

2009-011749

Klamath County, Oregon



00072022200900117490100103

09/01/2009 02:45:14 PM

Fee: \$76.00

**RECORDING COVER SHEET  
FOR NOTICE OF SALE PROOF  
OF COMPLIANCE, PER ORS 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE  
PERSON PRESENTING THE ATTACHED INSTRUMENT  
FOR RECORDING. ANY ERRORS IN THIS COVER SHEET  
DO NOT AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.

1st 1428970

4170496-DC

**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: ALFRED E VOEGELS, MICHELLE K VOEGELS**

**BENEFICIARY: FIRST HORIZON HOME LOANS, a division of FIRST TENNESSEE  
BANK NATIONAL ASSOCIATION.**

**T.S. #: OR-09-289096-SH**

**Loan #: 0059632851**

F76-


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

T.S. NO.: OR-09-289096-SH

(Above Space is for Recorder's Use)

**AFFIDAVIT OF MAILING NOTICE OF SALE**

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

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

I gave notice of sale of the real property described in the attached Notice of Sale and provided the notice required under Section 20, Chapter 19, Oregon Law 2008, 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 **Lisa Appelgate**, for **FIRST AMERICAN TITLE INSURANCE COMPANY**, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States mail, **San Diego, California**, on **6/19/2009**. Each of said notices was mailed after the notice of default and election to sell described in said Notice of Sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

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

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

On 6/28/09 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**



10/19

## AFFIDAVIT OF MAILING

Date: 6/19/2009  
T.S. No.: OR-09-289096-SH  
Loan No.: 0059632851  
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 6/19/2009, (s)he personally mailed the Notice of Sale, of which the annexed is a true copy, by causing to be deposited in the United States Mail a copy of such Notice of Sale in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X David Fry  
Affiant David Fry

Occupant  
74 RIDGECREST DRIVE  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139330

ALFRED E VOEGELS  
LOT 24 RIDGECREST DRIVE  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139385

ALFRED E VOEGELS  
74 RIDGECREST DR  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139439

ALFRED E VOEGELS  
1042 NEWCASTLE AVE  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139460

MICHELLE K VOEGELS  
LOT 24 RIDGECREST DRIVE  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139477

MICHELLE K VOEGELS  
74 RIDGECREST DR  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139484

MICHELLE K VOEGELS  
1042 NEWCASTLE AVE  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139507

ALFRED E VOEGELS  
74 RIDGECREST DRIVE  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139538

ALFRED E VOEGELS  
12769 NW AVIGNON LN  
PORTLAND, OR 97229-9408  
First Class and Cert. No. 71039628594137139552

ALFRED E VOEGELS  
74 RIDGECREST DRIVE  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139583

ALFRED E VOEGELS  
12769 NW AVIGNON LN  
PORTLAND, OR 972299408  
First Class and Cert. No. 71039628594137139606

MICHELLE K VOEGELS  
74 RIDGECREST DRIVE  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139637

MICHELLE K VOEGELS  
12769 NW AVIGNON LN  
PORTLAND, OR 972299408  
First Class and Cert. No. 71039628594137139675

MICHELLE VOEGELS  
12769 NW AVIGNON LN  
PORTLAND, OR 972299408  
First Class and Cert. No. 71039628594137139705

ALFRED VOEGELS  
12769 NW AVIGNON LN  
PORTLAND, OR 972299408  
First Class and Cert. No. 71039628594137139736

MICHELLE K VOEGELS  
74 RIDGECREST DRIVE  
KLAMATH FALLS, OR 97601  
First Class and Cert. No. 71039628594137139781

MICHELLE K VOEGELS  
12769 NW AVIGNON LN  
PORTLAND, OR 97229-9408

First Class and Cert. No. 71039628594137139828

Unofficial  
Copy

## TRUSTEE'S NOTICE OF SALE

Loan No: **0059632851**

T.S. No.: **OR-09-289096-SH**

Reference is made to that certain deed made by, **ALFRED E VOEGELS & MICHELLE K VOEGELS** as Grantor to **FIRST AMERICAN TITLE**, as trustee, in favor of **FIRST HORIZON HOME LOAN CORPORATION**, as Beneficiary, dated **11/28/2006**, recorded **12/1/2006**, in official records of **KLAMATH** County, Oregon in book/reel/volume No. xxx at page No. xxx fee/file/instrument/microfile/reception No **2006-023964** and loan modification dated **1/9/2008** and recorded on **1/14/2008** as Instrument Number **2008-000557**, in Book , Page , covering the following described real property situated in said County and State, to-wit:

**APN: R173751**

**LOT 24 IN BLOCK 5, TRACT NO. 1145, NOB HILL, A RESUBDIVISION OF PORTIONS OF NOB HILL, IRVINGTON HEIGHTS, MOUNTAIN VIEW ADDITION AND ELDORADO HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.**

