

2009-010212

Klamath County, Oregon



00070175200900102120160163

07/28/2009 11:42:57 AM

Fee: \$106.00

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

When Recorded Return To:

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

Until requested otherwise, send all tax statements:

ATE ~~W0914~~ 66580

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

## COVER SHEET

### DOCUMENT:

Affidavit of Mailing /Trustees Notice of Sale

Affidavit of Service/ Posting

Affidavit of Publication

### ORIGINAL GRANTOR ON TRUST DEED:

William Heryford and Janet Avila, with rights of survivorship

### ORIGINAL BENEFICIARY ON TRUST DEED:

Beneficial Oregon, Inc.

#106 ATE

[WHEN RECORDED MAIL TO:]

Trustee Corps  
2112 Business Center Dr.  
Second Floor, Suite 201  
Irvine, CA 92612

[Space Above This Line for Recorder's Use]

Loan #: 0015010291 Trustee Sale #: OR0837585

## AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF ORANGE  
COUNTY OF CALIFORNIA

I, Lizeth Del Rio 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 the sale of the real property described in the attached notice of sale by mailing a copy thereof by registered or certified mail and regular mail to each of the following named persons at their last known address, to-wit:

### SEE ATTACHED

Said person(s) include the grantor in 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.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Lizeth Del Rio of TRUSTEE CORPS, for LSI TITLE COMPANY OF OREGON, 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 in IRVINE, on March 30, 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.

"Notice as required by an 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 Lizeth Del Rio of TRUSTEE CORPS, for LSI TITLE COMPANY OF

OREGON, 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 in IRVINE, on March 30, 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 25 days before the day set for the trustee's sale.

  
BY: Lizeth Del Rio, TRUSTEE SALE OFFICER

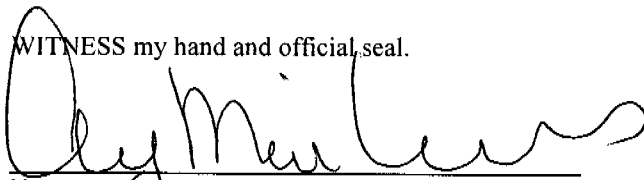
State of California)

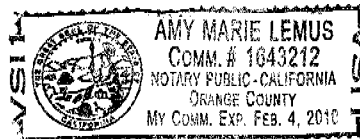
County of Orange

On 3/30/09 before me, Amy Marie Lemus, a notary public, personally appeared Lizeth Del Rio 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.

  
Notary Public in and for said County and State



# Declaration of Mailing

Trustee's Sale No. OR0837585

I, **Lizeth Del Rio**, declare:

Date: 03/30/2009

Mailing: **Required**

Page: 1

That I am an officer, agent, or employee of **Trustee Corps**  
 whose business address is **30 Corporate Park, Suite 400, Irvine, CA 92606**  
 I am over the age of eighteen years; On **03/30/2009** by **Certified** mail, enclosed in a sealed envelope with postage  
 fully prepaid, I deposited in the **United States Post Office at Irvine**  
 notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to the following:

Number of Article	Name of Addressee, Street, and Post Office Address	Cert. Fee	R.R. Fee
71006309264094269196	JANET AVILA 576 MILLER ISLAND RD KLAMATH FALLS, OR 97603	\$3.49	\$0.00
71006309264094269202	WILLIAM HERYFORD 576 MILLER ISLAND RD KLAMATH FALLS, OR 97603	\$3.49	\$0.00
71006309264094269219	WILLIAM HERYFORD 576 MILLER ISLAND RD. KLAMATH FALLS, OR 97603	\$3.49	\$0.00
71006309264094269226	JANET AVILA 576 MILLER ISLAND RD. KLAMATH FALLS, OR 97603	\$3.49	\$0.00
71006309264094269233	NORTHWEST FIRST CHOICE INC 6103 NE ST JAMES RD STE A VANCOUVER, WA 98663	\$3.49	\$0.00
71006309264094269240	NORTHWEST FIRST CHOICE INC C/O AMERIFIRST HOME IMPROVEMENT FINANCE CO. 4405 SOUTH 96TH STREET OMAHA, NE 68127	\$3.49	\$0.00
71006309264094269257	NORTHWEST FIRST CHOICE, INC. C/O STEVEN D BENNETT 30000 1ST INTERSTATE TOWER PORTLAND, OR 97201	\$3.49	\$0.00
71006309264094269264	NORTHWEST FIRST CHOICE, INC. C/O STEVEN D BENNETT 1300 SW 5TH AVE PORTLAND, OR 97201	\$3.49	\$0.00

