Sale/James W & Wendy L Kincaid

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:

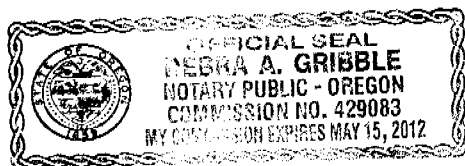
March 4, 11, 18, 25, 2009

Total Cost: \$1,600.03

Subscribed and sworn by Heidi Wright
before me on: March 25, 2009

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE 09-101634

A default has occurred under the terms of a trust deed made by James W. Kincaid and Wendy L. Kincaid, husband and wife, as grantor to First American Title, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for InstaMortgage.com, as Beneficiary, dated September 20, 2006, recorded October 2, 2006, in the mortgage records of Klamath County, Oregon as Instrument No. 2006-019773, beneficial interest now held by Mortgage Electronic Registration Systems, Inc., as nominee for PHH Mortgage Corporation, as covering the following described real property: A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A BRASS CAP MONUMENT MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE NORTH 88 DEGREES 56 MINUTES 56 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 35, 700.37 FEET TO A POINT THAT IS LOCATED 700 FEET EAST, MEASURED AT RIGHT ANGLES FROM THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 508.41 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE CHILOQUIN-SPRAGUE RIVER HIGHWAY, AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 373.57 FEET TO A 5/8 INCH IRON PIN ON THE NORTH BANK OF THE SPRAGUE RIVER; THENCE CONTINUING SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 91.00 FEET, MORE OR LESS, TO THE THREAD OF THE SPRAGUE RIVER; THENCE NORTH 72 DEGREES 49 MINUTES 58 SECONDS EAST ALONG THE THREAD OF THE SPRAGUE RIVER 231.28 FEET TO A POINT LOCATED 920 FEET EAST, MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 00 DEGREES 47 MINUTES 57 SECONDS EAST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 83.00 FEET TO A 5/8 INCH IRON PIN ON THE NORTH BANK OF THE SPRAGUE RIVER; THENCE CONTINUING NORTH 00 DEGREES 47 MINUTES 57 SECONDS EAST PARALLEL TO THE SAID WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 380.86 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE CHILOQUIN-SPRAGUE RIVER HIGHWAY; THENCE SOUTH 72 DEGREES 59 MINUTES 59 SECONDS WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID CHILOQUIN-SPRAGUE RIVER HIGHWAY 231.06 FEET TO THE SAID TRUE POINT OF BEGINNING. BEARING BASED ON AND REFER TO RECORD SURVEY 939. SITUATED IN THE COUNTY OF KLAMATH AND STATE OF OREGON, COMMONLY KNOWN AS: 3210 Sprague River Road, Chiloquin, OR 97624.

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: Monthly payments in the sum of \$1,465.66, from November 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 sum being the following, to-wit: \$203,126.45, together with interest thereon at the rate of 6.46% per annum from October 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assign.

2009S

WHEREFORE, notice hereby is given that the undersigned trustee will on June 11, 2009, at the hour of 10:00 AM PT. in accord with the standard time established by ORS 187.110, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor has or had power to convey at the time of the execution of 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 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 obligations 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 86.73.

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. Also, please be advised that pursuant to the terms stated on the Deed of Trust and Note, the beneficiary is allowed to conduct property inspections while property is in default. This shall serve as notice that the beneficiary shall be conducting property inspections on the said referenced property. The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt. Dated: 2/7/2009. By: KELLY D. SUTHERLAND Successor Trustee SHAPIRO & SUTHERLAND, LLC 5501 N.E. 109th Court, Suite N, Vancouver, WA 98662 www.shapiroandneys.com/wa Telephone: (360) 360-2253 Toll-free: 1-800-970-5647 S&S 09-101634 ASAP# 2992092 03/04/2009, 03/11/2009, 03/18/2009, 03/25/2009 #10983 March 4, 11, 18, 25, 2009.

