

2009-008437

Klamath County, Oregon



00068032200900084370100106

06/17/2009 03:41:21 PM

Fee: \$76.00

**RECORDING COVER SHEET
FOR NOTICE OF SALE PROOF
OF COMPLIANCE, PER ORS 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.

AFTER RECORDING RETURN TO:

Quality Loan Service Corp.
2141 5th Avenue
San Diego, CA 92101

AFFIDAVIT OF MAILING NOTICE OF SALE

AFFIDAVIT OF PUBLICATION

PROOF OF SERVICE

ORIGINAL GRANTOR: JAMES S HOLMDAHL, BEVFERLY J. SWAGER

BENEFICIARY: CitiMortgage, Inc..

T.S. #: OR-08-227881-SH

Loan #: 1120397027

1st 1327913

3955871-DC

F76-


WHEN RECORDED MAIL TO:
Quality Loan Service Corp.
2141 5th Avenue
San Diego, CA 92101

T.S. NO.: **OR-08-227881-SH**
LOAN NO.: **1120397027**

(Above Space is for Recorder's Use)

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF **California** } SS
COUNTY OF **San Diego** }

I, **David Fry** , being first duly sworn, depose, say and certify that:
At all times hereinafter mentioned I was and now am a resident of the State of **California**, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original or copy of notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of sale of the real property described in the attached Notice of Sale and provided the notice required by HB3630 (2008) Section 21 by mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

NAME AND ADDRESS

CERTIFIED NO.

SEE ATTACHED

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

"Notice as required by and in accordance with ORS Chapter 646 was provided to Grantor and successor in interest, if any"

Each of the notices so mailed was certified to be a true copy of the original notice of sale by **Jason Julienne**, for **FIRST AMERICAN TITLE INSURANCE COMPANY**, 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 mail, **San Diego, California**, on **1/21/2009**. Each of said notices was mailed after the notice of default and election to sell described in said Notice of Sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

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

STATE OF **California**} SS
COUNTY OF **San Diego**}

On 6/11/09 before me **Michelle Nguyen**, the undersigned, A Notary Public personally appeared **David Fry** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 
Michelle Nguyen



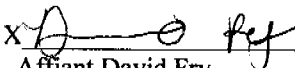
AFFIDAVIT OF MAILING

Date: 1/21/2009
T.S. No.: OR-08-227881-SH
Loan No.: 1120397027
Mailing: Notice of Sale

STATE OF California }
COUNTY OF San Diego }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; and that on 1/21/2009, (s)he personally mailed the Notice of Sale, of which the annexed is a true copy, by causing to be deposited in the United States Mail a copy of such Notice of Sale in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X  _____
Affiant David Fry

Occupant
146315 BEAL RD
LA PINE, OR 97739
First Class and Cert. No. 71039628594121616649

JAMES S HOLMDAHL
146315 BEAL RD
LA PINE, OR 97739
First Class and Cert. No. 71039628594121616717

JAMES S HOLMDAHL
PO BOX 1855
LA PINE, OR 97739
First Class and Cert. No. 71039628594121616779

JAMES S HOLMDAHL
PO BOX 1855
LA PINE, OR 97739
First Class and Cert. No. 71039628594121616847

JAMES S. HOLMDAHL
146315 BEAL RD
LA PINE, OR 97739
First Class and Cert. No. 71039628594121616915

BEVERLY J. SWAGER
146315 BEAL RD
LA PINE, OR 97739
First Class and Cert. No. 71039628594121616953

5/22

BEVERLY J. SWAGER
PO BOX 1855
LA PINE, OR 97739
First Class and Cert. No. 71039628594121617004

AMANDA L. HOLMDAHL
146315 BEAL RD
LA PINE, OR 97739
First Class and Cert. No. 71039628594121617059

AMANDA L. HOLMDAHL
PO BOX 1855
LA PINE, OR 97739
First Class and Cert. No. 71039628594121617097

