

2009-007265

Klamath County, Oregon



00066622200900072650100102

05/26/2009 11:48:44 AM

Fee: \$76.00

**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
INSTRUMENT FOR RECORDING, ANY ERRORS IN
THIS COVER SHEET DO NOT AFFECT THE
TRANSACTION(S) CONTAINED IN THE
INSTRUMENT ITSELF.

WHEN RECORDED MAIL TO
ATE 66489
REGIONAL TRUSTEE SERVICES CORPORATION, as Trustee
616 1st Avenue, Suite 500
Seattle, WA 98104

Trustee's Sale No: 09-FFF-68771



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

Edith M. Porciello

Beneficiary

ACTION MORTGAGE COMPANY

71 ATE

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

Trustee Sale No.: 09-FFF-68771



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:

ANTHONY LEE PORCIELLO, 518 W 6TH STREET, MEDFORD, OR, 97501
ANTHONY LEE PROCIELLO, 35819 SOUTH CHILOQUIN ROAD, CHILOQUIN, OR, 97624
EDITH M. PORCIELLO, 35819 SOUTH CHILOQUIN ROAD, CHILOQUIN, OR, 97624
OCCUPANT, 35819 SOUTH CHILOQUIN ROAD, CHILOQUIN, OR, 97624
SPOUSE OF EDITH PORCIELLO, 35819 SOUTH CHILOQUIN ROAD, CHILOQUIN, OR, 97624
THE HEIRS AND DEVISEES OF EDITH PORCIELLO, 35819 SOUTH CHILOQUIN ROAD, CHILOQUIN, OR, 97624

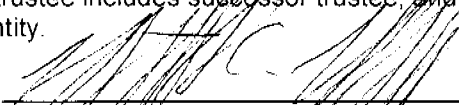
ANTHONY LEE PORCIELLO, 1012 NE KEEL AVENUE, LINCOLN CITY, OR, 97367
ANTHONY LEE PORCIELLO, C/O NEAL G BUCHANAN, 435 OAK, KLAMATH FALLS, OR, 97601
ANTHONY LEE PORCIELLO, C/O NEAL G BUCHANAN, 435 OAK, KLAMATH FALLS, OR, 97601
EIDITH MARIE PORCIELLO, C/O NEAL G BUCHANAN, 435 OAK, KLAMATH FALLS, OR, 97601
MAREN KATHERINE O'MALLEY, 1012 NE KEEL AVENUE, LINCOLN CITY, OR, 97367
MAREN KATHERINE O'MALLEY, C/O NEAL G BUCHANAN, 435 OAK, KLAMATH FALLS, OR, 97601
MAREN KATHERINE O'MALLEY, C/O NEAL G BUCHANAN, 435 OAK, KLAMATH FALLS, OR, 97601
SECRETARY OF HOUSING AND URBAN DEVELOPMENT, 451 SEVENTH STREET SW,
WASHINGTON, DC, 20410
TINA MARIE MILLER, C/O NEAL G BUCHANAN, 435 OAK, KLAMATH FALLS, OR, 97601
TINA MARIE MILLER, 35819 SOUTH CHILOQUIN ROAD, CHILOQUIN, OR, 97624
TINA MARIE MILLER, C/O NEAL G BUCHANAN, 435 OAK, KLAMATH FALLS, OR, 97601

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 2/18/09. 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.

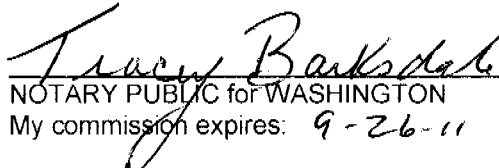
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Katie C.
Locke


On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on

2-18-2009


NOTARY PUBLIC for WASHINGTON
My commission expires: 9-26-11

TRACEY M. BARKSDALE
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
09-26-11

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-FFF-68771



Reference is made to that certain Deed of Trust made by, Edith M. Porciello, as grantor, to ASPEN TITLE & ESCROW, as Trustee, in favor of ACTION MORTGAGE COMPANY, as beneficiary, dated 3/22/2006, recorded 3/27/2006, under Instrument No. M06-05664, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by FINANCIAL FREEDOM SENIOR FUNDING CORPORATION. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

ATTACHED HERETO AS EXHIBIT 'A' AND INCORPORATED HEREIN AS THOUGH FULLY SET FORTH.

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

35819 SOUTH CHILOQUIN ROAD
CHILOQUIN, OR 97624

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:

TOTAL AMOUNT DUE AS OF 02/13/2009: \$66,336.05

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:

DUE TO THE CONDITIONS OF THE NOTE UNPAID PRINCIPAL BALANCE PLUS interest thereon at 1.950% per annum from 09/17/2007, 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 June 18, 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.

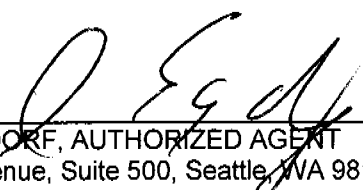
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the 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: 2/13/2009

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

09-FFF-68771

Exhibit "A"

ATTACHED HERETO AS EXHIBIT 'A' AND INCORPORATED HEREIN AS THOUGH FULLY SET FORTH.

