

2009-015164

Klamath County, Oregon



00076068200900151640090092

11/30/2009 02:34:36 PM

Fee: \$87.00

**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.

ATE 67037

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: STEPHEN J KIRCHER

BENEFICIARY: Mortgage Electronic Registration Systems, Inc

T.S. #: OR-08-187981-CM

Loan #: 0031618978

ATE
#87

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

T.S. NO.: **OR-08-187981-CM**

(Above Space is for Recorder's Use)

AFFIDAVIT OF MAILING NOTICE OF SALE

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

I, **David Fry** *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 **Seth Ott**, for **LSI TITLE COMPANY OF OREGON, LLC**, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States mail, **San Diego, California**, on **8/10/2009**. 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 **11-20-09** before me **Michelle Nguyen**, 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

Michelle Nguyen
Michelle Nguyen



12/10

AFFIDAVIT OF MAILING

Date: 8/10/2009

T.S. No.: OR-08-187981-CM

Loan No.: 0031618978

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 **8/10/2009**, (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 Ref
Affiant David Fry

Occupant
2230 RADCLIFFE AVE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594141992150

AMERIBANC CORPORATION
870 SUPERIOR COURT STE 104
MEDFORD,, OR 97504
First Class and Cert. No. 71039628594141992181

AMERIBANC CORPORATION
3597 CEDAR LINKS DR
MEDFORD,, OR 97504
First Class and Cert. No. 71039628594141992204

AMERIBANC CORPORATION
C/O WILLIAM J. THOMPSON
PO BOX 966
MEDFORD,, OR 97501
First Class and Cert. No. 71039628594141992228

STEPHEN J KIRCHER
2230 RADCLIFFE AVENUE
KLAMATH FALLS,, OR 97801
First Class and Cert. No. 71039628594141992259

STEPHEN J. KIRCHER
P.O. BOX 1455
EAGLE POINT, OR 97524

First Class and Cert. No. 71039628594141992273

KIRCHER STEPHEN J

1211 JUSTICE RD

CENTRAL POINT, OR 97502

First Class and Cert. No. 71039628594141992303

STEPHEN J KIRCHER

2230 RADCLIFFE AVE

KLAMATH FALLS, OR 97601

First Class and Cert. No. 71039628594141992310

STEPHEN J KIRCHER

1211 JUSTICE RD

CENTRAL POINT, OR 97502

First Class and Cert. No. 71039628594141992334

STEPHEN J KIRCHER

2230 RADCLIFFE AVENUE

KLAMATH FALLS, OR 97601

First Class and Cert. No. 71039628594141992358

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., A DELAWARE CORPORATION

1595 SPRING HILL RD, SUITE 310

VIENNA, VA 22182

Electronic notice pursuant to agreement

CURRENT OCCUPANT

2230 RADCLIFFE AVENUE

KLAMATH FALLS,, OR 97801

First Class and Cert. No. 71039628594141992389

TRUSTEE'S NOTICE OF SALE

T.S. No.: **OR-08-187981-CM**

Reference is made to that certain deed made by, **STEPHEN J KIRCHER, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY** as Grantor to **ASPEN TITLE & ESCROW COMPANY**, as trustee, in favor of **AMERIBANC CORPORATION**, as Beneficiary, dated **9/19/2005**, recorded **9/22/2005**, in official records of **KLAMATH** County, Oregon in book/reel/volume No. xxx at page No. xxx fee/file/instrument/microfile/reception No **M05-64889**, covering the following described real property situated in said County and State, to-wit:

APN: R832872

LOT 5, BLOCK 217, MILLS SECOND ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON

Commonly known as:

**2230 RADCLIFFE AVE
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:

Installment of principal and interest plus impounds and advances which became due on 5/1/2008 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustees fees, and any attorney fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement.