\$27.92      \$0.00

Number of Pieces by Sender 8	Number of Pieces Received	Postmaster (Name) Receiving Employee	Mail By (Name) Sending Employee
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I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

(Date)

(Declarant)

# Declaration of Mailing

Trustee's Sale No. OR0837585

I, **Lizeth Del Rio**, declare:

Date: 03/30/2009

Mailing: **Required**

Page: 2

That I am an officer, agent, or employee of **Trustee Corps**  
 whose business address is **30 Corporate Park, Suite 400, Irvine, CA 92606**  
 I am over the age of eighteen years; On **03/30/2009** by **Certified** mail, enclosed in a sealed envelope with postage  
 fully prepaid, I deposited in the United States Post Office at **Irvine**  
 notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to the following:

Number of Article	Name of Addressee, Street, and Post Office Address	Cert. Fee	R.R. Fee
71006309264094269271	AMERIFIRST HOME IMPROVEMENT FINANCE CO. 4405 S 96TH ST OMAHA, NE 68127	\$3.49	\$0.00
71006309264094269288	AMERIFIRST HOME IMPROVEMENT FINANCE CO. C/O CORPORATION SERVICE COMPANY 285 LIBERTY ST NE SALEM, OR 97301	\$3.49	\$0.00
71006309264094269295	BENEFICIAL OREGON INC. 1345 CENTER DRIVE, SUITE D MEDFORD, OR 97501	\$3.49	\$0.00
71006309264094269301	BENEFICIAL OREGON INC. 26525 N RIVERWOODS BLVD METTAWA, IL 60045	\$3.49	\$0.00
71006309264094269318	BENEFICIAL OREGON INC. C/O C T CORPORATION SYSTEM 388 STATE ST STE 420 SALEM, OR 97301-3581	\$3.49	\$0.00
		\$17.45	\$0.00

Number of Pieces by Sender 5	Number of Pieces Received	Postmaster (Name) Receiving Employee	Mail By (Name) Sending Employee
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I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

(Date)

(Declarant)

# Declaration of Mailing

Trustee's Sale No. OR0837585

I, **Lizeth Del Rio**, declare:

Date: 03/30/2009

That I am an officer, agent, or employee of

Trustee Corps

Mailing: **Required**

Page: 1

whose business address is 30 Corporate Park, Suite 400, Irvine, CA 92606

I am over the age of eighteen years; On 03/30/2009 by First Class mail, enclosed in a sealed envelope with postage fully prepaid, I deposited in the United States Post Office at Irvine notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to the following:

Name of Addressee, Street, and Post Office Address	Postage Fee
JANET AVILA 576 MILLER ISLAND RD KLAMATH FALLS, OR 97603	\$0.59
WILLIAM HERYFORD 576 MILLER ISLAND RD KLAMATH FALLS, OR 97603	\$0.59
WILLIAM HERYFORD 576 MILLER ISLAND RD. KLAMATH FALLS, OR 97603	\$0.59
JANET AVILA 576 MILLER ISLAND RD. KLAMATH FALLS, OR 97603	\$0.59
NORTHWEST FIRST CHOICE INC 6103 NE ST JAMES RD STE A VANCOUVER, WA 98663	\$0.59
NORTHWEST FIRST CHOICE INC C/O AMERIFIRST HOME IMPROVEMENT FINANCE CO. 4405 SOUTH 96TH STREET OMAHA, NE 68127	\$0.59
NORTHWEST FIRST CHOICE, INC. C/O STEVEN D BENNETT 30000 1ST INTERSTATE TOWER PORTLAND, OR 97201	\$0.59
NORTHWEST FIRST CHOICE, INC. C/O STEVEN D BENNETT 1300 SW 5TH AVE PORTLAND, OR 97201	\$0.59
<b>\$4.72</b>	

