

2009-009051

Klamath County, Oregon



00068771200900090510190191

07/01/2009 02:47:23 PM

Fee: \$111.00

After Recording Return To:

Hillis Clark Martin & Peterson, P.S.

Attention: Susan E. Shin

500 Galland Building

1221 Second Avenue

Seattle, WA 98101-2925

151 1309344

**AFFIDAVIT OF MAILING  
TRUSTEE'S NOTICE OF SALE AND FORECLOSURE NOTICE**

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I, Susan E. Shin, being first duly sworn, state 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 (18) years, and not the beneficiary or his successor in interest named in the attached Trustee's Notice Of Sale.

That at the direction and under the supervision of the Successor Trustee, I gave notice of default under the terms of the Deed of Trust identified in the attached Trustee's Notice of Sale by mailing a copy of said Trustee's Notice of Sale by first class mail, and by mailing a copy certified mail with return receipt requested to each of the following named persons as the grantor or any successor in interest in the property described in said Deed of Trust at their respective address, to-wit:

Michael S. Adams	Aine A. Adams	Occupant
10717 Vincent Drive	10717 Vincent Drive	10717 Vincent Drive
Klamath Falls, OR 97603	Klamath Falls, OR 97603	Klamath Falls, OR 97603

Falcon Heights Condominium Assoc.	Falcon Heights Condominium Association
10301 Preddy Avenue	c/o W. Louellyn Kelly, Registered Agent
Klamath Falls, OR 97603	135 S. 9th Street
	P.O. Box 127
	Klamath Falls, OR 97601

Additionally, at the direction and under the supervision of the Successor Trustee, I gave notice of the foreclosure in accord with Oregon HB 3630, by enclosing a copy of the attached Foreclosure Notice in the mailings via first class mail and certified mail with return receipt requested, to each of the following named persons:

Michael S. Adams	Aine A. Adams	Occupant
10717 Vincent Drive	10717 Vincent Drive	10717 Vincent Drive
Klamath Falls, OR 97603	Klamath Falls, OR 97603	Klamath Falls, OR 97603

Each of the notices so mailed was a true copy of the original Trustee's Notice Of Sale and a true copy of the Foreclosure Notice, said copies were contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in a United States post office or postal deposit box at Seattle,

Affidavit of Mailing

ND: 40014.421 4821-5329-5107v1 2/17/2009

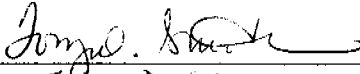
Page 1 of 2

F111-

Washington, on February 17, 2009. Each of the notices was mailed at least 120 days before the day fixed in said Trustee's Notice of Sale by the trustee for the trustee's sale.

  
\_\_\_\_\_  
Susan E. Shin

SUBSCRIBED AND SWORN to before me this 17th day of February, 2009.

  
\_\_\_\_\_  
Name TERESA D. SMITH  
NOTARY PUBLIC in and for the State of  
Washington residing at SNOOQUALMIE.  
My appointment expires 3-22-12.

**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:  
10717 Vincent Drive, Klamath Falls, Oregon 97603

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."

The amount you would have had to pay as of February 12 2009 to bring your mortgage loan current was \$8,342.41, plus attorneys' fees and costs. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call 1-800-237-3194, and ask for the Loss Mitigation Department 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: HomeStreet Bank, Attn: Loss Mitigation, 601 Union Street, Suite 2000, Seattle, WA 98101.

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

Date and time: Friday, July 10, 2009, at 10:00 a.m.

Place: The front entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, State of Oregon.

**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 Jan Hansen at HomeStreet Bank at 1-800-237-3194 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 statewide telephone

contact number at 800-SAFENET (800-723-3638). 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>. 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 questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: February 17, 2009

Trustee Name: Joseph A. Sakay, OSB# 021734

Trustee Signature: \_\_\_\_\_

Trustee Telephone Number: (206) 623-1745

Loan No. 311278  
Trustee No. 40014.421  
Successor Trustee: Joseph A.G. Sakay

### TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, *et seq.* and O.R.S. 79.5010, *et seq.*

Reference is made to that certain trust deed made, executed, and delivered by Michael S. Adams and Aine A. Adams, husband and wife, as Grantor, to Amerititle, as Trustee, to secure certain obligations in favor of Eagle Home Mortgage, LLC, a Delaware Limited Liability Company, as Beneficiary, dated July 13, 2007, and recorded on July 18, 2007, in the Mortgage records of Klamath County, Oregon, under File No. 2007-012762. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Oregon Housing and Community Services Department, State of Oregon, by assignment of deed of trust recorded on August 20, 2007, in the Mortgage records of Klamath County, Oregon under File No. 2007-014670. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