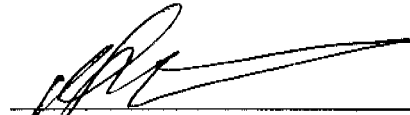
AFTER RECORDING RETURN TO:
Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
Telephone:(360) 260-2253
09-101634

CERTIFICATE OF NON-MILITARY SERVICE

STATE OF WASHINGTON)
) SS.
County of CLARK)

THIS IS TO CERTIFY THAT I, Kelly D. Sutherland, am the Successor Trustee of that certain trust deed serviced by Mortgage Electronic Registration Systems, Inc., as nominee for PHH Mortgage Corporation,, the current beneficiary, in which James W. Kincaid and Wendy L. Kincaid, husband and wife,, as grantor, conveyed to First American Title, as trustee, certain real property in Klamath County, Oregon; which said trust deed was dated September 20, 2006, and recorded October 2, 2006, in the mortgage records of said county, as Instrument No. 2006-019773; thereafter a Notice of Default with respect to said trust deed was recorded February 6, 2009, as Document/Instrument/Recorder's Fee No. 2009-1505, of said mortgage records; thereafter the said trust deed was duly foreclosed by advertisement and sale and the real property covered by said trust deed is scheduled to be sold at the trustee's sale on June 11, 2009. I reasonably believe at no time during the period of three months and one day immediately preceding the day of said sale and including the day thereof, was the real property described in and covered by said trust deed, or any interest therein, owned by a person in the military service as defined in Article I of the "Soldiers' and Sailor's Civil Relief Act of 1940," as amended, as evidenced by the attached Department of Defense certificate(s), or legally incompetent under the laws of the State of Oregon.

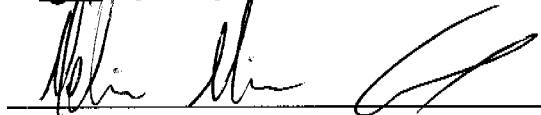
In construing this certificate, the masculine includes the feminine, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary named in said trust deed.



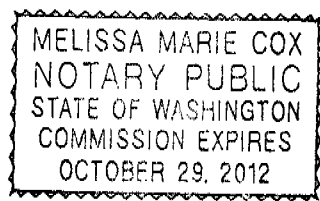
Kelly D. Sutherland
Successor Trustee

STATE OF WASHINGTON)
) SS.
COUNTY OF CLARK)

SUBSCRIBED AND SWORN to before me this 11th day of May,
2009, by Kelly D. Sutherland, Successor Trustee.



Notary Public for Washington
My commission expires 10/29/2012



Loan #: 0039462924

Department of Defense Manpower Data Center

FEB-02-2009 10:33:47



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
KINCAID	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. Snavely-Dixon

Mary M. Snavely-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: **BDPIYEGEUVW**

Department of Defense Manpower Data Center

FEB-02-2009 10:34:56



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
KINCAID	WENDY	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. Snavely-Dixon

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

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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.

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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: **BDIGELTBMUS**

AFTER RECORDING RETURN TO:

Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
09-101634

TRUSTEE'S AFFIDAVIT AS TO COMPLIANCE TO HB3630

State of Washington)
County of Clark)

I, Kelly D. Sutherland, being first duly sworn, depose, say and certify that:

I am the Successor trustee in that certain trust deed executed and delivered by James W. Kincaid and Wendy L. Kincaid, husband and wife, as grantor to First American Title as trustee, in which Mortgage Electronic Registration Systems, Inc., as nominee for InstaMortgage.com, is beneficiary, recorded on October 2, 2006, in the mortgage records of Klamath County, Oregon as Instrument No. 2006-019773, covering the following described real property situated in said county:

See complete Legal description attached hereto as Exhibit "A"

Commonly known as: 3210 Sprague River Road, Chiloquin, OR 97624

I hereby certify that on February 6, 2009, the attached notice of risk of loss was furnished by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons:

