

2010-003435

Klamath County, Oregon



00081411201000034350100106

COVER SHEET

03/17/2010 03:17:00 PM

Fee: \$87.00

ORS: 205.234

This cover sheet has been prepared by the persons presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the transaction(s) contained in the instrument itself.

1st 1486104

After recording, return to:

Robert A. Smejkal PC
PO Box 654
Eugene OR 97440

The date of the instrument attached is November 13, 2009

1) NAMES(S) OF THE INSTRUMENT(S) required by ORS 205.234(a)

Affidavit of Publication
Affidavit of Mailing
Affidavit of Service

Trustees Notice of Sale
Notice Loan Modification

2) PARTY(IES)/GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160:

Evelyn V. Fandrey

3) PARTY(IES)/GRANTEE, required by ORS 205.125(1)(b) and ORS 205.160

John E. Ockert

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

\$ _____

5) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERK'S LIEN RECORDS, ORS 205.121(1)(c)

6) RE-RECORDED to correct: _____
Previously recorded as: _____

F

After recording, return to:
Robert A. Smejkal, P.C.
Attorney at Law
PO Box 654
Eugene, OR 97440

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 # 11970

Trustee's Notice of Sale

Ockert - Fandrey

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:

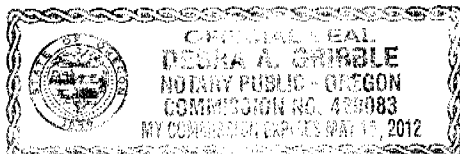
February 06, 13, 20, 27, 2010

Total Cost: \$1,017.29

Subscribed and sworn by Jeanine P Day
before me on: March 1, 2010

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby. A. PARTIES TO THE TRUST DEED: Grantor: EVELYN V. FANDREY, Trustee: ROBERT A. SMEJKAL, Attorney at Law, Beneficiary: JOHN E. OCKERT. B. DESCRIPTION OF THE PROPERTY: "PARCEL I: LOTS 23 AND 24 OF BLOCK 40 OF CRESCENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: IN THE TOWN OF CRESCENT, OREGON BEGINNING AT THE INTERSECTION OF WARD STREET AND MAIN STREET, ON THE EAST SIDE OF MAIN STREET, AND NORTH SIDE OF WARD STREET AND RUNNING EAST 100 FEET, PARALLEL WITH WARD STREET; THENCE NORTH PARALLEL WITH MAIN STREET 50 FEET; THENCE WEST PARALLEL WITH WARD STREET 100 FEET; THENCE SOUTH PARALLEL WITH MAIN STREET 50 FEET, TO PLACE OF BEGINNING. PARCEL II: Lots 5, 6, 7 & 8, BLOCK 40 OF CRESCENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON." C. TRUST DEED INFORMATION: Dated: October 7, 2005, Recording Date: October 12, 2005, Recording Nos.: Volume M05, Page 66397, Recording Place: Records of Klamath County, Oregon. D. DEFAULT: The Grantor is in default and the Beneficiary elects to foreclose the Trust Deed for failure to pay: (1) monthly payments in the amount of \$700.00 each, commencing with the payment due May 7, 2009, and continuing each month thereafter; and (2) real property taxes for 2008-2009 in the amount of \$463.54, plus interest. Real property taxes for 2009-2010 in the amount of \$476.05, plus interest, will become delinquent on November 16, 2009. E. AMOUNT DUE: By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount of \$70,000.00, plus interest at the rate of 12% per annum from April 7, 2009, until paid; plus late fees, foreclosure costs and attorney fees, and amounts, if any, advanced by the Beneficiary pursuant to the terms of the Trust Deed and/or applicable law. F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiary and the Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor or successor in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of the Trustee's attorney. G. DATE, TIME AND PLACE OF SALE: Date & Time: March 30, 2010, at 11:30 a.m. Place: Inside the north entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon. H. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee of the entire amount then due (other than a 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 by tendering the performance necessary to cure the default, by paying all costs and expenses to the Trustee actually incurred by the Beneficiary and the Trustee in enforcing the obligation and Trust Deed, together with the Trustee's fees and attorney's fees. I. NOTICE: The Federal Fair Debt Practices Act requires we state that this is an attempt to collect a debt and any information obtained will be used for that purpose. J. MISCELLANEOUS: 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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. DATED this 12th day of November, 2009. ROBERT A. SMEJKAL, Trustee, PO Box 654, Eugene, OR 97440 #11970 February 06, 13, 20, 27, 2010.