Unit 10717 (Vincent Drive), Tract 1365 - FALCON HEIGHTS  
CONDOMINIUMS STAGE 2, according to the official plat thereof on  
file in the office of the County Clerk of Klamath County, Oregon;

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

10717 Vincent Drive, Klamath Falls, Oregon 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 foreclosure is made is grantor's failure to pay when due the following sums:

5 Monthly payments of \$985.43 due from August 1, 2008 through December 1, 2008:	\$4,927.15
---	------------

5 Late Charges of \$42.52, due on each payment not paid within 15 days of its due date, for monthly payments due on August 1, 2008, through December 1, 2008:	\$212.60
---	----------

2 Monthly payments of \$960.51 due from  
January 1, 2009, through February 1, 2009: \$1,921.02

Late Charge for monthly payment due January 1, 2009: \$42.52

Advances by Lender:

Property Inspection Fees: \$24.00

Attorneys' Fees and Costs for  
prior Foreclosure Action: \$1,215.12

Sub-Total of Monthly Payments,  
Late Charges, and Advances in arrears: **\$8,342.41**

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 \$133,303.35, AS OF JULY 1, 2008, PLUS, FROM THAT DATE UNTIL PAID, ACCRUED AND ACCRUING INTEREST AT THE RATE OF 6.490% PER ANNUM, PLUS ANY LATE CHARGES, ESCROW ADVANCES, FORECLOSURE COSTS, TRUSTEE'S FEES, ATTORNEYS' FEES, SUMS REQUIRED FOR PROTECTION OF THE PROPERTY AND ADDITIONAL SUMS SECURED BY THE TRUST DEED.

WHEREFORE, notice hereby is given that the undersigned trustee will, on **July 10, 2009**, at the hour of **10:00 a.m.**, in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, 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 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 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. Notice is also given that any person named in ORS 86.753 has the right to bring a court action to assert the non-existence of a default or any other defense to acceleration and sale.

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.

**THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION WILL BE USED FOR THAT PURPOSE. UNLESS YOU NOTIFY US WITHIN 30 DAYS AFTER RECEIVING THIS LETTER THAT YOU DISPUTE THE VALIDITY OF THE DEBT, OR ANY PORTION OF IT, WE WILL ASSUME THE DEBT IS VALID. IF YOU NOTIFY US, IN WRITING WITHIN 30 DAYS AFTER RECEIPT OF THIS LETTER THAT YOU DO DISPUTE THE DEBT OR ANY PORTION OF IT, WE WILL PROVIDE VERIFICATION BY MAILING YOU A COPY OF THE RECORDS. IF YOU SO REQUEST, IN WRITING, WITHIN 30 DAYS AFTER RECEIPT OF THIS NOTICE, WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT CREDITOR.**

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

DATED this 17<sup>th</sup> day of February, 2009.

SUCCESSOR TRUSTEE:

JOSEPH A.G. SAKAY, Oregon Bar No. 021734

c/o Hillis Clark Martin & Peterson, P.S.  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745

After Recording Return To:

Hillis Clark Martin & Peterson, P.S.

Attention: Susan E. Shin  
1221 Second Avenue, Suite 500  
Seattle, WA 98101-2925

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**AFFIDAVIT OF NON-MILITARY SERVICE**

I Jan Hansen, the undersigned Affiant, being first duly sworn, state:

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 (18) years and competent to make this affidavit, and that on today's date, which is at least 120 days prior to the date of the trustee's sale set in the attached Trustee's Notice Of Sale, that to the best of my knowledge,

Michael S. Adams and Aine A. Adams,  
(Grantor) (Grantor)

Are not and neither is, in the Military Service of the United States, or dependants of someone in the military service of the United States, within the meaning of the Servicemembers Civil Relief Act, as amended; that neither person is a member of the United States Marine Corps, Women's Reserve, or Women's Army Auxiliary Corps or Women's Army Corps (WACS), or Women's Coast Guard Reserve (SPARS), or being educated under the supervision of the United States preliminary to induction into the Military Service or under orders to report for induction under the Selective Training and Service Act of 1940, as amended, or as a member of the Enlisted Reserve Corps under orders to report for military service of an American Citizen serving with the forces of any nation allied with the United States in the prosecution of a war, or in the Federal Service or active duty as a member of the Army of the United States, or the United States Navy or the Marine Corps, or the Coast Guard, or as an officer of the Public Health Service within the purview of the Servicemembers Civil Relief Act of 1940, as amended.