James W. Kincaid
3210 Sprague River Road
Chiloquin, OR 97624

Wendy L. Kincaid
3210 Sprague River Road
Chiloquin, OR 97624

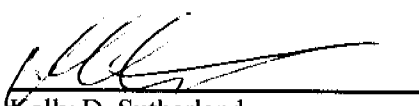
Occupant(s)
3210 Sprague River Road
Chiloquin, OR 97624

I hereby certify that on February 11, 2009, the attached notice of risk of loss was furnished by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons:

Wendy L. Kincaid
5689 Sprague River Road
Chiloquin, OR 97624

Wendy L. Kincaid
P.O. Box 307
Chiloquin, OR 97624

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


Kelly D. Sutherland

State of Washington)
County of Clark)

On this 11th day of May, in the year 2009, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal


Notary Public

My Commission Expires 10/29/2012

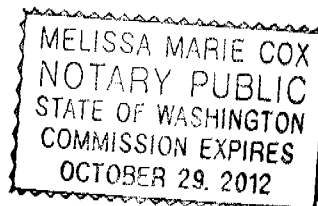


Exhibit A

A PARCEL OF LAND SITUATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MONUMENT MARKING THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE NORTH 88 DEGREES 56 MINUTES 56 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 35, 700.37 FEET TO A POINT THAT IS LOCATED 700 FEET EAST, MEASURED AT RIGHT ANGLES FROM THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 508.41 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE CHILOQUIN-SPRAGUE RIVER HIGHWAY, AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 373.57 FEET TO A 5/8 INCH IRON PIN ON THE NORTH BANK OF THE SPRAGUE RIVER; THENCE CONTINUING SOUTH 00 DEGREES 47 MINUTES 57 SECONDS WEST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 91.00 FEET, MORE OR LESS, TO THE THREAD OF THE SPRAGUE RIVER; THENCE NORTH 72 DEGREES 49 MINUTES 58 SECONDS EAST ALONG THE THREAD OF THE SPRAGUE RIVER 231.28 FEET TO A POINT LOCATED 920 FEET EAST, MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 00 DEGREES 47 MINUTES 57 SECONDS EAST PARALLEL TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 83.00 FEET TO A 5/8 INCH IRON PIN ON THE NORTH BANK OF THE SPRAGUE RIVER; THENCE CONTINUING NORTH 00 DEGREES 47 MINUTES 57 SECONDS EAST PARALLEL TO THE SAID WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 380.86 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE CHILOQUIN-SPRAGUE RIVER HIGHWAY; THENCE SOUTH 72 DEGREES 59 MINUTES 59 SECONDS WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID CHILOQUIN-SPRAGUE RIVER HIGHWAY 231.06 FEET TO THE SAID TRUE POINT OF BEGINNING. BEARING BASED ON AND REFER TO RECORD SURVEY 4939.

SITUATED IN THE COUNTY OF KLAMATH AND STATE OF OREGON.

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 3210 Sprague River Road, Chiloquin, OR 97624

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'.

In order to bring your mortgage loan current, the amount you need to pay as of today, February 6, 2009 is \$6,686.59.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call this office at (360) 260-2253, or toll-free 1-800-970-5647, extension 278, 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:

Shapiro & Sutherland, LLC
5501 N.E. 109th Court, Suite N
Vancouver, WA 98662
Our File #: 09-101634

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

June 11, 2009, at the hour of 10:00 AM PT, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, OR

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

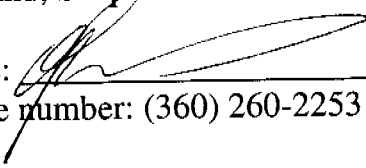
1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call the Loss Mitigation department of PHH Mortgage Corporation at 800-449-8767 to find out if your lender is willing to give you more time or change the terms of your loan.
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 State of Oregon Department of Consumer and Business Services at (503) 378-4140. 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: <http://www.osbar.org/public/ris/ris.html#referral>. 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: February 6, 2009

Kelly D. Sutherland, Shapiro & Sutherland, LLC

Trustee signature: 

Trustee telephone number: (360) 260-2253 or 800-970-5647