JAMES S. HOLMDAHL
146315 BEAL RD
LA PINE, OR 97739
First Class and Cert. No. 71039628594121617158

JAMES S. HOLMDAHL
PO BOX 1855
LA PINE, OR 97739
First Class and Cert. No. 71039628594121617189

BEVFERLY J. SWAGER
146315 BEAL RD
LA PINE, OR 97739
First Class and Cert. No. 71039628594121617226

BEVFERLY J. SWAGER
PO BOX 1855
LA PINE, OR 97739
First Class and Cert. No. 71039628594121617264

BEVERLY J. SWAGER
146315 BEAL RD
LA PINE, OR 97739
First Class and Cert. No. 71039628594121617301

TRUSTEE'S NOTICE OF SALE

Loan No: **1120397027**

T.S. No.: **OR-08-227881-SH**

Reference is made to that certain deed made by, **BEVERLY J. SWAGER AND JAMES S. HOLMDAHL, AS TENANTS IN COMMON WITH A RIGHT OF SURVIVORSHIP** as Grantor to **COMMONWEALTH LAND TITLE**, as trustee, in favor of **CITICORP TRUST BANK, FSB**, as Beneficiary, dated **4/18/2008**, recorded **4/25/2008**, in official records of **DESCHUTES** County, Oregon in book/reel/volume No. xxx at page No. xxx fee/file/instrument/microfile/reception No **2008-006018**, covering the following described real property situated in said County and State, to-wit:

APN: R137293

ALL THAT PORTION OF THE NW 1/4 OF THE SW 1/4 OF SECTION 27, TOWNSHIP 23 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, LYING EASTERLY OF THE GREAT NORTHERN RAILWAY RIGHT OF WAY. EXCEPTING THEREFROM THE NORTHERLY 40 FEET AS RESERVED IN VOLUME M68, PAGE 7608, DEED RECORDS OF KLAMATH COUNTY, OREGON.

Commonly known as:

146315 BEAL RD

LA PINE, OR 97739

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's:

Installment of principal and interest plus impounds and advances which became due on 9/23/2008 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustees fees, and any attorney fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement.

Monthly Payment **\$3,017.54**

Monthly Late Charge **\$150.87**

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of **\$417,861.31** together with interest thereon at the rate of **7.7945** per annum from **8/23/2008** until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that **FIRST AMERICAN TITLE INSURANCE COMPANY**, the undersigned trustee will on **5/22/2009** at the hour of **1:00:00 PM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **At the front entrance to the Deschutes County Courthouse, 1164 NW Bond St., Bend, OR** County of **DESCHUTES**, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

For Sale Information Call: 714-573-1965 or Login to: www.priorityposting.com

T.S. No.: **OR-08-227881-SH**

TRUSTEE'S NOTICE OF SALE

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Pursuant to Oregon Law, this sale will not be deemed final until the Trustee's deed has been issued by Quality Loan Service. If there are any irregularities discovered within 10 days of the date of this sale, that the trustee will rescind the sale, return the buyer's money and take further action as necessary.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

Dated: 1/12/2009

FIRST AMERICAN TITLE INSURANCE COMPANY, as trustee
By: Quality Loan Service Corp. of Washington, as agent
Quality Loan Service Corp. of Washington
2141 5th Avenue
San Diego, CA 92101 619-645-7711
OR-08-227881-SH

Signature By 
Jason Juhene, Assistant Secretary

For Non-Sale Information:

Quality Loan Service Corp. of Washington
2141 5th Avenue
San Diego, CA 92101
619-645-7711
Fax: 619-645-7716

If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only.

**THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE.**

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations.

522016
OR 08 - 227881-SH

AFFIDAVIT OF SERVICE

Trustee's Notice of Sale

Case Number: NO VENUE

Beneficiary:

CITICORP TRUST BANK, FSB

vs.

Grantor:

BEVERLY J SWAGER & JAMES S HOLMDAHL

For:

Capitol Investigation Company Ltd.

P.O. Box 3225

Portland, OR 97208

Received by Tri-County Legal Process Service to be served on **OCCUPANTS, 146315 BEAL ROAD, LAPINE, OR 97739.**

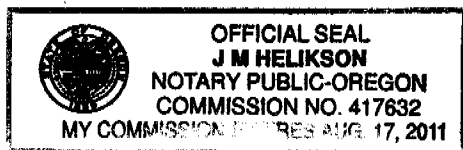
I, Lynn Laharty, being duly sworn, depose and say that on the **19th day of January, 2009 at 4:16 pm, I:**

I made service of Trustee's Notice of Sale upon the individuals and/or entities named below on **1/19/2009** by delivering a copy of the Trustee's Notice of Sale, upon an OCCUPANT at the following address: **146315 BEAL ROAD, LAPINE, OR 97739** (property address) in the manner of:

On **1/22/2009 at 1:26 pm**, I served **MANDY HOLMDAHL** as **OCCUPANT** at the afore mentioned address.

Prior to the aforementioned service, I attempted personal service at the Property Address on **1/19/2009 at 4:16 pm**, I received no answer at the front door. At that time, I **POSTED** such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

I certify that I am a competent person, over the age of 18, a resident of the State of Oregon, not a party or an officer, director, or employee of, nor an attorney for any party, corporate or otherwise.



Subscribed and Sworn to before me on the 26th day of January, 2009 by the affiant who is personally known to me.

NOTARY PUBLIC


Lynn Laharty
Process Server

Tri-County Legal Process Service
P.O. Box 309
Bend, OR 97709
(541) 317-5680

Our Job Serial Number: 2009000931
Ref: 09-01645-M

ATTORNEY OR PARTY WITHOUT ATTORNEY: Capitol Investigation Company Ltd. P.O. Box 3225 Portland, OR 97208 TELEPHONE NO.: (888) 427-6474 ATTORNEY FOR:	FOR COURT USE ONLY
COURT OF , COUNTY OF	
BENEFICIARY: CITICORP TRUST BANK, FSB GRANTOR: BEVERLY J SWAGER & JAMES S HOLMDAHL	CASE NUMBER: NO VENUE
DECLARATION OF MAILING	Ref. No. or File No.: 09-01645-M

- I, , am at least 18 years of age and not a party to this action.
- Documents mailed:
 Trustee's Notice of Sale
- A true copy of the documents were sealed in an envelope and placed in the United States mail with First Class postage prepaid as follows:

Date: 1/26/2009
 Location:
 Addressed: OCCUPANTS
 146315 BEAL ROAD
 LAPINE, OR 97739

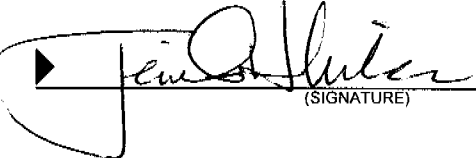
- Person performing mailing:

Name:
 Firm: Tri-County Legal Process Service
 Address: P.O. Box 309
 Bend, OR 97709
 Telephone number: (541) 317-5680

- I declare under penalty of perjury under the laws of the State of that the foregoing is true and correct.

Date: 1/26/2009

JENNIFER HEIKSON
 (PRINTED NAME)


 (SIGNATURE)

Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES

I, **Katelynd Perkins**, a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not party to or interested in the above-entitled matter. I am the principal clerk of the printer of

The Bulletin

a daily newspaper of general circulation, published in the aforesaid county and state as defined by ORS 193.010 and ORS 193.020, that

Acct Name: PRIORITY POSTING & PUBLISHING

Legal Description: LEGAL NOTICE

TRUSTEE'S NOTICE OF SALE Loan No.: 1120397027 T.S. No.: OR-08
-227881-S522016

a printed copy of which is hereto affixed was published in each regular and entire issue of the said newspaper and not in any supplement thereof on the following dates, to wit:

01/27/2009

02/03/2009

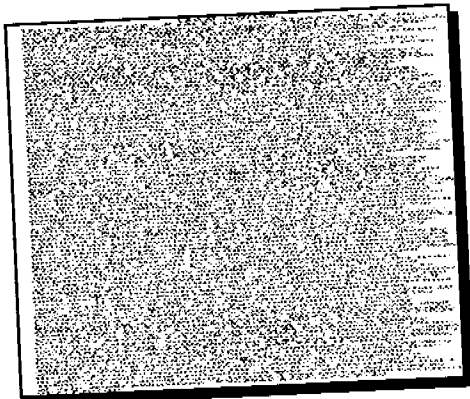
02/10/2009

02/17/2009

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Bend, Oregon, this 18 day of February, 2009.

Katelynd Perkins
Signature



No. _____

In the _____ Court of the

STATE OF OREGON
for the
COUNTY OF DESCHUTES

AFFIDAVIT OF PUBLICATION

Filed _____

By _____

From the Office of _____

Attorney for _____

522016
5/22

LEGAL NOTICE

TRUSTEE'S NOTICE OF SALE Loan No.: 1120397027 T.S. No.: OR-08-227881-SH Reference is made to that certain deed made by BEVERLY J. SWAGER AND JAMES S. HOLMDAHL, AS TENANTS IN COMMON WITH A RIGHT OF SURVIVORSHIP as Grantor to COMMONWEALTH LAND TITLE, as Trustee, in favor of CITICORP TRUST BANK, FSB, as Beneficiary, dated 4/18/2008, recorded 4/25/2008, in official records of Deschutes County, Oregon, in book/reel/volume No. xxx, at page No. xxx fee/file/instrument/microfile/reception No. 2008-006018 covering the following described real property situated in said County and State, to wit: APN: R137293 ALL THAT PORTION OF THE NW 1/4 OF THE SW 1/4 OF SECTION 27, TOWNSHIP 23 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, LYING EASTERLY OF THE GREAT NORTHERN RAILWAY RIGHT OF WAY. EXCEPTING THEREFROM THE NORTHERLY 40 FEET AS RESERVED IN VOLUME 1668, PAGE 7608, DEED RECORDS OF KLAMATH COUNTY, OREGON. Commonly known as: 146315 BEAL RD. LA PINE, OR 97739 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 has been recorded pursuant to Section 86.735 (3) of Oregon Revised Statutes; the default for which the foreclosure is made is the grantor's: Installment of principal and interest plus impounds and/or advances which became due on 9/23/2008 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustee's fees, and any attorney fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement. Monthly Payment \$3,017.54 Monthly Late Charge \$150.87 By this reason of said default the beneficiary has declared all obligations secured by said trust deed immediately due and payable, said sums being the following, to wit: The sum of \$417,861.31 together with interest thereon at the rate of 7.7945 per annum from 8/23/2008 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust. Whereof, notice hereby is given that, FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee will, on 5/22/2009, at the hour of 1:00 PM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at At the front entrance to the Deschutes County Courthouse, 1164 NW Bond St., Bend, OR County of Deschutes, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of 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 section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale. For Sale Information Call: 714-573-1965 or Login to www.priorityposting.com. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Pursuant to Oregon Law, this sale will not be deemed final until the Trustee's deed has been issued by Quality Loan Service. If there are any irregularities are discovered within 10 days of the date of this sale, that the trustee will rescind the sale, return the buyer's money and take further action as necessary. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse. Dated: 1/12/2009 FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee By: Quality Loan Service Corp. of Washington, as agent Quality Loan Service Corp. of Washington 2141 5th Avenue San Diego, CA 92101 619-645-7711 OR-08-227881-SH Signature By: Jason Julienne, Assistant Secretary For Non-Sale Information: Quality Loan Service Corp. of Washington 2141 5th Avenue San Diego, CA 92101 619-645-7711 Fax: 619-645-7716 If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only. This Office is attempting to collect a debt and any information obtained will be used for that purpose. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations. P522016 1/27, 2/3, 2/10, 02/17/2009