

WTC 84800

2009-010971

Klamath County, Oregon



00071083200900109710110119

08/14/2009 03:27:28 PM

Fee: \$86.00

## RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED  
BY THE PERSON REPRESENTING 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:

Hershner Hunter LLP  
Attn: Lisa Summers  
P.O. Box 1475  
Eugene, OR 97440

### 1. Name(s) of the Transaction(s):

Affidavit of Mailing, Service of Posting, Affidavit of Publication, Nonmilitary Affidavit

### 2. Direct Party (Grantor):

LaRoy Flanders

### 3. Indirect Party (Grantee):

### 4. True and Actual Consideration Paid:

n/a

### 5. Legal Description:

See attached

864mt

117C 84800

**AFFIDAVIT OF MAILING OF NOTICE OF SALE  
AND NOTICE REQUIRED BY SEC. 20 OF HB 3630, 2008  
OREGON LAWS CHAPTER 19**

STATE OF OREGON           )  
  ) ss.  
COUNTY OF LANE         )

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described in the attached Trustee's Notice of Sale.

2. Pursuant to Section 20 of House Bill 3630, 2008 Oregon Laws Chapter 19, on April 21, 2009, I mailed the attached Notice to Grantors and Occupants of the real property by certified and first class mail at the following address(es):

LaRoy D. Flanders  
PO Box 713  
LaPine OR 97739

Occupants  
152906 Collar Dr.  
LaPine OR 97739

LaRoy D. Flanders  
General Delivery  
LaPine OR 97739

3. I served the attached Trustee's Notice of Sale upon the following parties by depositing true copies thereof in the United States Mail at Eugene, Oregon, on May 12, 2009:

LaRoy D. Flanders  
PO Box 713  
LaPine OR 97739

Little River Ranch Property Owners Association  
2543 Collar Drive  
LaPine OR 97739

LaRoy D. Flanders  
General Delivery  
LaPine OR 97739

Little River Ranch Property Owners Association  
c/o Harold Elliot, R.A.  
PO Box 413  
LaPine OR 97739

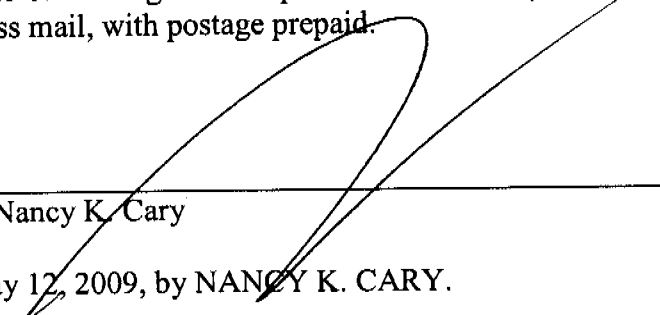
LaRoy D. Flanders  
152906 Collar Dr.  
LaPine OR 97739

4. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge,

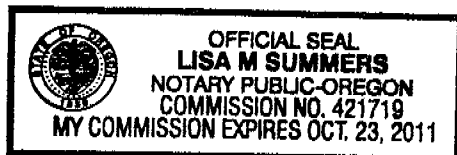
AFFIDAVIT OF MAILING

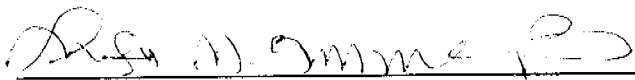
AFTER RECORDING RETURN TO:  
Hershner Hunter LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440

were their last known addresses as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and by first class mail, with postage prepaid.

  
\_\_\_\_\_  
Nancy K. Cary

Signed and sworn to before me on May 12, 2009, by NANCY K. CARY.



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 10/23/2011

**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:

152906 Collar Dr.  
LaPine, OR 97739

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 March 23, 2009 to bring your mortgage loan current was \$2,980.31. 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 541-679-8347 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: Nancy K. Cary, Successor Trustee, Hershner Hunter, LLP, P.O. Box 1475, Eugene, OR 97440.

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

Date and Time: September 10, 2009, 11:00 a.m.

Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, 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 Virgil or Leah Wilson at 541-679-8347 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: [www.osbar.org](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: April 21, 2009.

Trustee Name: Nancy K. Cary

/s/ Nancy K. Cary

(TS #31562.000012)

Telephone: (541) 686-0344

#### **FAIR DEBT COLLECTION PRACTICES ACT NOTICE**

We are attempting to collect a debt on behalf of the client named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information.

The following Trustee's Notice of Sale is served on you (if mailed, by certified mail, return receipt requested and first class mail) pursuant to ORS Chapter 86, requiring notice of the foreclosure to be given to the grantor of the trust deed, to certain successors in interest of the grantor and junior lien holders, and to the occupants of the property.

TO:

#### TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. PARTIES:

Grantor:	LAROY D. FLANDERS
Trustee:	AMERITITLE, INC.
Successor Trustee:	NANCY K. CARY
Beneficiary:	VIRGIL S. WILSON AND LEAH H. WILSON, TRUSTEE, UNDER THE WILSON FAMILY TRUST DATED FEBRUARY 28, 2006

2. DESCRIPTION OF PROPERTY: The real property is described as follows:

Lot 1, Block 3, PLAT NO. 1204, LITTLE RIVER RANCH, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

3. RECORDING. The Trust Deed was recorded as follows:

Date Recorded: January 16, 2007  
Recording No.: 2007-000736  
Date Re-Recorded: January 17, 2007  
Re-Recording No. 2007-000826  
Official Records of Klamath County, Oregon

4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$685.14 each, due the 17th of each month, for the months of September 2008 through March 2009; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$60,900.00; plus interest at the rate of 11.250% per annum from December 14, 2008; plus late charges of \$239.75; plus advances and foreclosure attorney fees and costs.