Number of Pieces by Sender	Number of Pieces Received	Postmaster (Name) Receiving Employee	Mail By (Name) Sending Employee
8			

I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Declarant)

# Declaration of Mailing

Trustee's Sale No. OR0837585

I, **Lizeth Del Rio**, declare:

Date: 03/30/2009

Mailing: **Required**

Page: 2

That I am an officer, agent, or employee of **Trustee Corps**  
whose business address is **30 Corporate Park, Suite 400, Irvine, CA 92606**

I am over the age of eighteen years; On 03/30/2009 by First Class mail, enclosed in a sealed envelope with postage fully prepaid, I deposited in the United States Post Office at **Irvine** notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to the following:

Name of Addressee, Street, and Post Office Address	Postage Fee
AMERIFIRST HOME IMPROVEMENT FINANCE CO. 4405 S 96TH ST OMAHA, NE 68127	\$0.59
AMERIFIRST HOME IMPROVEMENT FINANCE CO. C/O CORPORATION SERVICE COMPANY 285 LIBERTY ST NE SALEM, OR 97301	\$0.59
BENEFICIAL OREGON INC. 1345 CENTER DRIVE, SUITE D MEDFORD, OR 97501	\$0.59
BENEFICIAL OREGON INC. 26525 N RIVERWOODS BLVD METTAWA, IL 60045	\$0.59
BENEFICIAL OREGON INC. C/O C T CORPORATION SYSTEM 388 STATE ST STE 420 SALEM, OR 97301-3581	\$0.59
\$2.95	

Number of Pieces by Sender	Number of Pieces Received	Postmaster (Name) Receiving Employee	Mail By (Name) Sending Employee
5			

I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

(Date)

(Declarant)

# TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq.

Trustee Sale No.: **OR0837585** Loan No.: **0015010291** Title Order No.: **090184271**

Reference is made to that certain Deed of Trust made by WILLIAM HERYFORD AND JANET AVILA, WITH THE RIGHTS OF SURVIVORSHIP, as Grantor, to REGIONAL TRUSTEE SERVICES, as Trustee, in favor of BENEFICIAL OREGON INC., as Beneficiary, dated 07/26/2006, and Recorded on 07/28/2006 as Document No. M06-15243 in the County of Klamath, state of Oregon. The beneficial interest under said Deed of Trust and the obligations secured thereby are presently held by BENEFICIAL OREGON INC.

Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: **SEE ATTACHED LEGAL**

**A.P.N. # R-3909-02900-00400-000**

The street address or other common designation, if any, of the real property described above is purported to be: **576 MILLER ISLAND RD, 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 Deed of Trust 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: **THE INSTALLMENT OF PRINCIPAL AND INTEREST WHICH BECAME DUE ON 08/01/2008 AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL AND INTEREST, ALONG WITH LATE CHARGES, PLUS FORECLOSURE COSTS AND LEGAL FEES.**

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 Deed of Trust immediately due and payable, said sums being the following to wit:

**\$162,316.29** with interest thereon at the rate of **5.000** from **07/01/2008**; plus late charges of **\$57.18** each month beginning **08/01/2008** and prior accrued late charges until paid; together with title expenses, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

WHEREFORE, notice hereby is given that the undersigned Trustee will, on **07/29/2009**, at the hour of **10:00AM** in accord with the standard of time established by O.R.S. 187.110; **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR**, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Deed of Trust, together with any interest which the Grantor his successors in interest acquired after the execution of said Deed of Trust, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including reasonable charge by the Trustee.

**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.**



Notice is further given that any person named in O.R.S. 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 Deed of Trust 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 to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust, together with Trustee's and attorney's fees.

