

2009-016299

Klamath County, Oregon



00077401200900162990060068

12/31/2009 01:41:20 PM

Fee: \$72.00

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 67063

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

## COVER SHEET

### DOCUMENT:

Affidavit of Mailing

Affidavit of Service/Posting

Affidavit of Publication

### ORIGINAL GRANTOR ON TRUST DEED:

Charles W. Messick and Kimberly J. Messick

### ORIGINAL BENEFICIARY ON TRUST DEED:

Bruce E. Brink

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

ATE  
72

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON                     )  
  ) ss:  
County of Klamath                     )

I, Andrew C. Brandsness, 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 Oregon, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain trust 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 copies 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:

Charles W. Messick  
2110 Kimberly Drive  
Klamath Falls, OR 97603

District Director  
Internal Revenue Service  
Attn: Chief, Special Procedures Desk  
915 Second Avenue M/S 246  
Seattle, WA 98174

Kimberly J. Messick  
2110 Kimberly Drive  
Klamath Falls, OR 97603

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) and any person, including the Department of Revenue or an 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 the trustee Michael P. Rudd. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on September 3, 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, with postage thereon in the amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in said notice of sale was recorded.

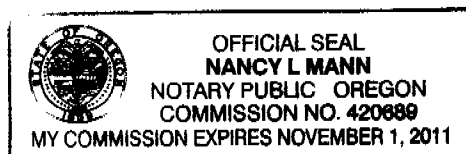
As used herein, the singular includes the plural, "trustee" includes successor trustee, and "person" includes a corporation and any other legal or commercial entity.

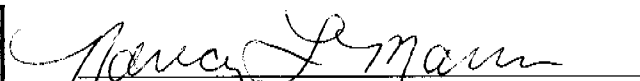


Andrew C. Brandsness

STATE OF OREGON                     )  
  ) ss.  
County of Klamath                     )

Personally appeared before me this 3 day of September, 2009, Andrew C. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed.



  
Notary Public for Oregon  
My Commission expires: 11-1-11

**NOTICE OF DEFAULT  
AND ELECTION TO SELL AND OF SALE**

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

Charles W. Messick and Kimberly J. Messick, husband and wife, Grantor; Aspen Title & Escrow, Inc., Trustee; and Bruce E. Brink, Beneficiary, recorded in Official/Microfilm Records, Volume M05, Page 59062, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 833 East Main Street, Klamath Falls, Oregon ("Property"):

Lot 595, Block 108, MILLS 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

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Failed to make the monthly payment of \$1,537.83 due January 12, 2009, and monthly payments thereafter.


By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

\$192,934.74 plus interest thereon at the rate of 8.5% per annum from January 1, 2009 and late fees in the amount of \$615.12, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on January 14, 2010, 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: Offices of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described 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 the Trust Deed, to satisfy the 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 sum 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 each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: September 2, 2009.

  
\_\_\_\_\_  
Michael P. Rudd, Successor Trustee  
411 Pine Street  
Klamath Falls, OR 97601

STATE OF OREGON                     )  
  ) ss.  
County of Klamath                    )

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.

\_\_\_\_\_  
Michael P. Rudd, Successor Trustee

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

**TRUSTEE'S AFFIDAVIT OF SERVICE ON OCCUPANTS**


STATE OF OREGON     )  
                              ) ss.  
County of Klamath    )

I, Michael P. Rudd, being first duly sworn, depose, say and certify that:

I am the successor trustee of that certain trust deed executed and delivered by Charles W. Messick and Kimberly J. Messick, husband and wife as grantor to Aspen Title & Escrow, Inc. as trustee in which Bruce E. Brink is beneficiary, recorded on July 29, 2005 in the mortgage records of Klamath, Oregon, in book/volume No. M05 at page 59062, covering the real property described therein.

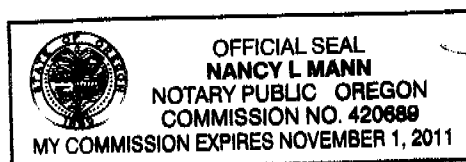
I hereby certify that on September 8, 2009 the occupant(s) of the real property described in the above-referenced trust deed were served with a true copy of the attached Notice of Default and Election to Sell and of Sale. I further certify that pursuant to ORCP 7D(2)(b) true copies of the Notice of Default and Election to Sell and of Sale were mailed to the occupants with a statement of the date, time, and place at which substituted service was made. The return of service is attached hereto.

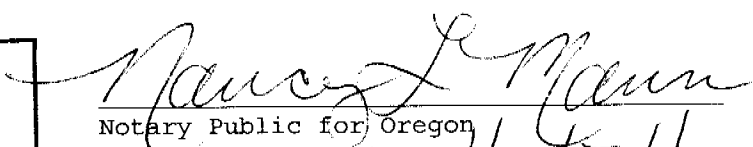
The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.

  
\_\_\_\_\_  
Michael P. Rudd

STATE OF OREGON     )  
                              ) ss.  
County of Klamath    )

Personally appeared before me this 21 day of September, 2009, Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed.



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: 11-1-11

**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 **Occ of 833 East Main St. 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: September 8, 2009 4:22 PM Posted

2<sup>nd</sup> Attempt: September 11, 2009 4:25 PM Posted

3<sup>rd</sup> Attempt: September 14, 2009 5:40 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 September 17, 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

**833 East Main St. 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.

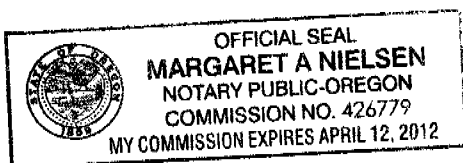
September 8, 2009 4:22 PM  
**DATE OF SERVICE TIME OF SERVICE**

☐ or non occupancy

By:

Jake Doolin

Subscribed and sworn to before on this 16<sup>th</sup> day of September, 2009.



Margaret A. Nielsen  
Notary Public for Oregon

# 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 # 11728

Notice of Default and Election to Sell and of Sale

Messick

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:

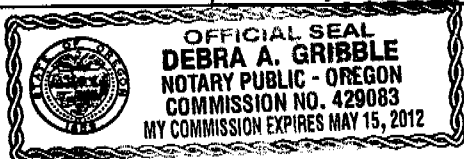
October 31, November 7, 14, 21, 2009.

Total Cost: \$913.36

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

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



### NOTICE OF DEFAULT AND ELECTION TO SELL AND OF SALE WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

Reference is made to a certain trust deed ("Trust Deed") made, as follows: Charles W. Messick and Kimberly J. Messick, husband and wife, Grantor; Aspen Title & Escrow, Inc., Trustee; and Bruce E. Brink, Beneficiary, recorded in Official/Microfilm Records, Volume M05, Page 59062, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 833 East Main Street, Klamath Falls, Oregon ("Property"):

Lot 595, Block 108, MILLS 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

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums: Failed to make the monthly payment of \$1,537.83 due January 12, 2009, and monthly payments thereafter.

By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit: \$192,934.74 plus interest thereon at the rate of 8.5% per annum from January 1, 2009 and late fees in the amount of \$615.12, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on January 14, 2010, 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: Offices of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described 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 the Trust Deed, to satisfy the 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 sum 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 each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: September 2, 2009.  
/s/Michael P. Rudd  
Michael P. Rudd, Successor Trustee  
411 Pine Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath ) ss.  
I, the undersigned, certify that the foregoing is a complete and exact copy of the original Notice of Sale.

/s/Michael P. Rudd  
Michael P. Rudd, Successor Trustee  
#11728 October 31, November 7, 14, 21, 2009