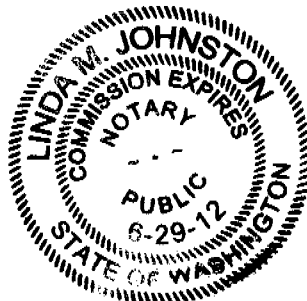
That this affidavit is made for the purpose of inducing Joseph A.G. Sakay, of Hillis Clark Martin & Peterson, P.S., in Seattle, Washington, as Successor Trustee, without leave of court first obtained, to cause certain property to be sold under the terms of a deed of trust pursuant to the power of sale contained therein.

DATED: June 26, 2009

By: Jan Hansen  
Representative for Beneficiary

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

SUBSCRIBED AND SWORN to before me this 26th day of June, 2009



Linda M. Johnston  
Name Linda M. Johnston  
NOTARY PUBLIC in and for the State of  
Washington residing at King County  
My appointment expires June 29, 2012



## AFFIDAVIT OF SERVICE

### Trustee's Notice of Sale Upon Occupant

Case Number: \_\_\_\_\_

Beneficiary:  
**EAGLE HOME MORTGAGE LLC**

vs.

Grantor:  
**MICHAEL S. ADAMS, and AINE A. ADAMS**


Received by MALSTROM'S PROCESS SERVING CO. to be served on **ALL ADULT OCCUPANTS RESIDING AT:, 10717 VINCENT DRIVE, KLAMATH FALLS, OR 97603.**

I, David Davis, being duly sworn, depose and say that on the **23rd day of February, 2009 at 5:00 pm, I:**

**PERSONALLY SERVED** a true copy of the **Trustee's Notice of Sale Upon Occupant** on **MICHAEL ADAMS** at the address stated above.

At the same time and place, I **SUBSTITUTE SERVED** a true copy of the same documents on **AINE ADAMS, and UNKNOWN ADULT OCCUPANTS** by leaving a true copy with **MICHAEL ADAMS** who is a person over the age of 14 residing at the dwelling house or usual place of abode of the person to be served.

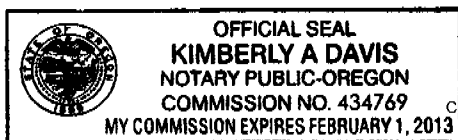
**CERTIFICATION OF MAILING** I certify that on **2/25/2009** a true copy of the above documents and a copy of this Affidavit of Service were mailed to the same address, addressed to the occupant(s) who was (were) substitute served.


  
\_\_\_\_\_

I am a competent person over 18 years of age and a resident of the State of Oregon; I am not a party to nor an officer, director or employee of, nor attorney for any party. The entity served by me is the same entity named in the action.

Subscribed and Sworn to before me on the 25th day of February, 2009 by the affiant who is personally known to me.

  
\_\_\_\_\_  
NOTARY PUBLIC-OREGON



  
\_\_\_\_\_  
David Davis  
Process Server

**MALSTROM'S PROCESS SERVING CO.**  
P.O. Box 2031  
Salem, OR 97308-2031  
(503) 585-0234

Our Job Serial Number: 2009001214  
Ref: 40014.421/Adams  
Service Fee: \$75.00

Copyright © 1992-2008 Database Services, Inc. - Process Server's Toolbox V6.3e

~~CERTIFIED TO BE A TRUE COPY~~

Loan No. 311278  
Trustee No. 40014.421  
Successor Trustee: Joseph A.G. Sakay

### TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, *et seq.* and O.R.S. 79.5010, *et seq.*

Reference is made to that certain trust deed made, executed, and delivered by Michael S. Adams and Aine A. Adams, husband and wife, as Grantor, to Amerititle, as Trustee, to secure certain obligations in favor of Eagle Home Mortgage, LLC, a Delaware Limited Liability Company, as Beneficiary, dated July 13, 2007, and recorded on July 18, 2007, in the Mortgage records of Klamath County, Oregon, under File No. 2007-012762. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Oregon Housing and Community Services Department, State of Oregon, by assignment of deed of trust recorded on August 20, 2007, in the Mortgage records of Klamath County, Oregon under File No. 2007-014670. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

Unit 10717 (Vincent Drive), Tract 1365 - FALCON HEIGHTS  
CONDOMINIUMS STAGE 2, according to the official plat thereof on  
file in the office of the County Clerk of Klamath County, Oregon;