Monthly Payment **\$484.59**

Monthly Late Charge **\$24.23**

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 **\$72,800.00** together with interest thereon at the rate of **6.3750** per annum from **4/1/2008** until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that **LSI TITLE COMPANY OF OREGON, LLC**, the undersigned trustee will on **12/10/2009** at the hour of **10:00 am**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR** County of **KLAMATH**, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

For Sale Information Call: 714-573-1965 or Login to: www.priorityposting.com

Loan No: 0031618978
T.S. No.: OR-08-187981-CM

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: 8/10/2009

LSI TITLE COMPANY OF OREGON, LLC, as trustee
By: Quality Loan Service Corp. of Washington, as agent
Quality Loan Service Corp. of Washington
2141 5th Avenue
San Diego, CA 92101 619-645-7711
OR-08-187981-CM

Signature By 
Seth Ott, 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.

608542
OR 08-187981 CM
12-10-2009

**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 **2230 Radcliffe Ave. Klamath Falls, OR 97601**

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

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

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

1st Attempt: August 13, 2009 10:30 AM Posted

2nd Attempt: August 17, 2009 1:55 PM Posted

3rd Attempt: August 19, 2009 3:00 PM 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 August 25, 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

Chelsee Meek

2230 Radcliffe Ave. Klamath Falls, OR 97601

ADDRESS OF SERVICE

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

August 13, 2009 10:30 AM
DATE OF SERVICE TIME OF SERVICE

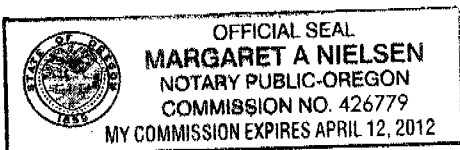
☐ or non occupancy

By:

Gabe Dealin

Subscribed and sworn to before on this 24th day of August, 2009.

Margaret A. Nielsen
Notary Public for Oregon



12/10

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 # 11516

Notice of Sale/Stephen J. Kircher

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

Four

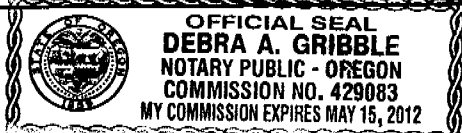
Insertion(s) in the following issues:

August 18, 25, September 1, 8, 2009

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: September 8, 2009

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE
T.S. No.: OR-08-187981-CM

Reference is made to that certain deed made by STEPHEN J KIRCHER, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY as Grantor to ASPEN TITLE & ESCROW COMPANY, as Trustee, in favor of AMERIBANC CORPORATION, as Beneficiary, dated 9/19/2005, recorded 09/22/2005, in official records of Klamath County, Oregon, in book/reel/volume No. xxx, at page No. xxx fee/file/instrument/microfile/reception No. M05-64889 covering the following described real property situated in said County and State, to wit: APN: R832872 LOT 5, BLOCK 217, MILES SECOND ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON Commonly known as: 2230 RADCLIFFE AVE., 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: Installment of principal and interest plus impounds and/or advances which became due on 5/1/2008 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustee's fees, and any attorney fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement. Monthly Payment \$484.59 Monthly Late Charge \$24.23.

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 \$72,800.00 together with interest thereon at the rate of 6.3750 per annum from 4/1/2008 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that, LSI TITLE COMPANY OF OREGON, LLC, the undersigned trustee will, on 12/10/2009, at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale. For Sale Information Call: 714-573-1965 or Login to www.priorityposting.com.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Pursuant to Oregon Law, this sale will not be deemed final until the Trustee's deed has been issued by Quality Loan Service. If there are any irregularities

are discovered within 10 days of the date of this sale, that the trustee will rescind the sale, return the buyer's money and take further action as necessary. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse. 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: 8/10/2009 LSI TITLE COMPANY OF OREGON, LLC, as Trustee By: Quality Loan Service Corp. of Washington, as agent Quality Loan Service Corp. of Washington 2141 5th Avenue San Diego, CA 92101 619-645-7711 OR-08-187981-CM Signature By: Seth Ott, 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. P608542 8/18, 8/25, 9/1, 09/08/2009 #11516 August 18, 25, September 1, 8, 2009.