

2009-015844

Klamath County, Oregon



00076872200900158440100100

12/17/2009 03:23:45 PM

Fee: \$92.00

Recording Requested By:
Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

When Recorded Return To:

Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

ATE 67013

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

COVER SHEET

DOCUMENT:

Affidavit of Mailing /Copy of Trustees Notice of Sale

Affidavit of Service/Posting

Affidavit of Publication

ORIGINAL GRANTOR ON TRUST DEED:

Andrew Doug McGuire and Kelly Marie McGuire

ORIGINAL BENEFICIARY ON TRUST DEED:

Budget Finance Company

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

Re: Trust Deed from:
McGuire

As Grantor

To: Paul S. Cosgrove, Esq.

As Trustee

TS #66025-195

After recording return to:

Paul S. Cosgrove, Esq., Trustee
220 NW Skyline Blvd.
Portland, OR 97210

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
And NOTICE pursuant to Ch. 19 (2008 Oregon Laws)**

STATE OF OREGON, County of Multnomah) ss:

I, Molly M. Luoto, 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 Oregon, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original trustee's 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 trustee's 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 addresses, to wit:

NAME ADDRESS

Occupants

17550 Maupin Road
Malin, OR 97632

Andrew Doug McGuire
17550 Maupin Road
Malin, OR 97632

Kelley Marie McGuire
17550 Maupin Road
Malin, OR 97632

Andrew Doug McGuire
PO Box 261
Malin, OR 97632

Kelley Marie McGuire
PO Box 261
Malin, OR 97632

American General Financial Services (DE), Inc.
c/o Timothy M. Hayes
Authorized Representative
601 NW Second St.
Evansville IN 47708

American General Financial Services, Inc.
c/o Corporation Service Company
285 Liberty St. NE
Salem, OR 97301

American General Financial Services
1210 NE Burnside
Gresham, OR 97030

And a copy of the Notice required pursuant to Ch. 19 2008 Oregon Laws to the grantors and/or successors.

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 by Molly M. Luoto, for 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 post office at Wilsonville, Oregon, on August 14, 2009. 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.

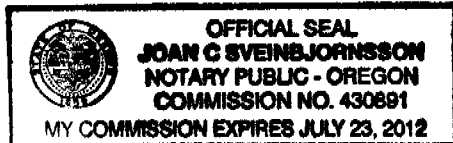
Molly M. Luoto

Subscribed and sworn to before me on August 19, 2009 by Molly M. Luoto.

Joan C. Sveinbjornsson

Notary Public for Oregon

My commission expires 7-23-12



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Andrew Doug McGuire and Kelley Marie McGuire, as grantors, to Paul S. Cosgrove, Esq., as trustee, in favor of Budget Finance Company, as beneficiary, dated August 1, 2006, recorded August 4, 2006, in the mortgage records of Klamath County, Oregon, as Book 2006, page 15761, re-recorded to correct legal description on August 15, 2006, in Book 2006 page 16424, covering the following described real property situated in the above-mentioned county and state, to-wit:

The S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21, Township 40 South, Range 12 East of the Willamette Meridian, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$, Section 28, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

TOGETHER with an easement for roadway purposes as shown in Easement recorded April 23, 1979, in Book M-79 at page 8118.

TOGETHER with an easement for use as a roadway as shown in Easement recorded August 25, 1980, in Book M-80 at page 16053.

Code: 016; 015 Map: 4012-00000 TL: 06500 Key: 627708

(The title company advises the property address is 17550 Maupin Road, Malin, Oregon.)


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 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 due May 1, 2009 through July 1, 2009, for a total of \$4,755.12, plus late charges of \$239.41, plus real property taxes now due for 2006-07, 2007-08 and 2008-09 on the following tax key numbers: R627708, R601147 and R627441.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to wit: As of May 1, 2009, the principal sum of \$199,280.27 plus interest; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above described property, plus attorney and trustee's fees incurred by reason of said default.

WHEREFORE, notice hereby is given that the undersigned trustee will on December 29, 2009, at the hour of 11:00 a.m., in accord with the standard of time established by ORS 187.110, at inside main entrance to 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 said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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. 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 Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED August 4, 2009.


Paul S. Cosgrove, Esq., Trustee

For additional information call (503) 291-6700 or (503) 956-8139
TS #66025-195

State of Oregon, County of Multnomah) ss: I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

For said Trustee

FEDERAL FAIR DEBT COLLECTION PRACTICES ACT
NOTICE

This is an attempt to collect a debt and any information obtained will be used for that purpose.

If you are the person who signed the Note/Loan Agreement referred to in the Trust Deed, you owe the beneficiary the amount stated in the attached Notice of Default or Notice of Trustee's Sale.

If you are the person who signed the Note/Loan Agreement referred to in the Trust Deed, you are hereby notified that unless you notify this office in writing within thirty (30) days after the receipt of this notice that the validity of this debt, or any portion of it, is disputed, we will assume it to be valid. If you send us written notice that you dispute this debt, or any portion thereof, within 30 days after receipt of this notice, we will obtain verification of the debt, or a copy of the judgment against you, and send you a copy of the verification or judgment. Also, upon your written request within 30 days after receipt of this notice, we will provide you with the name and address of the original creditor if different from the creditor listed.

Written requests should be addressed to:

Paul S. Cosgrove
Attorney at Law
Lindsay, Hart, Neil & Weigler, LLP
220 NW Skyline Blvd.
Portland, OR 97210

NOTICE pursuant to Ch. 19 (2008 Oregon Laws)

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 17550 Maupin Road, Malin, OR 97632.

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 July 17, 2009 (date) to bring your mortgage loan current was \$4,929.57. 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 1-800-225-6267 (telephone number) 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: Budget Finance Company, Attn: Elisa Urbina, 1849 Sawtelle Blvd., Suite 700, Los Angeles, CA 90025 (name and address).

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

Date and time: December 29, 2009 at 11:00 a.m.

Place: inside main entrance to Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

THIS IS WHAT YOU CAN DO
TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call Elisa Urbina of Budget Finance (name) at 1-800-225-6267 (telephone number) to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 800-SAFENET (800-723-3638). You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at: <http://www.osbar.org>. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

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

DATED: August 4, 2009

Trustee name: Paul S. Cosgrove, Esq., Oregon State Bar #81195

Trustee signature: Paul S. Cosgrove

Trustee telephone number: (503) 291-6700

Trustee Sale #66025-195

AFFIDAVIT OF SERVICE

State of Oregon

County of Klamath

Court

Case Number: _____ Court Date: 12/29/2009 11:00 am

Beneficiary:

BUDGET FINANCE COMPANY

vs.

Grantor:

ANDREW DOUG MCGUIRE AND KELLEY MARIE MCGUIRE

For:

Paul Cosgrove

PAUL S. COSGROVE, OF COUNSEL

220 N.W. Skyline Blvd

Portland, OR 97210

Received by BARRISTER SUPPORT SERVICE, INC. on the 11th day of August, 2009 at 9:35 am to be served on **ALL ADULT OCCUPANTS, 17550 MAUPIN RD., MALIN, OR 97632.**

I, Dave Davis, being duly sworn, depose and say that on the **11th day of August, 2009 at 12:25 pm, I:**


Served the attached **TRUSTEE'S NOTICE OF SALE; FAIR DEBT NOTICE; 2008 OREGON LAWS NOTICE** upon the individuals and other legal entities to be served, named below, by delivering a true copy of said documents certified to be such by the attorney for the trustee or successor trustee, as follows: **PERSONAL SERVICE ON INDIVIDUAL** to **KELLEY MARIE MCGUIRE** by delivering said true copy personally and in person, at the above address, and

SUBSTITUTED SERVICE UPON INDIVIDUALS to **Andrew Doug McGuire**, by delivering said true copy at his/her/their dwelling house or usual place of abode, as indicated above, to **KELLEY MARIE MCGUIRE**, who is a person over the age of 14 years and a member of the household at the above address. **CERTIFICATION OF MAILING** I certify that on **8/12/2009** a true copy of the above documents and a copy of this affidavit were mailed to the same address, addressed to the occupant who was substitute served. DAVE DAVIS

Additional Information pertaining to this Service:

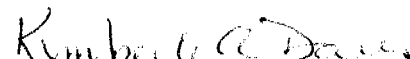
8/13/2009 10:57 am Server reports two double wide mobile homes listed at the provided address. One is lived in and one is for storage.

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



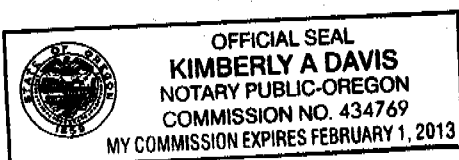
Dave Davis
Process Server

Subscribed and Sworn to before me on the 13th day of August, 2009 by the affiant who is personally known to me.


NOTARY PUBLIC

BARRISTER SUPPORT SERVICE, INC.
8700 S.W. 26th Ave., Suite L
Portland, OR 97219
(503) 246-8934

Our Job Serial Number: 2009010381
Ref: 66025-195



Copyright © 1992-2009 Database Services, Inc. - Process Server's Toolbox V6.3u

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 # 11751

Trustee's Notice of Sale

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:

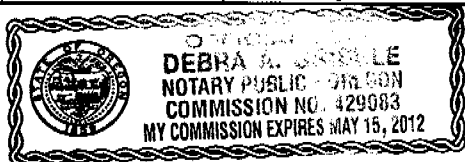
November 6, 13, 20, 27, 2009.

Total Cost: \$963.23

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: December 2, 2009

Debra A Gobble
Notary Public of Oregon

My commission expires May 15, 2012



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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 Federal Fair Debt Collection Practices Act requires we state: This is an attempt to collect a debt and any information obtained will be used for that purpose. Dated August 4, 2009. s/ Paul S. Cosgrove, Esq., Trustee. For additional information call (503) 291-6700 or (503) 956-8139. TS #66025-195
#11751 November 6, 13, 20, 27, 2009.