6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

7. TIME OF SALE.

Date: September 10, 2009  
Time: 11:00 a.m.  
Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

8. RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

Any questions regarding this matter should be directed to Lisa Summers, Paralegal, (541) 686-0344 (TS #31562.000012).

DATED: April 21, 2009.

*/s/ Nancy K. Cary*

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Nancy K. Cary, Successor Trustee  
Hershner Hunter, LLP  
P.O. Box 1475  
Eugene, OR 97440

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#### FAIR DEBT COLLECTION PRACTICES ACT NOTICE

We are attempting to collect a debt on behalf of the beneficiary named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information.

SERVICE BY POSTING

STATE OF OREGON                     )  
  ) ss.  
COUNTY OF Klamath             )

On 5/2/09, at 3 P.m., I posted the attached original Trustee's Notice of Sale at  
152906 Collar Dr in LaPine, OR (address) by  
Posting on door (method of posting).

On 5/5/09, at 7:15 P.m., I posted the attached original Trustee's Notice of Sale at  
152906 Collar Dr in LaPine, OR (address) by  
Posting on door (method of posting).

On 5/8/09, at 7:00 P.m., I attempted service a third time. No one was at the  
address and I then sent a copy of the Notice bearing the word "Occupant" as the addressee to the property  
address of 152906 Collar Dr in LaPine, OR by first class mail with  
postage pre-paid on 5/8/09.

Brinton Cay

Signed and sworn to before me on 5/28/09, by Brinton Cay.

Grace E. Castle  
Notary Public for Oregon  
My Commission Expires: 4/16/10





# 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 # 11393

Notice of Sale/Laroy D. Flanders

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:

July 1, 8, 15, 22, 2009

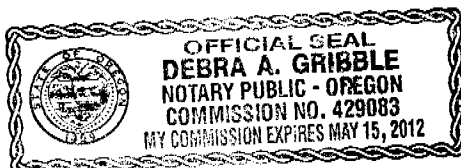
Total Cost: \$908.22

Subscribed and sworn by Jeanine P Day

before me on: July 22, 2009

Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

#### 1. PARTIES:

Grantor: LAROE D. FLANDERS

Trustee: AMERITITLE, INC.

Successor Trustee: NANCY K. CARY

Beneficiary: VIRGIL S. WILSON AND LEAH H. WILSON,  
TRUSTEE, UNDER THE WILSON FAMILY TRUST DATED FEBRUARY 28, 2006

2. DESCRIPTION OF PROPERTY: The real property is described as follows: Lot 1, Block 3, PLAT NO. 1204, LITTLE RIVER RANCH, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

#### 3. RECORDING. The Trust Deed was recorded as follows:

Date Recorded: January 16, 2007

Recording No.: 2007-000736

Date Re-Recorded: January 17, 2007

Re-Recording No. 2007-000826

Official Records of Klamath County, Oregon

4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$685.14 each, due the 17th of each month, for the months of September 2008 through March 2009; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$60,900.00; plus interest at the rate of 11.250% per annum from December 14, 2008; plus late charges of \$239.75; plus advances and foreclosure attorney fees and costs.

6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

#### 7. TIME OF SALE.

Date: September 10, 2009

Time: 11:00 a.m.

Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

8. RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

Any questions regarding this matter should be directed to Lisa Summers, Paralegal, (541) 486-0344 (TS #31562.000012) DATED: April 21, 2009.

/s/ Nancy K. Cary

Nancy K. Cary, Successor Trustee

Hershner Hunter, LLP

P.O. Box 1475

Eugene, OR 97440

#11393 July 1, 8, 15, 22, 2009.

**NONMILITARY AFFIDAVIT**

STATE OF OREGON            )  
                                      ) ss.  
COUNTY OF LANE            )

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described below:

Parties:

Grantor: LAROY D. FLANDERS  
Trustee: AMERITITLE, INC.  
Beneficiary: VIRGIL S. WILSON AND LEAH H. WILSON,  
TRUSTEE, UNDER THE WILSON FAMILY TRUST  
DATED FEBRUARY 28, 2006

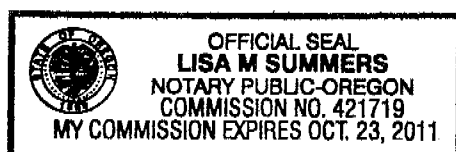
Recorded:

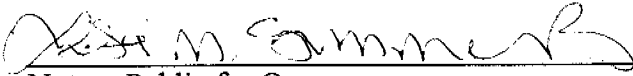
Date: January 17, 2007  
Recording No. 2007-000826  
Klamath County Oregon Records

To the best of my knowledge and belief the Grantors of the above Trust Deed are not in the military service, or a dependent of a service member in military service based on the following facts made known to me by the Beneficiary or based on inquiry made by this office: (1) Grantor(s) address(es) are not part of a military installation; and (2) the Beneficiary has not been provided with any information that indicated that Grantor(s) are members of any branch of military service, whether active or reserve, and a search of the Department of Defense Manpower Data Center ("DMDC") did not indicate Grantors are on active duty (See DMDC printouts attached as Exhibit A).

  
\_\_\_\_\_  
Nancy K. Cary

Signed and sworn to before me on May 13, 2009, by NANCY K. CARY.



  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: 10/23/2011

NONMILITARY AFFIDAVIT

Department of Defense Manpower Data Center

MAY-12-2009 16:42:55



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
FLANDERS	LAROY D.	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: BXGEKYUVZLW

EXHIBIT   5    
Page   1   of   2