After recording, return to:
ROBERT A. SMEJKAL, P.C.
PO Box 654
Eugene, OR 97440

Re Trust Deed from Grantor:
EVELYN V. FANDREY
PO Box 28
Crescent, OR 97733

**AFFIDAVIT OF MAILING OF NOTICE, LOAN MODIFICATION
REQUEST FORM & TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON, County of Lane) ss.

I, ROBERT A. SMEJKAL, being first duly sworn, depose and say that:

At all times hereinafter mentioned, I was and am a resident of the State of Oregon, a competent person over the age of eighteen years, and not the Beneficiaries nor the Beneficiaries' successor in interest named in the attached original Notice, Loan Modification Request Form & Trustee's Notice of Sale given under the terms of that certain Deed described in the Trustee's Notice of Sale.

I gave notice of the sale of the real property described in the attached Notice, Loan Modification Request Form & 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 persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

Name	Address	Date
Evelyn V. Fandrey	PO Box 28 Crescent, OR 97733	November 13, 2009

These 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 Beneficiaries have 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 Beneficiaries have actual notice of the lien or interest; and (d) any person requesting notice as set forth in ORS 86.785.

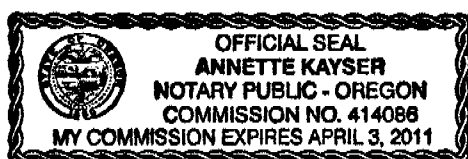
Each of the notices so mailed was certified to be a true copy of the original Notice, Loan Modification Request Form & Trustee's Notice of Sale by ROBERT A. SMEJKAL, Attorney for the Trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Eugene, Oregon, on the date or dates indicated herein. 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 an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell was recorded.

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

Robert A. Smejkal
ROBERT A. SMEJKAL

STATE OF OREGON, County of Lane) ss.

SUBSCRIBED AND SWORN to before me this 13th day of November, 2009, by
ROBERT A. SMEJKAL.



Annette Kayser
NOTARY PUBLIC FOR OREGON

AFFIDAVIT OF MAILING NOTICE, LOAN
MODIFICATION REQUEST FORM & TRUSTEE'S NOTICE OF SALE

AFFIDAVIT OF SERVICE

Notice, Loan Modification Request Form and Trustee's Notice of Sale

Case Number: _____

Beneficiary:

ADVANCED INVESTMENT CORPORATION.

vs.

Grantor:

EVELYN V FANDREY AND ALL OCCUPANTS'

For:

Robert Smejkal
ROBERT A. SMEJKAL P.C.
696 Country Club Road
P.O. Box 654
Eugene, OR 97440

Received by Tri-County Legal Process Service, Inc. to be served on **OCCUPANTS, 313 WARD STREET, CRESCENT, OR 97733.**

I, Robert Donahou, being duly sworn, depose and say that on the **18th day of November, 2009 at 12:01 pm, I:**

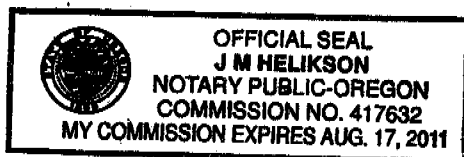
I made service of a Notice, Loan Modification Request Form and Trustee's Notice of Sale upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon OCCUPANT at the following Property Address:

313 WARD STREET, CRESCENT, OR 97733

By delivering such copy, PERSONALLY and in person to Evelyn Fandrey as OCCUPANT at the above property address on 11/18/2009.

