

2009-007550

Klamath County, Oregon



00066957200900075500100102

06/01/2009 11:56:06 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  
INTRUMENT FOR RECORDING, ANY ERRORS IN  
THIS COVER SHEET DO NOT AFFECT THE  
TRANSACTION(S) CONTAINED IN THE  
INSTRUMENT ITSELF.

WHEN RECORDED MAIL TO

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

Trustee's Sale No: 09-FMS-68983

ATE 66501



**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**

**JASON ROSE AND MISTY D. ROSE, AS TENANTS BY THE ENTIRETY**

**Beneficiary**

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS  
AND ASSIGNS**

\$ 71 ATE

OR\_AffRecCover

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

Trustee Sale No.: 09-FMS-68983



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:

JASON ROSE, 2425 NILE STREET, KLAMATH FALLS, OR, 97603  
MISTY D. ROSE, 2425 NILE STREET, KLAMATH FALLS, OR, 97603  
OCCUPANT, 2425 NILE STREET, KLAMATH FALLS, OR, 97603

CARTER-JONES COLLECTION, INC., CASE NO. 0604438CV, C/O NEAL G. BUCHANAN, 435 OAK AVENUE, KLAMATH FALLS, OR, 97601  
CARTER-JONES COLLECTION, INC., CASE NO. 0604438CV, 1143 PINE ST., KLAMATH FALLS, OR, 97601  
UNIFUND CCR PARTNERS, C/O MATTHEW R. AYLWORTH, CASE NO 0800817CV, 4023 W 1ST AVE, EUGENE, OR, 97402  
UNIFUND CCR PARTNERS, C/O MATTHEW R. AYLWORTH CASE NO 0800817CV, P.O.BOX 22338, EUGENE, OR, 97402  
UNIFUND CCR PARTNERS, C/O DANIEL N. GORDON, P.C. CASE NO 0800817CV, 4023 W 1ST AVE, EUGENE, OR, 97402  
UNIFUND CCR PARTNERS, C/O DANIEL N. GORDON, P.C. CASE NO 0800817CV, P.O.BOX 22338, EUGENE, OR, 97402

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 2-20-09. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the

OR\_NOTS Mailing Aff

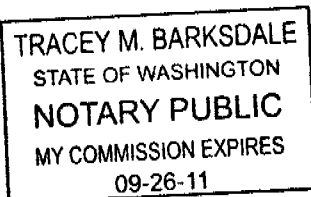
address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the Notice of Default and Election to Sell described in said Notice of Sale was recorded.

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

Sandra Healy  
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on 2.20.2009

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



**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-FMS-68983



Reference is made to that certain Deed of Trust made by, JASON ROSE AND MISTY D. ROSE, AS TENANTS BY THE ENTIRETY, as grantor, to FIRST AMERICAN TITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS, as beneficiary, dated 9/12/2006, recorded 9/15/2006, under Instrument No. 2006-18626, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 11 IN BLOCK 1 OF HOMELAND TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

A.P.N.: R39090001CB-01400.

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

2425 NILE STREET  
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 February 18, 2009
Delinquent Payments from July 01, 2008	
6 payments at \$ 1,023.46 each	\$ 6,140.76
2 payments at \$ 979.47 each (07-01-08 through 02-18-09)	\$ 1,958.94
Late Charges:	\$ 168.00
Beneficiary Advances:	\$ 106.98
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 8,374.68

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 \$100,995.95, PLUS interest thereon at 9.725% per annum from 06/01/08 to 1/1/2009, 8.725% per annum from 1/1/2009, 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 22, 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: 2/18/2009

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

# **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: **2425 Nile St. 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.

1<sup>st</sup> Attempt: February 19, 2009 1:26PM Posted

2<sup>nd</sup> Attempt: February 21, 2009 2:43PM Posted

3<sup>rd</sup> Attempt: February 23, 2009 5:15PM 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

*Chelsea Meek*

**2425 Nile St. 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.

February 19, 2009 1:26 PM  
**DATE OF SERVICE TIME OF SERVICE**

☐ or non occupancy

By:

*Jake Dooley*

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



*Margaret A. Nielsen*  
Notary Public for Oregon



# Affidavit of Publication

68783

## 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 # 10980

Notice of Sale/Jason & Misty D. Rose

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:

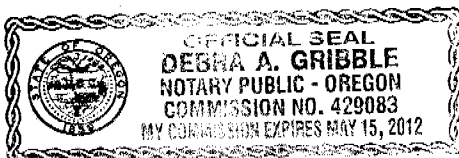
March 4, 11, 18, 25, 2009

Total Cost: \$1,300.79

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  
Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.  
Trustee's Sale No. 09-FMS-68983

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LECT A DEBT AND THAT ANY INFORMATION OB-  
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JASON ROSE AND MISTY D. ROSE, AS TENANTS BY  
THE ENTIRETY, as grantor, to FIRST AMERICAN TI-  
TLE, as Trustee, in favor of MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC. AS NOMINEE FOR  
ITS SUCCESSORS AND ASSIGNS, as beneficiary, dated  
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Trustee disclaims any liability for any incorrectness of the  
above street address or other common designation.

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said trust deed and a notice of default has been recorded  
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each \$1,958.94 (07-01-08 through 02-18-09) Late Charges:  
\$168.00 Beneficiary Advances: \$106.98 Suspense Credit:  
\$0.00 TOTAL: \$8,374.68.

ALSO, if you have failed to pay taxes on the property, pro-  
vide 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 rein-  
state your account in good standing. The beneficiary may  
require as a condition to reinstatement that you provide  
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gether 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.

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signed trustee, will on June 22, 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 CIR-  
CUIT 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 ex-  
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tions thereby secured and the costs and expenses of sale.



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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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RS-105

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