

2009-010264

Klamath County, Oregon



00070238200900102640100108

07/29/2009 11:52:00 AM

Fee: \$76.00

ATE 66267
**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: JACK E MILNER SR, JULIA ANNE MILNER

BENEFICIARY: Mortgage Electronic Registration Systems, Inc.

T.S. #: OR-08-206995-SH

Loan #: 0040566218

\$76 ATE

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

T.S. NO.: OR-08-206995-SH
LOAN NO.: 0040566218

(Above Space is for Recorder's Use)

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF California } SS
COUNTY OF San Diego }

I, **David Fry** *[Signature]*, 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 **Hazel Garcia**, for **LSI TITLE COMPANY OF OREGON, LLC**, 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 **5/11/2009**. 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 }

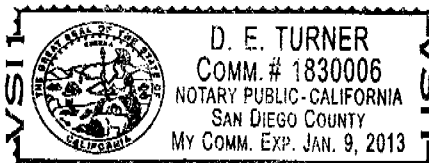
On 7/27/09 before me **D.E. Turner**, the undersigned, A Notary Public personally appeared **David Fry** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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

D.E. Turner



9/11/09

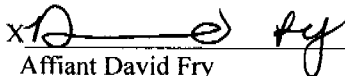
AFFIDAVIT OF MAILING

Date: 5/11/2009
T.S. No.: OR-08-206995-SH
Loan No.: 0040566218
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 5/11/2009, (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.


Affiant David Fry

Occupant
4318 WINTER AVE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594133629927

JULIA ANNE MILNER
4318 WINTER AVE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594133629989

JACK E MILNER SR.
4318 WINTER AVE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594133630015

Gorilla Capital, Inc.
1400 High Street, Suite B-2
Eugene, OH 97401
First Class and Cert. No. 71039628594133630060

JACK E MILNER SR
4318 WINTER AVE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594133630084

JULIA ANNE MILNER
4318 WINTER AVE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594133630121

David F. Wurst

POB 610

Medford,, OR 97501

First Class and Cert. No. 71039628594133630145

TRUSTEE'S NOTICE OF SALE

Loan No: **0040566218**

T.S. No.: **OR-08-206995-SH**

Reference is made to that certain deed made by, **JACK E MILNER SR. AND JULIA ANNE MILNER** as Grantor to **REGIONAL TRUSTEE SERVICES CORP.**, as trustee, in favor of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC AS NOMINEE FOR GN MORTGAGE, LLC**, as Beneficiary, dated **5/1/2007**, recorded **5/3/2007**, in official records of **KLAMATH** County, Oregon in book/reel/volume No. **xxx** at page No. **xxx** fee/file/instrument/microfile/reception No **2007-007985** and re-recorded on **5/8/2007** as **Instrument Number 2007-008291, in Book , Page ,** covering the following described real property situated in said County and State, to-wit:

APN: R551735

PLEASE SEE ATTACHED EXHIBIT A

Commonly known as:

4318 WINTER AVE

KLAMATH FALLS, OR 97603

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 7/1/2008 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 **\$1,267.35**

Monthly Late Charge **\$63.37**

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 **\$159,599.35** together with interest thereon at the rate of **8.4250** per annum from **6/1/2008** 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 **LSI TITLE COMPANY OF OREGON, LLC**, the undersigned trustee will on **9/16/2009** at the hour of **10:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, 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 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

Loan No: 0040566218
T.S. No.: OR-08-206995-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.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's Attorney.

Dated: 5/11/2009

LSI TITLE COMPANY OF OREGON, LLC, 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-08-206995-SH

Signature By 
Hazel Garcia, 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.

OR-08-206995-SH

Exhibit A

A tract of land in the County of Klamath, State of Oregon, described as follows:

Beginning at a point on the East-West quarter line which lies North $88^{\circ} 57'$ East a distance of 409.05 feet from the iron axle which the one-quarter section corner common to Sections 10 and 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and running thence; continuing North $88^{\circ} 57'$ East along the East-West quarter line a distance of 67.5 feet to an iron pin; thence North $1^{\circ} 12'$ West parallel to the West section line of said Section 11, a distance of 331.4 feet to a point; thence South $88^{\circ} 57'$ West parallel to the East-West quarter line a distance of 67.5 feet to a point; thence South $1^{\circ} 12'$ East a distance of 331.4 feet, more or less, to the point of beginning, said tract located in the S $1/2$ SW $1/4$ NW $1/4$ of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Except that portion lying within the right of way of Winter Avenue.