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

10717 Vincent Drive, Klamath Falls, Oregon 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 foreclosure is made is grantor's failure to pay when due the following sums:

5 Monthly payments of \$985.43 due from August 1, 2008 through December 1, 2008:	\$4,927.15
---	------------

5 Late Charges of \$42.52, due on each payment not paid within 15 days of its due date, for monthly payments due on August 1, 2008, through December 1, 2008:	\$212.60
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2 Monthly payments of \$960.51 due from  
January 1, 2009, through February 1, 2009: \$1,921.02

Late Charge for monthly payment due January 1, 2009: \$42.52

Advances by Lender:

Property Inspection Fees: \$24.00

Attorneys' Fees and Costs for  
prior Foreclosure Action: \$1,215.12

Sub-Total of Monthly Payments,  
Late Charges, and Advances in arrears: \$8,342.41

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 \$133,303.35, AS OF JULY 1, 2008, PLUS, FROM THAT DATE UNTIL PAID, ACCRUED AND ACCRUING INTEREST AT THE RATE OF 6.490% PER ANNUM, PLUS ANY LATE CHARGES, ESCROW ADVANCES, FORECLOSURE COSTS, TRUSTEE'S FEES, ATTORNEYS' FEES, SUMS REQUIRED FOR PROTECTION OF THE PROPERTY AND ADDITIONAL SUMS SECURED BY THE TRUST DEED.

WHEREFORE, notice hereby is given that the undersigned trustee will, on **July 10, 2009**, at the hour of **10:00 a.m.**, in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, 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 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 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. Notice is also given that any person named in ORS 86.753 has the right to bring a court action to assert the non-existence of a default or any other defense to acceleration and sale.

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.

**THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION WILL BE USED FOR THAT PURPOSE. UNLESS YOU NOTIFY US WITHIN 30 DAYS AFTER RECEIVING THIS LETTER THAT YOU DISPUTE THE VALIDITY OF THE DEBT, OR ANY PORTION OF IT, WE WILL ASSUME THE DEBT IS VALID. IF YOU NOTIFY US, IN WRITING WITHIN 30 DAYS AFTER RECEIPT OF THIS LETTER THAT YOU DO DISPUTE THE DEBT OR ANY PORTION OF IT, WE WILL PROVIDE VERIFICATION BY MAILING YOU A COPY OF THE RECORDS. IF YOU SO REQUEST, IN WRITING, WITHIN 30 DAYS AFTER RECEIPT OF THIS NOTICE, WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT CREDITOR.**

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

DATED this 17<sup>th</sup> day of February, 2009.

SUCCESSOR TRUSTEE:

JOSEPH A.G. SAKAY, Oregon Bar No. 021734

c/o Hillis Clark Martin & Peterson, P.S.  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745

After Recording Return To:

**Hillis Clark Martin & Peterson, P.S.**

Attention: Susan E. Shin

500 Galland Building

1221 Second Avenue

Seattle, WA 98101-2925

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**AFFIDAVIT OF MAILING NOTICE OF INTENT TO REMOVE OCCUPANTS  
PURSUANT TO TRUSTEE'S SALE**

STATE OF WASHINGTON                    )  
  ) ss.  
COUNTY OF KING                     )

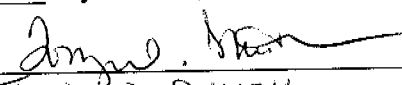
I, Susan E. Shin, being first duly sworn, state that I am now, and at all times herein mentioned was, a citizen of the United States, a resident of the State of Washington, and over the age of eighteen (18) years, and not the beneficiary or his successor in interest named in the attached Trustee's Notice Of Sale.

That at the direction and under the supervision of the Successor Trustee, I mailed a true copy of the Trustee's Notice of Sale by First Class Mail, Regular and Certified, Return-Receipt Requested, postage pre-paid, together with an original Notice of Intent to Remove, to the Occupants, at: 10717 Vincent Drive, Klamath Falls, OR 97603.

Each of the Trustee's Notices of Sale so mailed was a true copy of the original, accompanied by the original Notice of Intent to Remove, each set of copies was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in a United States post office or postal deposit box at Seattle, Washington, on June 11, 2009. Each of the notices was mailed after the original Notice of Default and Election to Sell was recorded and at least 20 days before the day fixed in the Trustee's Notice of Sale by the trustee for the trustee's sale.

  
\_\_\_\_\_  
Susan E. Shin

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of June, 2009.

  
\_\_\_\_\_  
Name THOMAS D SMITH  
NOTARY PUBLIC in and for the State of  
Washington residing at KING CO.  
My appointment expires 3-22-12.

# HCMP

HILLIS  
CLARK  
MARTIN &  
PETERSON  
*law offices*

June 11, 2009

Certified Article Number

7160 3901 9848 2427 9679

SENDERS RECORD

*Via Regular and Certified Mail;  
Return-Receipt Requested*

Occupants  
10717 Vincent Drive  
Klamath Falls, OR 97603

Re: *Trust Deed Foreclosure*  
*Beneficiary: Oregon Housing and Community Services Department,*  
*State of Oregon*  
*Grantor: Michael S. Adams and Aine A. Adams*  
*Property Address:*  
*10717 Vincent Drive, Klamath Falls, OR 97603*  
*Notice of Intent to Remove*

Dear Occupants:

The house in which you are presently residing is being foreclosed nonjudicially pursuant to the ORS 86.705 *et seq.* We are required by this statute to provide notice of intent to remove persons holding possession of the premises under an interest created voluntarily by the grantor or their successor. Enclosed is a trustee's notice of sale which indicates a sale date of July 10, 2009, at 10:00 a.m., at the front entrance of the Klamath County Courthouse, 316 Main Street, City of Klamath Falls, County of Klamath, State of Oregon. Provided that the loan obligation is not reinstated before this sale date and a sale occurs, and should Oregon Housing and Community Services Department, State of Oregon be the successful purchaser at the sale, you will be asked to vacate the property by the tenth day following the sale.

Very truly yours,

Joseph A.G. Sakay  
Successor Trustee

JAS:sas  
Enclosure

Cc: HomeStreet Bank  
ND: 40014.421 4852-8922-0867v1

 **MERITAS**  
LAW FIRMS WORLDWIDE

1221 Second Avenue  
Suite 500  
Seattle, Washington  
98101-2925

phone 206.623.1745  
fax 206.623.7789  
www.hcmp.com

A PROFESSIONAL SERVICE CORPORATION

**CERTIFIED TO BE A TRUE COPY**

Loan No. 311278  
Trustee No. 40014.421  
Successor Trustee: Joseph A.G. Sakay

### **TRUSTEE'S NOTICE OF SALE**

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Unit 10717 (Vincent Drive), Tract 1365 - FALCON HEIGHTS  
CONDOMINIUMS STAGE 2, according to the official plat thereof on  
file in the office of the County Clerk of Klamath County, Oregon;

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10717 Vincent Drive, Klamath Falls, Oregon 97603

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5 Monthly payments of \$985.43 due from August 1, 2008 through December 1, 2008:	\$4,927.15
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5 Late Charges of \$42.52, due on each payment not paid within 15 days of its due date, for monthly payments due on August 1, 2008, through December 1, 2008:	\$212.60
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2 Monthly payments of \$960.51 due from  
January 1, 2009, through February 1, 2009: \$1,921.02

Late Charge for monthly payment due January 1, 2009: \$42.52

Advances by Lender:

Property Inspection Fees: \$24.00

Attorneys' Fees and Costs for  
prior Foreclosure Action: \$1,215.12

Sub-Total of Monthly Payments,  
Late Charges, and Advances in arrears: **\$8,342.41**

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 \$133,303.35, AS OF JULY 1, 2008, PLUS, FROM THAT DATE UNTIL PAID, ACCRUED AND ACCRUING INTEREST AT THE RATE OF 6.490% PER ANNUM, PLUS ANY LATE CHARGES, ESCROW ADVANCES, FORECLOSURE COSTS, TRUSTEE'S FEES, ATTORNEYS' FEES, SUMS REQUIRED FOR PROTECTION OF THE PROPERTY AND ADDITIONAL SUMS SECURED BY THE TRUST DEED.

WHEREFORE, notice hereby is given that the undersigned trustee will, on **July 10, 2009**, at the hour of **10:00 a.m.**, in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, 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 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 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. Notice is also given that any person named in ORS 86.753 has the right to bring a court action to assert the non-existence of a default or any other defense to acceleration and sale.

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.

**THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION WILL BE USED FOR THAT PURPOSE. UNLESS YOU NOTIFY US WITHIN 30 DAYS AFTER RECEIVING THIS LETTER THAT YOU DISPUTE THE VALIDITY OF THE DEBT, OR ANY PORTION OF IT, WE WILL ASSUME THE DEBT IS VALID. IF YOU NOTIFY US, IN WRITING WITHIN 30 DAYS AFTER RECEIPT OF THIS LETTER THAT YOU DO DISPUTE THE DEBT OR ANY PORTION OF IT, WE WILL PROVIDE VERIFICATION BY MAILING YOU A COPY OF THE RECORDS. IF YOU SO REQUEST, IN WRITING, WITHIN 30 DAYS AFTER RECEIPT OF THIS NOTICE, WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT CREDITOR.**

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

DATED this 17<sup>th</sup> day of February, 2009.

SUCCESSOR TRUSTEE:

JOSEPH A.G. SAKAY, Oregon Bar No. 021734

c/o Hillis Clark Martin & Peterson, P.S.  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745

# 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 # 11261

Notice of Sale/Michael S & Aine A Adams

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:

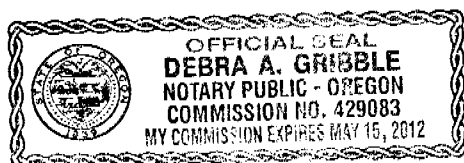
May 27, June 3, 10, 17, 2009

Total Cost: \$1,531.63

Subscribed and sworn by Heidi Wright  
before me on: June 17, 2009

Notary Public of Oregon

My commission expires May 15, 2012



Loan No. 311278 Trustee No. 40014.421  
Successor Trustee: Joseph A.G. Sakay

### TRUSTEE'S NOTICE OF SALE Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.

Reference is made to that certain trust deed made, executed, and delivered by Michael S. Adams and Aine A. Adams, husband and wife, as Grantor, to Amerititle, as Trustee, to secure certain obligations in favor of Eagle Home Mortgage, LLC, a Delaware Limited Liability Company, as Beneficiary, dated July 13, 2007, and recorded on July 18, 2007, in the Mortgage records of Klamath County, Oregon, under File No. 2007-012762. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by Oregon Housing and Community Services Department, State of Oregon, by assignment of deed of trust recorded on August 20, 2007, in the Mortgage records of Klamath County, Oregon under File No. 2007-014670. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: Unit 10717 (Vincent Drive), Tract 1365 - FALCON HEIGHTS CONDOMINIUMS STAGE 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon; The street address or other common designation, if any, of the real property described above is purported to be: 10717 Vincent Drive, Klamath Falls, Oregon 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 foreclosure is made is grantor's failure to pay when due the following sums:

5 Monthly payments of \$985.43 due from August 1, 2008 through December 1, 2008: **\$4,927.15**

5 Late Charges of \$42.52, due on each payment not paid within 15 days of its due date, for monthly payments due on August 1, 2008, through December 1, 2008: **\$212.60**

2 Monthly payments of \$960.51 due from January 1, 2009, through February 1, 2009: **\$1,921.02**

Late Charge for monthly payment due January 1, 2009: **\$42.52**

Advances by Lender: Property Inspection Fees: **\$24.00**

Attorneys' Fees and Costs for prior Foreclosure Action: **\$1,215.12**

Sub-Total of Monthly Payments, Late Charges, and Advances in arrears: **\$8,342.41**

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other sums 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 \$133,303.35, AS OF JULY 1, 2008, PLUS, FROM THAT DATE UNTIL PAID, ACCRUED AND ACCRUING INTEREST AT THE RATE OF 6.490% PER ANNUM, PLUS ANY LATE CHARGES, ESCROW ADVANCES, FORECLOSURE COSTS, TRUSTEE'S FEES, ATTORNEYS' FEES, SUMS REQUIRED FOR PROTECTION OF THE PROPERTY AND ADDITIONAL SUMS SECURED BY THE TRUST DEED.

WHEREFORE, notice hereby is given that the undersigned trustee will, on July 10, 2009, at the hour of 10:00

(Continued in next column)

*(Continued from previous column)*

a.m., in accord with the standard of time established by ORS 187.110, at the front entrance of the Klamath County Courthouse, 316 Main Street, 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 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 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. Notice is also given that any person named in ORS 86.753 has the right to bring a court action to assert the non-existence of a default or any other defense to acceleration and sale.

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DATED this 17th day of May, 2009.

SUCCESSOR TRUSTEE:

JOSEPH A.G. SAKAY, Oregon Bar No. 021734

c/o Hillis Clark Martin & Peterson, P.S.

1221 Second Avenue, Suite 500

Seattle, Washington 98101-2925

Telephone: (206) 623-1745

#11261 May 27, June 3, 10, 17, 2009.