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 person owing an obligation, the performance of which is secured by said Deed of Trust, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

Dated: 3-25-09

**LSI TITLE COMPANY OF OREGON, as Successor Trustee**

By: G. Sheppard, authorized signor

c/o **\*TRUSTEE CORPS\***

**2112 Business Center Drive, 2<sup>nd</sup> Floor, Irvine, CA 92612**

**For Sale Information contact: (714) 573-1965, (714) 573-7777, (949) 252-8300**

State of California

County of Orange

On 3-25-09 before me, Sara Lauren Griffin (name and title of the officer), personally appeared G. Sheppard, who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ are subscribed to the within instrument and acknowledgement 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 OR PERJURY** under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sara Lauren Griffin  
Sara Lauren Griffin

(Seal)

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



**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 576 MILLER ISLAND RD, KLAMATH FALLS, OR 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 08/01/2008 to bring your mortgage loan current was \$11,226.90 . 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 (877) 714-0966 ext. 285 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:

**LSI TITLE COMPANY OF OREGON  
c/o TRUSTEE CORPS  
30 CORPORATE PARK, 4<sup>TH</sup> FLOOR, SUITE 400  
IRVINE, CA 92606**

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

Date and time: 07/29/2009, at 10:00AM

Place: ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR, County of Klamath, 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 HSBC CONSUMER LENDING at ( ) - 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 any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: 3/25/2009

**LSI TITLE COMPANY OF OREGON**

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Trustee telephone number: (877) 714-0966 ext. 285

A PARCEL OF LAND BEING A PORTION OF THE NE 1/4 NW 1/4 SECTION 29, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 40 FEET SOUTH AND 669.4 FEET EAST OF THE NORTHWEST CORNER OF THE NE 1/4 NW 1/4 OF SECTION 29, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON; THENCE SOUTH 1,280 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID NE 1/4 NW 1/4; THENCE EAST ALONG THE SOUTH LINE OF THE SAID NE 1/4 NW 1/4 329.7 FEET; THENCE NORTH 1,280 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE MILLER ISLAND ROAD; THENCE WEST ALONG THE SOUTH LINE OF SAID ROAD, 329.70 FEET TO THE POINT OF BEGINNING.

**AFFIDAVIT OF MAILING**

STATE OF OREGON

County of Multnomah

ss.

I, Lisa Paolo, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On April 08, 2009, I mailed a copy of the Trustee's Notice of Sale; Notice to Grantor; Notice of Default and Election to Sell, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.750(1)(b)(C).

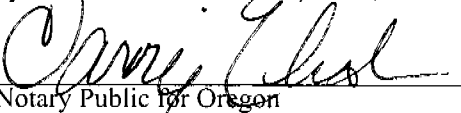
The envelope was addressed as follows:

**OCCUPANT**  
**576 Miller Island Road**  
**Klamath Falls, OR 97603**

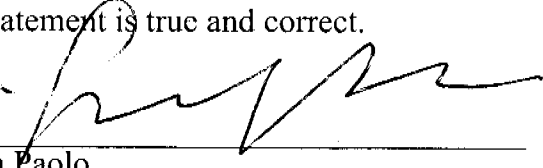
This mailing completes service upon an occupant at the above address with an effective date of **03/31/2009** as calculated pursuant to ORS 86.750 (1)(c).

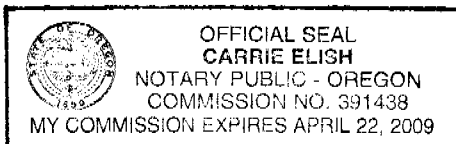
I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 8th day of April, 2009  
by Lisa Paolo.

  
Notary Public for Oregon

X

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



193230

OR0837585 / HERYFORD and AVILA  
ASAP# 3043957

**TCORPS**

**AFFIDAVIT OF POSTING**

STATE OF OREGON

County of Klamath

ss.

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

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

**576 Miller Island Road  
Klamath Falls, OR 97603**

As follows:

On 03/31/2009 at 5:10 PM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

On 04/03/2009 at 1:50 PM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

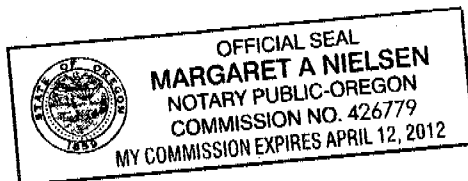
On 04/06/2009 at 10:32 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

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

SUBSCRIBED AND SWORN BEFORE ME  
this 9<sup>th</sup> day of April, 2009  
by Robert Bolenbaugh.