CODE: 041 MAP: 3909-011BC TL: 05400 KEY: 551735

570988

OR 08-206995-SH

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **4318 Winter Ave. Klamath Falls, OR 97601**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to ___ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to ___, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1st Attempt: May 20, 2009 4:20 PM Posted

2nd Attempt: May 22, 2009 5:00 PM Posted

3rd Attempt: May 26, 2009 9:45 AM Posted

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on ___ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of June 1, 2009, I mailed a copy of the Trustee's Notice of Sale addressed to **All Known Occupants** at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed Chelene Meek

**4318 Winter Ave. Klamath Falls, OR 97601
ADDRESS OF SERVICE**

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

May 20, 2009 4:20 PM
DATE OF SERVICE TIME OF SERVICE

☐ or non occupancy

By: Jake Doalin

Subscribed and sworn to before on this 1st day of June, 2009.

Margaret A. Nielsen
Notary Public for Oregon



9/16

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 # 11233

Notice of Sale/Jack E Milner & Julia A Milner

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: (4)
Four

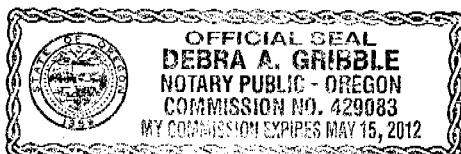
Insertion(s) in the following issues:

May 19, 26, June 2, 9, 2009

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: June 9, 2009

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Loan No.: 0040566218 T.S. No.: OR-08-206995-SH

Reference is made to that certain deed made by JACK E MILNER SR. AND JULIA ANNE MILNER as Grantor to REGIONAL TRUSTEE SERVICES COPR, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR GN MORTGAGE, LLC, as Beneficiary, dated 5/1/2007, recorded 05/03/2007, in official records of Klamath County, Oregon, in book/reel/volume No. xxx, at page No. xxx fee/file/instrument/microfile/reception No. 2007-007985 and re-recorded on 5/8/2007 as Instrument Number 2007-008291, in Book, Page, covering the following described real property situated in said County and State, to wit: APN: R551735 PLEASE SEE ATTACHED EXHIBIT A EXHIBIT "A" TRACT OF LAND IN THE COUNTY OF KLAMATH, STATE OF OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST-WEST QUARTER LINE WHICH LIES NORTH 88° 57' EAST A DISTANCE OF 409.05 FEET FROM THE IRON AXLE WHICH THE ONE QUARTER SECTION CORNER COMMON TO SECTIONS 10 AND 11, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, AND RUNNING THENCE; CONTINUING NORTH 88° 57' EAST ALONG THE EAST-WEST QUARTER LINE A DISTANCE OF 67.5 FEET TO AN IRON PIN; THENCE NORTH 1°12' WEST PARALLEL TO THE WEST SECTION LINE OF SAID SECTION 11, A DISTANCE OF 331.4 FEET TO A POINT; THENCE SOUTH 88°57' WEST PARALLEL TO THE EAST WEST QUARTER LINE A DISTANCE OF 67.5 FEET TO A POINT; THENCE SOUTH 1°12' EAST A DISTANCE OF 331.4 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SAID TRACT LOCATED IN THE S 1/2 SW 1/4 SW NW 1/4 OF SECTION 11, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON. EXCEPT THAT PORTION LYING WITHIN THE RIGHT OF WAY OF WIN-

(Continued in next column)

(Continued from previous column)

TER AVENUE. CODE: 041 MAP: 3909-011BC TL: 05400 KEY: 551735 Commonly known as: 4318 WINTER AVE., KLAMATH FALLS, OR 97603.

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 advances which became due on 7/1/2008 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 \$1,267.35 Monthly Late Charge \$63.37.

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 \$159,599.35 together with interest thereon at the rate of 8.4250 per annum from 6/1/2008 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, LSI TITLE COMPANY OF OREGON, LLC, the undersigned trustee will, on 9/16/2009, at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, 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 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: 5/11/2009. LSI TITLE COMPANY OF OREGON, LLC, 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-08-206995-SH. Signature By: Hazel Garcia, 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. P570988 5/19, 5/26, 6/2, 06/09/2009 #11233 May 19, 26, June 2, 9, 2009.