I certify that I am a competent person, over the age of 18, a resident of the State of Oregon, not a party or an officer, director, or employee of, nor an attorney for any party, corporate or otherwise.

See Declaration of Mailing attached hereto as Exhibit "1."



Subscribed and Sworn to before me on the 19th day of November, 2009 by the affiant who is personally known to me.



NOTARY PUBLIC



Robert Donahou
Process Server

Tri-County Legal Process Service, Inc.
P.O. Box 309
Bend, OR 97709
(541) 317-5680

Our Job Serial Number: 2009017887

Exhibit "1"

ATTORNEY OR PARTY WITHOUT ATTORNEY: Robert Smejkal ROBERT A. SMEJKAL P.C. 696 Country Club Road P.O. Box 654 Eugene, OR 97440 TELEPHONE NO.: (541) 345-3330 ATTORNEY FOR:	FOR COURT USE ONLY
COURT OF , COUNTY OF	
BENEFICIARY: ADVANCED INVESTMENT CORPORATION. GRANTOR: EVELYN V FANDREY AND ALL OCCUPANTS'	CASE NUMBER:
DECLARATION OF MAILING	Ref. No. or File No.:

- I, , am at least 18 years of age and not a party to this action.
- Documents mailed:
 Notice, Loan Modification Request Form and Trustee's Notice of Sale
- A true copy of the documents were sealed in an envelope and placed in the United States mail with First Class postage prepaid as follows:

Date:

Location:

Addressed:

11/19/09
 Bend, OR 97701
 OCCUPANTS
 313 WARD STREET
 CRESCENT, OR 97733

- Person performing mailing:

Name:

Firm:

Address:

Telephone number:

Tri-County Legal Process Service, Inc.
 P.O. Box 309
 Bend, OR 97709
 (541) 317-5680

- I declare under penalty of perjury under the laws of the State of that the foregoing is true and correct.

Date:

11/19/09

Jannem Halikson
 (PRINTED NAME)

Jannem Halikson
 (SIGNATURE)

TRUSTEE'S NOTICE OF SALE

The Trustee, under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby.

A. PARTIES TO THE TRUST DEED:

Grantor: EVELYN V. FANDREY
Trustee: ROBERT A. SMEJKAL, Attorney at Law
Beneficiary: JOHN E. OCKERT

B. DESCRIPTION OF THE PROPERTY:

"PARCEL I:

LOTS 23 AND 24 OF BLOCK 40 OF CRESCENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IN THE TOWN OF CRESCENT, OREGON BEGINNING AT THE INTERSECTION OF WARD STREET AND MAIN STREET, ON THE EAST SIDE OF MAIN STREET, AND NORTH SIDE OF WARD STREET AND RUNNING EAST 100 FEET, PARALLEL WITH WARD STREET; THENCE NORTH PARALLEL WITH MAIN STREET 50 FEET; THENCE WEST PARALLEL WITH WARD STREET 100 FEET; THENCE SOUTH PARALLEL WITH MAIN STREET 50 FEET, TO PLACE OF BEGINNING.

PARCEL II:

Lots 5, 6, 7 & 8, BLOCK 40 OF CRESCENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON."

C. TRUST DEED INFORMATION:

Dated: October 7, 2005
Recording Date: October 12, 2005
Recording Nos.: Volume M05, Page 66397
Recording Place: Records of Klamath County, Oregon.

D. DEFAULT: The Grantor is in default and the Beneficiary elects to foreclose the Trust Deed for failure to pay: (1) monthly payments in the amount of \$700.00 each, commencing with the payment due May 7, 2009, and continuing each month thereafter; and (2) real property taxes for 2008-2009 in the amount of \$463.54, plus interest. Real property taxes for 2009-2010 in the amount of \$476.05, plus interest, will become delinquent on November 16, 2009.

E. AMOUNT DUE: By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount of \$70,000.00, plus interest at the rate of 12% per annum from April 7, 2009, until paid; plus late fees, foreclosure costs and attorney fees, and amounts, if any, advanced by the Beneficiary pursuant to the terms of the Trust Deed and/or applicable law.

F. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiary and the Trustee, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor or successor in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with the expenses of sale, including the compensation of the Trustee as provided by law, and the reasonable fees of the Trustee's attorney.

G. DATE, TIME AND PLACE OF SALE:

Date & Time: March 30, 2010, at 11:30 a.m.

Place: Inside the front entrance of the Klamath County Courthouse,
316 Main Street, Klamath Falls, Oregon

H. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Trustee of the entire amount then due (other than a 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 by tendering the performance necessary to cure the default, by paying all costs and expenses to the Trustee actually incurred by the Beneficiary and the Trustee in enforcing the obligation and Trust Deed, together with the Trustee's fees and attorney's fees.

I. NOTICE: The Federal Fair Debt Practices Act requires we state that this is an attempt to collect a debt and any information obtained will be used for that purpose.

J. MISCELLANEOUS: 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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

DATED this 12th day of November, 2009.



ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane) ss.

I, the undersigned, certify that I am the attorney for the above named Trustee, and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

Attorney for said Trustee

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 313 Ward Street, Crescent, Oregon 97733.

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 October 23, 2009, to bring your mortgage loan current was approximately \$5,433.54, which amount includes outstanding real property taxes for 2008-2009 in the amount of \$463.54. The amount you must now pay to bring your loan current has 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 **Robert A. Smejkal, toll free at 1-877-345-3339**, 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 Robert A. Smejkal, PO Box 654, Eugene, OR 97440.

THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION: March 30, 2010, at 11:30 a.m. inside the front entrance of the Klamath County Courthouse located at 316 Main Street in 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 (5) days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can contact **Advanced Investment Corp. at 1-541-343-9714** to request that your lender 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 **1-800-SAFENET (1-800-723-3638)**. 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 **1-800-452-7636**, or you may visit its website 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>**.

Your lender may be willing to modify your loan to reduce the interest rate, reduce the monthly payment or both. You can get information about possible loan modification programs by contacting your lender's agent, **Advanced Investment Corp. at 1-541-343-9714**. If you can't reach your lender's agent, you may contact the Trustee at the telephone number at the bottom of this Notice. If you have already entered into a loan modification with your lender, it is possible that you will not be able to modify your loan again unless your circumstances have changed. Your lender is not obligated to modify your loan.

You may request to meet your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor, or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll free consumer mortgage foreclosure information number: **1-800-SAFENET (1-800-723-3638)**. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: <http://www.makinghomeaffordable.gov/>.

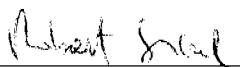
IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "LOAN MODIFICATION REQUEST FORM." YOUR LENDER MUST RECEIVE THE FORM BY December 12, 2009, WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW.

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.

DATED: November 12, 2009

Trustee's Name: Robert A. Smejkal
Trustee's Telephone Number: 1-877-345-3339

Trustee's Signature:

_____

LOAN MODIFICATION REQUEST FORM

Lender Information

Name: John E. Ockert
Agent of Lender: Advanced Investment Corp.
Address: 380 Q Street, Suite 240
Springfield, OR 97477
Email: mshft@aol.com
Telephone: (541) 343-9714

Borrower Information

Names: Evelyn V. Fandrey
Address: 313 Ward Street
Crescent, OR 97733
Email: _____
Telephone: _____

Property Information

Estimated value of residence \$ _____
Property taxes currently owing on my property \$ _____
My property is currently insured Yes _____ No _____

Income

Borrower #1 net monthly income \$ _____
Borrower #2 net monthly income \$ _____
Other monthly income \$ _____
Total net monthly income \$ _____

Expenses

Monthly household expenses (utilities, phone, food, transportation, etc.) \$ _____
Mortgage payment to lender
Other mortgage payments \$ _____
Other monthly payments on debts (vehicle loans, credit cards, etc.) \$ _____
Total monthly expenses \$ _____

Please explain your proposal, if any, for the lender to modify your mortgage loan:
