

2009-012178

Klamath County, Oregon



00072535200900121780130135

09/11/2009 03:11:06 PM

Fee: \$96.00

RECORDING COVER SHEET

Pursuant to ORS 205.234

After recording return to:

Northwest Trustee Services, Inc.

As successor trustee

Attention: Becky Baker

P.O. Box 997

Bellevue, WA 98009-0997

148 1401306

1. AFFIDAVIT OF MAILING – NOTICE OF FORECLOSURE
2. NOTICE OF FORECLOSURE
3. AFFIDAVIT OF MAILING – TRUSTEE'S NOTICE OF SALE
4. TRUSTEE'S NOTICE OF SALE
5. PROOF OF SERVICE
6. AFFIDAVIT OF PUBLICATION

Original Grantor(s) on Trust Deed: Angela E. Hemmingway and Charles Hemmingway

Beneficiary: Associates Financial Sevicees

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

FS

AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original Notice of Foreclosure given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached Notice of Foreclosure as required by Section 20 of Chapter 19, Oregon Laws 2008 ("Bill") by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

See Attached Exhibit A

Said persons include (a) the grantor in the trust deed, (b) 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 to the occupant residing in the Property.

Each of the notices so mailed was certified to be a true copy of the original Notice of Foreclosure, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 5-26-09. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell was recorded. The form of the notice complies with Sections 20 and 21 of the Bill and a copy is enclosed with this affidavit.

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 WASHINGTON)
) ss.
COUNTY OF KING)

Iyasha Juske

I certify that I know or have satisfactory evidence that Iyasha Juske is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 5/26/09

**AFFIDAVIT OF MAILING NOTICE OF
FORECLOSURE**
RE: Trust Deed from
HEMMINGWAY, ANGELA E. and
CHARLES
Grantor
to
Northwest Trustee Services, Inc.,
Trustee
File No. 7595.20075

After recording return to:
Northwest Trustee Services, Inc.
Attn: Becky Baker
P.O. Box 997
Bellevue, WA 98009-0997

Shelley A. Davis
NOTARY PUBLIC in and for the State of
Washington, residing at Lynnwood
My commission expires 03/13/12

SHELLEY A. DAVIS
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
03-13-12

EXHIBIT A

ANGELA E. HEMMINGWAY
309 COMMERCIAL ST
KLAMATH FALLS, OR 97601

CHARLES HEMMINGWAY
309 COMMERCIAL ST
KLAMATH FALLS, OR 97601

Occupant(s)
309 COMMERCIAL ST
Klamath Falls, OR 97601

7595.20075
Becky Baker

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:
309 COMMERCIAL ST
Klamath Falls, OR 97601

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 05/26/2009 to bring your mortgage current was \$2099.15. 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 (866) 254-5790 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:

Northwest Trustee Services, Inc.
PO Box 997
Bellevue, WA 98009-0997

THIS IS WHEN AND WHERE YOUR PROPERTY
WILL BE SOLD IF YOU DO NOT TAKE ACTION: 09/30/2009 at 10:00 AM inside
the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, Klamath Falls
OR

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 866-254-5790 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 phone number of an organization near you, please call the statewide phone 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 Web site at: www.osbar.org. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have questions, talk to a lawyer or one of the organizations mentioned above before signing.

Date: 05/26/2009

By Becky Baker

Its Assistant Vice President

Trustee Telephone Number: 425-586-1900

7595.20075/HEMMINGWAY, ANGELA E. and CHARLES

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain 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 both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

Western Sun Capital
6336 SE Milwaukie Avenue #9
Portland, OR 97202

Western Sun Capital
c/o Sherri P. Norris, Reg. Agent
960 SE Highway 101 #388
Lincoln City, OR 97367

Western Sun Capital
c/o Sherri P. Norris, Reg. Agent
7295 Neptune Avenue
Gleneden Beach, OR 97388

Carter-Jones Collections LLC
c/o Kent Pederson, Reg. Agent
1143 Pine Street
Klamath Falls, OR 97601-0375

Carter-Jones Collections LLC
PO Box 145
Klamath Falls, OR 97601-0375

Carter-Jones Collections LLC
c/o Neal G. Buchanan, Attorney
435 Oak Avenue
Klamath Falls, OR 97601

State of Oregon
Dept. of Human Services
PO Box 14150
Salem, OR 97309

Credit Bureau of Klamath County
839 Main Street
Klamath Falls, OR 97601

John Kroger, Attorney General
Oregon Department of Justice
1162 Court Street N.E.
Salem, OR 97301-4096

ANGELA E. HEMMINGWAY
309 COMMERCIAL ST
KLAMATH FALLS, OR 97601

CHARLES HEMMINGWAY
309 COMMERCIAL ST
KLAMATH FALLS, OR 97601

Occupant(s)
309 COMMERCIAL ST
Klamath Falls, OR 97601

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

**RE: Trust Deed from
HEMMINGWAY, ANGELA E. and CHARLES
Grantor**

**to
Northwest Trustee Services, Inc.,
Trustee**

File No. 7595.20075

After recording return to:

Northwest Trustee Services, Inc.

**Successor by merger to Northwest Trustee Services, PLLC
(formerly known as Northwest Trustee Services, LLC)**

Attn: Becky Baker

P.O. Box 997

Bellevue, WA 98009-0997

Each of the notices so mailed was certified to be a true copy of the original notice of sale, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 5/29/09. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

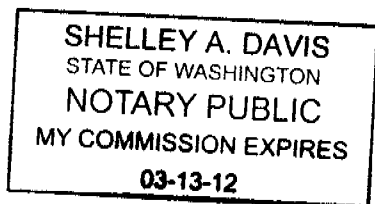
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Hope Ross

I certify that I know or have satisfactory evidence that Hope Ross is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 5/29/09



Shelley A. Davis
NOTARY PUBLIC in and for the State of
Washington, residing at Lynnwood
My commission expires 03/13/12

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Angela E. Hemmingway and Charles Hemmingway, as grantor, to Aspen Title & Escrow, as trustee, in favor of Associates Financial Services, as beneficiary, dated 04/29/00, recorded 05/10/00, in the mortgage records of Klamath County, Oregon, as VOL M00 Page 17061 and subsequently assigned to CitiFinancial, Inc. by Assignment, covering the following described real property situated in said county and state, to wit:

Lots 8C, 8D, Block 4, Railroad Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon.

PROPERTY ADDRESS: 309 COMMERCIAL ST
Klamath Falls, OR 97601

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed 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: monthly payments of \$236.12 beginning 01/16/09; plus late charges of \$11.81 each month beginning 02/01/09; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$37,341.19 with interest thereon at the rate of 5.004 percent per annum beginning 12/16/08; plus late charges of \$11.81 each month beginning 02/01/09 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on **September 30, 2009** at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Dated: 5/28, 2009

Northwest Trustee Services, Inc.

By 

Assistant Vice President,
Northwest Trustee Services, Inc.

For further information, please contact:

Becky Baker
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900
File No.7595.20075/HEMMINGWAY, ANGELA E. and CHARLES

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

By Authorized Signer

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

FEI, LLC

Affidavit of Posting and Service

State of Oregon
County of Klamath

Dave Davis, being sworn, says: That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale: That my business address is 422 N 6th St, Klamath Falls, OR.


That I posted a copy of the attached Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 309 COMMERCIAL ST, Klamath Falls, OR in a conspicuous place.

1st Attempt: Posted Real Property on 05/28/2009 at 18:20

AND: / OR:


That I personally served a copy of the attached Notice of Trustee's Sale upon an adult occupant of the real property in the manner in which a summons is served by delivering to or leaving with Angela E. Hemmingway, a person over the age of fourteen (14) years, then residing therein on Thursday, May 28, 2009, at 18:20.

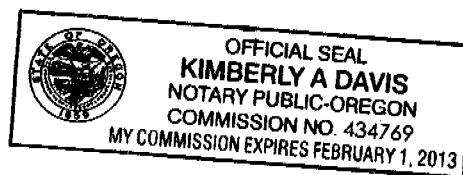
Signed in Klamath County, Oregon by:

 05/28/09
Signature Date
1002.123205

State of Oregon
County of Klamath

On this 28th day of May in the year of 2009, before me a Notary Public, Personally appeared Dave Davis, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.


Notary Public for Oregon
Residing at Klamath County
Commission expires: 01 Feb 2013



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 # 11391

Notice of Sale/Angela E & Charles Hemmingway

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:

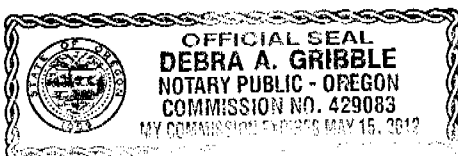
July 2, 9, 16, 23, 2009

Total Cost: \$1,207.46

Subscribed and sworn by Jeanine P Day
before me on: July 23, 2009

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Angela E. Hemmingway and Charles Hemmingway, as grantor, to Aspen Title & Escrow, as trustee, in favor of Associates Financial Services, as beneficiary, dated 04/29/00, recorded 05/10/00, in the mortgage records of Klamath County, Oregon, as VOL M00 Page 17061 and subsequently assigned to CitiFinancial, Inc. by Assignment, covering the following described real property situated in said county and state, to wit: Lots 8C, 8D, Block 4, Railroad Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon. PROPERTY ADDRESS: 389 COMMERCIAL ST, Klamath Falls, OR 97601.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed 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: monthly payments of \$236.12 beginning 01/16/09; plus late charges of \$11.81 each month beginning 02/01/09; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$37,341.19 with interest thereon at the rate of 5.004 percent per annum beginning 12/16/08; plus late charges of \$11.81 each month beginning 02/01/09 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for

(Continued in next column)

(Continued from previous column)

the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on September 30, 2009 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning

Lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. Notice is further given that any person named in ORS 86.753 has the right at any time prior to two days before the date set for the sale to have the foreclosure proceeding dismissed and the trust deed reversed 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 other deed, and in addition to pay the amounts of tendering the performance necessary to cure the default by paying all costs and expenses actually incurred in enforcing the obligation and trust deed together with trustee's and attorney's fees and expenses and the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

In construing this notice, the singular includes the plural; the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation the performance of which is secured by said trust deed; and the words "trustee" and "beneficiary" include their respective successors in interest in any event. The rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale terms at www.northwesttrustee.com and www.usa-foreclosure.com. Northwest Trustee, Inc. For further information, please contact: Gary Baker, Northwest Trustee, Inc., 10000 1st Ave., S.W., Suite 100, Bellevue, WA 98005, OR 98005-2000, Phone: (206) 273-2007, Fax: (206) 273-2005, Email: gbaker@nwtrustee.com.
July 2, 9:54:23 AM 2009

The lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com. Northwest Trustee Services, Inc. For further information, please contact: Becky Baker Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 586-1900 File No. 7595.20075/HEM-MINGWAY, ANGELA E. and CHARLES. (TS# 7595.20075) 1002.123205-FEI

#11391 July 2, 9, 16, 23, 2009.