A parcel of land situate in Lot 28, Section 9, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Lot 28; thence along the North line of Lot 28, South $89^{\circ} 53 \frac{3}{4}'$ East 666.88 feet to the true point of beginning of this description; thence continuing along the North line of Lot 28, 333.44 feet to a point; thence South to a point on the South line of Lot 28, that bears South $89^{\circ} 49 \frac{3}{4}'$ East 1001.25 feet from the Southwest corner of said Lot 28; thence along the South line of Lot 28 North $89^{\circ} 49 \frac{3}{4}'$ West 333.76 feet to a point; thence North to the true point of beginning.

TOGETHER WITH access easement recorded January 18, 2000 in Book M-00 at Page 1969, Microfilm Records of Klamath County, Oregon.

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 **35819 S. Chiloquin Rd. Chiloquin, OR 97624**

☐ **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: February 18, 2009 6:00PM Posted

2nd Attempt: February 23, 2009 2:04PM Posted

3rd Attempt: February 25, 2009 8:00AM 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 February 25, 2009, 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

Chelsen Muck

35819 S. Chiloquin Rd. Chiloquin, OR 97624

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.

February 18, 2009 6:00 PM
DATE OF SERVICE TIME OF SERVICE

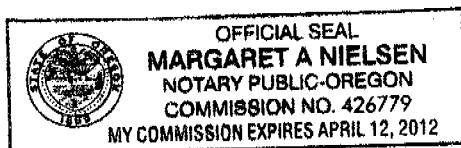
☐ or non occupancy

By:

A. Thompson

Subscribed and sworn to before on this 25th day of February, 2009.

Margaret A. Nielsen
Notary Public for Oregon



68771

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 # 10967

Notice of Sale/Edith M. Porciello

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:

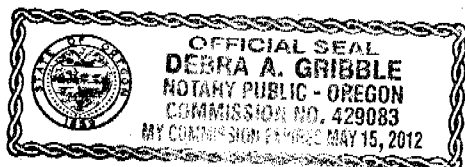
February 25, March 4, 11, 18, 2009

Total Cost: \$1,275.86

Heidi Wright
Subscribed and sworn by Heidi Wright
before me on: March 18, 2009

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-FFF-68771
NOTICE TO BORROWER: YOU SHOULD BE AWARE
THAT THE UNDERSIGNED IS ATTEMPTING TO COL-
LECT A DEBT AND THAT ANY INFORMATION OB-
TAINED WILL BE USED FOR THAT PURPOSE.

Reference is made to that certain Deed of Trust made by
Edith M. Porciello, as grantor, to ASPEN TITLE & ES-
CROW, as Trustee, in favor of ACTION MORTGAGE
COMPANY, as beneficiary, dated 3/22/2006, recorded
3/27/2006, under Instrument No. M06-05664, records of
KLAMATH County, OREGON. The beneficial interest un-
der said Trust Deed and the obligations secured thereby
are presently held by FINANCIAL FREEDOM SENIOR
FUNDING CORPORATION. Said Trust Deed encumbers
the following described real property situated in said
county and state, to-wit: A parcel of land situate in Lot 28,
Section 9, Township 35 South, Range 7 East of the Willam-
ette Meridian, Klamath county, Oregon, more particularly
described as follows, Beginning at the Northwest corner of
said Lot 28; thence along the North line of Lot 28; South
89° 53 3/4' East 666.88 feet to the true point of beginning of
this description; thence continuing along the North line of
Lot 28, 333.44 feet to a point; thence South to a point on the
South line of Lot 28, that bears South 89° 49 3/4' East
1001.25 feet from the Southwest corner of said Lot 28;
thence along the South line of Lot 28 North 89° 49 3/4' West
333.75 feet to a point; thence North to the true point of be-
ginning, TOGETHER WITH access easement recorded
January 18, 2000 in Book M-00 at Page 1969, Microfilm Re-
cords of Klamath County, Oregon. The street address or
other common designation, if any, of the real property de-
scribed above is purported to be: 35819 SOUTH CHILO-
QUIN ROAD, CHILOQUIN, OR 97624. 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: TOTAL AMOUNT
DUE AS OF 02/13/2009: \$66,336.05. 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 evi-
dence 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 follow-
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PAID PRINCIPAL BALANCE PLUS interest thereon at
1.950% per annum from 09/17/2007, until paid, together
with escrow advances, foreclosure costs, trustee fees, at-
torney fees, sums required for the protection of the prop-
erty and additional sums secured by the Deed of Trust.

50521

WHEREFORE, notice hereby is given that the undersigned trustee, will on June 18, 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: 02/13/2009 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# 2997903 02/25/2009, 03/04/2009, 03/11/2009, 03/18/2009 #10967 February 25, March 4, 11, 18, 2009.

25005

WHEREFORE, notice hereby is given that the undersigned trustee, will on June 18, 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.

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