*Margaret A. Nielsen*  
Notary Public for Oregon

X *[Signature]*  
Robert Bolenbaugh  
Nationwide Process Service, Inc.  
420 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



193230

# Affidavit of Publication

## STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, Business Manager,  
being first duly sworn, depose and say  
that I am the principal clerk of 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 # 11072

Notice of Sale/William Heryford & Janet Avila

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:

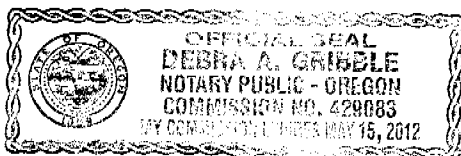
April 4, 11, 18, 25, 2009

Total Cost: \$1,506.69

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: April 25, 2009

*Debra A. Griddle*  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq. Trustee Sale No.:  
0900755 Loan No.: 0015010291 Title Order No.: 090184271

Reference is made to that certain Deed of Trust made by WILLIAM HERYFORD AND JANET AVILA, WITH THE RIGHTS OF SURVIVORSHIP, as Grantor, to REGIONAL TRUSTEE SERVICES, as Trustee, in favor of BENEFICIAL OREGON INC., as Beneficiary, dated 07/26/2006, and Recorded on 07/28/2006 as Document No. M06-15243 in the County of Klamath, state of Oregon. The beneficial interest under said Deed of Trust and the obligations secured thereby are presently held by BENEFICIAL OREGON INC.. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: A PARCEL OF LAND BEING A PORTION OF THE NE1/4 NW1/4 SECTION 29, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 40 FEET SOUTH AND 669.4 FEET EAST OF THE NORTHWEST CORNER OF THE NE1/4 NW1/4 OF SECTION 29, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON; THENCE SOUTH 1,280 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID NE 1/4 NW1/4; THENCE EAST ALONG THE SOUTH LINE OF THE SAID NE1/4 NW1/4 329.7 FEET; THENCE NORTH 1,280 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE MILLER ISLAND ROAD; THENCE WEST ALONG THE SOUTH LINE OF SAID ROAD. 329.70 FEET TO THE POINT OF BEGINNING. A.P.N. # R-3909-02900-00400-000. The street address or other common designation, if any, of the real property described above is purported to be: 576 MILLER ISLAND RD, KLAMATH FALLS, OR 97603. The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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Both the beneficiary and the Trustee have elected to sell the said real property to satisfy the obligations secured by said Deed of Trust 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: THE INSTALLMENT OF PRINCIPAL AND INTEREST WHICH BECAME DUE ON 08/01/2008 AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL AND INTEREST, ALONG WITH LATE CHARGES, PLUS FORECLOSURE COSTS AND LEGAL FEES. 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 Deed of Trust immediately due and payable, said sums being the following to-wit: \$162,316.29 with interest thereon at the rate of 5.000 from 07/01/2008; plus late charges of \$57.18 each month beginning 08/01/2008 and prior accrued late charges until paid; together with title expenses, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

SD101

WHEREFORE, notice hereby is given that the undersigned Trustee will, on 07/29/2009, at the hour of 10:00AM in accord with the standard of time established by O.R.S. 187.110; ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR, County of Klamath, State of Ore on, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Deed of Trust, together with any interest which the Grantor his successors in interest acquired after the execution of said Deed of Trust, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including reasonable charge by the Trustee. 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. Notice is further given that any person named in O.R.S. 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 Deed of Trust 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 to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust, together with Trustee's and attorney's fees.

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 person owing an obligation, the performance of which is secured by said Deed of Trust, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. Dated: LSI TITLE COMPANY OF OREGON, as Successor Trustee c/o \*TRUSTEE CORPS\* 2112 Business Center Drive, 2nd Floor, Irvine, CA 92612 For Sale Information contact: (714) 573-1965, (714) 573-7777, (949) 252-8300 State of California County of Orange On 3-25-09, before me, Sara Lauren Griffin the undersigned, a Notary Public in and for said state, personally appeared G. Sheppard, authorized signor, 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 entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal, Signature Sara Lauren Griffin, My Comm. Exp. 2/5/2010 This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose. ASAP# 3043957 04/04/2009, 04/11/2009, 04/18/2009, 04/25/2009 #11072 April 4, 11, 18, 25, 2009.