

2009-013323  
Klamath County, Oregon



10/12/2009 03:12:39 PM

Fee: \$107.00

**RECORDING COVER SHEET**  
Pursuant to ORS 205.234

After recording return to:

Northwest Trustee Services, Inc.  
As successor trustee  
Attention: Winston Khan  
P.O. Box 997  
Bellevue, WA 98009-0997

157 1392124

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: David M Westhart

Beneficiary: Mortgage Electronic Registration Systems, Inc. solely as nominee for Waterstone Mortgage

**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.**

F107

**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 6/25/09. 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 )

Montee Kimpitak

I certify that I know or have satisfactory evidence that Montee Kimpitak 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: 6/25/09

**AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE**  
**RE: Trust Deed from WESTHART, DAVID**  
**Grantor**  
**to**  
**Northwest Trustee Services, Inc.,**  
**Trustee**  
**File No. 7081.21680**

Neang Avila  
NOTARY PUBLIC in and for the State of Washington, residing at Burien  
My commission expires 06/11/2012

**NEANG AVILA**  
**STATE OF WASHINGTON**  
**NOTARY PUBLIC**  
**MY COMMISSION EXPIRES**  
**06-11-12**

**After recording return to:**  
**Northwest Trustee Services, Inc.**  
**Attn: Heather L. Smith**  
**P.O. Box 997**  
**Bellevue, WA 98009-0997**

**EXHIBIT A**

DAVID WESTHART  
2032 Earle Street  
Klamath Falls, OR 97601

DAVID WESTHART  
328 Douglass Ave  
Richland, WA 99352

Occupant(s)  
2032 Earle Street  
Klamath Falls, OR 97601

7081.21680  
Heather L. Smith

Unofficial  
Copy

**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:**  
2032 Earle Street  
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 06/25/2009 to bring your mortgage current was \$15652.96. 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: 10/29/2009 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](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 questions, talk to a lawyer or one of the organizations mentioned above before signing.

Date: 06/25/2009

By Heather L. Smith  
Its Assistant Vice President  
Trustee Telephone Number: 425-586-1900  
7081.21680/WESTHART, DAVID

**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:

Gregory A Beeler, Atty.  
P.O. Box E  
Tri Cities, WA 99302

Terry R. Nealey, Trustee  
338 E Main Street  
Dayton, WA 99328

Terry R. Nealey, Trustee  
P.O. Box 7  
Dayton, WA 99328

DAVID WESTHART  
2032 Earle Street  
Klamath Falls, OR 97601

DAVID WESTHART  
328 Douglass Ave  
Richland, WA 99352

Occupant(s)  
2032 Earle Street  
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.

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 6/26/09. 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 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 )

COUNTY OF KING )

) ss.

I certify that I know or have satisfactory evidence that MAN REN KWON 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: 6/26/09

Neang Avila  
NOTARY PUBLIC in and for the State of  
Washington, residing at Burien  
My commission expires 06/11/2012

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**  
**RE: Trust Deed from**  
**WESTHART, DAVID**  
**Grantor**  
**to**  
**Northwest Trustee Services, Inc.,**  
**Trustee** **File No. 7081.21680**

**NEANG AVILA**  
**STATE OF WASHINGTON**  
**NOTARY PUBLIC**  
**MY COMMISSION EXPIRES**  
**06-11-12**

After recording return to:  
Northwest Trustee Services, Inc.  
Successor by merger to Northwest Trustee Services, PLLC  
(formerly known as Northwest Trustee Services, LLC)  
Attn: Heather L. Smith  
P.O. Box 997  
Bellevue, WA 98009-0997

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by David M Westhart, as grantor, to Amcrititle, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for Waterstone Mortgage, as beneficiary, dated 07/30/07, recorded 08/06/07, in the mortgage records of Klamath County, Oregon, as 2007-013814, covering the following described real property situated in said county and state, to wit:

Lot 10 in Block 44 of Hillside addition to the City of Klamath Falls, according to the official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon

PROPERTY ADDRESS: 2032 Earle Street  
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 \$1,756.78 beginning 11/01/08; plus late charges of \$87.84 each month beginning 11/16/08; plus prior accrued late charges of \$0.00; plus advances of \$56.50; 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: \$236,300.00 with interest thereon at the rate of 7.125 percent per annum beginning 10/01/08; plus late charges of \$87.84 each month beginning 11/16/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$56.50; 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 **October 29, 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](http://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](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com).

Dated: June 26, 2009

Northwest Trustee Services, Inc.

By [Signature]

Assistant Vice President,  
Northwest Trustee Services, Inc.

For further information, please contact:

**Heather L. Smith**  
**Northwest Trustee Services, Inc.**  
**P.O. Box 997**  
**Bellevue, WA 98009-0997**  
**(425) 586-1900**  
**File No.7081.21680/WESTHART, DAVID**

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.**





# 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 # 11471

Notice of Sale/David M. Westhart

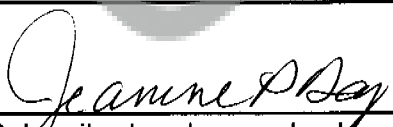
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: ( 4 )

Four

Insertion(s) in the following issues:

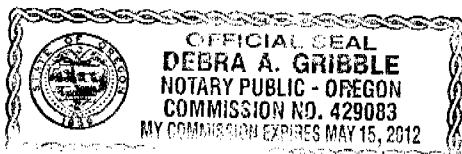
July 30, August 6, 13, 20, 2009

Total Cost: \$1,207.46

  
Subscribed and sworn by Jeanine P Day  
before me on: August 20, 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 David M Westhart, as grantor, to Amerititle, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for Waterstone Mortgage, as beneficiary, dated 07/30/07, recorded 08/06/07, in the mortgage records of Klamath County, Oregon, as 2007-013814, covering the following described real property situated in said county and state, to wit: Lot 10 in Block 44 of Hillside addition to the City of Klamath Falls, according to the official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon PROPERTY ADDRESS: 2032 Earle Street, 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 \$1,756.78 beginning 11/01/08; plus late charges of \$87.84 each month beginning 11/16/08; plus prior accrued late charges of \$0.00; plus advances of \$56.50; 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: \$236,300.00 with interest thereon at the rate of 7.125 percent per annum beginning 10/01/08; plus late charges of \$87.84 each month beginning 11/16/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$56.50; 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 October 29, 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.northwest-trustee.com](http://www.northwest-trustee.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.northwest-trustee.com](http://www.northwest-trustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com). Northwest Trustee Services, Inc. For further information, please contact: Heather L. Smith Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 506-1900 File No.7081.21680/WEST-HART, DAVID. (TS# 7081.21680) 1002.126485-FE1  
11-09 July 30, August 6, 13, 20, 2009.

Unofficial Copy