Commonly known as:

**74 RIDGECREST DRIVE  
KLAMATH FALLS, OR 97601**

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:

**The installments of principal and interest which became due on 3/1/2009, and all subsequent installments of principal and interest through the date of this Notice, plus amounts that are due for 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 the beneficiaries efforts to protect and preserve its security, all of which must be paid as a condition of reinstatement, including all sums that shall accrue through reinstatement or pay-off. Nothing in this notice shall be construed as a waiver of any fees owing to the Beneficiary under the Deed of Trust pursuant to the terms of the loan documents.**

Monthly Payment **\$2,737.59**

Monthly Late Charge **\$109.42**

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 **\$360,496.29** together with interest thereon at the rate of **6.0000** per annum from **2/1/2009** until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that **FIRST AMERICAN TITLE INSURANCE COMPANY**, the undersigned trustee will on **10/19/2009** at the hour of **10:00:00 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](http://www.priorityposting.com)

Loan No: 0059632851

T.S. No.: OR-09-289096-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: 6/19/2009

**FIRST AMERICAN TITLE INSURANCE COMPANY, as trustee**  
**By: Quality Loan Service Corp. of Washington, as agent**  
**Quality Loan Service Corp. of Washington**  
2141 5th Avenue  
San Diego, CA 92101 619-645-7711  
OR-09-289096-SH

Signature By

  
Lisa Appelgate, 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.

586863

OR-09-289096-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 **74 Ridgecrest Dr. 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.

1<sup>st</sup> Attempt: **June 23, 2009 10:35 AM Posted**

2<sup>nd</sup> Attempt: **June 25, 2009 10:50 AM Posted**

3<sup>rd</sup> Attempt: **June 29, 2009 9:52 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 30, 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 Chelsea Meek

**74 Ridgecrest Dr. 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.

June 23, 2009

10:35 AM

**DATE OF SERVICE**

**TIME OF SERVICE**

☐ or non occupancy

By: Robert W. Bolenbaugh  
**ROBERT W. BOLENBAUGH**

Subscribed and sworn to before on this 30<sup>th</sup> day of June, 2009.

Margaret A. Nielsen  
Notary Public for Oregon



10/19



# 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 # 11380

Notice of Sale/Alfred E & Michelle K Voegels

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

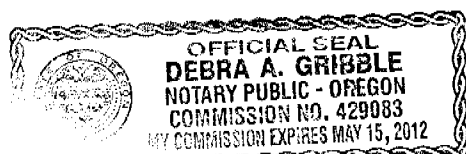
Insertion(s) in the following issues:

June 26, July 3, 10, 17, 2009

Subscribed and sworn by Jeanine P Day  
before me on: July 17, 2009

Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE Loan No.: 0059632851 T.S. No.: OR-09-289096-SX

Reference is made to that certain deed made by ALFRED E VOEGELS & MICHELLE K VOEGELS as Grantor to First American Title, as Trustee, in favor of First Horizon Home Loan Corporation, as Beneficiary, dated 11/28/2006, recorded 12/01/2006, in official records of Klamath County, Oregon, in book/reel/volume No. xxx, at page No. xxx fee/file/instrument/microfile/reception No. 2006-023964 and loan modification dated 1/9/2008 and recorded on 1/14/2008 as Instrument Number 2008-000557, in Book , Page , covering the following described real property situated in said County and State, to wit: APN: R173751 LOT 24 IN BLOCK 5, TRACT NO. 1145, NOB HILL, A RESUB-DIVISION OF PORTIONS OF NOB HILL, IRVINGTON HEIGHTS, MOUNTAIN VIEW ADDITION AND ELDORADO HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, Commonly known as: 74 RIDGECREST DRIVE, KLAMATH FALLS, OR 97601.

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: The installments of principal and interest which became due on 3/1/2009, and all subsequent installments of principal and interest through the date of this Notice, plus amounts that are due for 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 beneficiary effort to protect and preserve its security, must be paid as a condition of reinstatement, including all sums that shall accrue through reinstatement or pay-off. Nothing in this notice shall be construed as a waiver of any fees owing to the Beneficiary under the Deed of Trust pursuant to the terms of the loan documents. Monthly Payment \$2,737.59 Monthly Late Charge \$109.42. 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 \$360,496.29 together with interest thereon at the rate of 6.0000 per annum from 2/1/2009 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that, First American Title Insurance Company, the undersigned trustee will, on 10/19/2009, 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

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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](http://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. 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: 6/19/2009. First American Title Insurance Company, as Trustee By: Quality Loan Service Corp. of Washington, as agent Quality Loan Service Corp. of Washington 2141 5th Avenue San Diego, CA 92101 619-645-7711 OR-09-289096-SH Signature By: Lisa Appelgate, 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. P586863 6/26, 7/3, 7/10, 07/17/2009 49380 June 26, July 3, 10, 17, 2009.