

2010-005995

Klamath County, Oregon



00084357201000059950270272

COVER SHEET

ORS: 205.234

05/17/2010 03:15:54 PM

Fee: \$182.00

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 1513450

After recording, return to:

Bishop, White & Marshall P.S.
720 Olive Way Suite 1301
Seattle WA 98101

The date of the instrument attached is January 22, 2010

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

affidavit of mailingNotice to tenantsTrustee Notice Mailingaffidavit of Postingaffidavit of beneficiaryaffidavit of Publication

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

Bishop White & Marshall P.S.

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

First Mutual Bank

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

\$ 0

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:

Bishop, White & Marshall, P.S.
720 Olive Way, Suite 1301
Seattle, WA 98101
Attn: Angelique Connell

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

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)


I, Saeng Deng, 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 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 addresses, to-wit:

See 'Mailing List' attached hereto and incorporated herein by this reference

Said persons include (a) the grantor(s) 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.

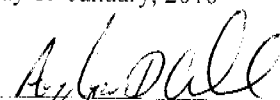
Each of the notices so mailed was certified to be a true copy of the original notice of sale by David A. Weibel, trustee named in said notice; each said copy was contained in a sealed envelope, with postage thereon sufficient for first class delivery to the address indicated, and another such notice 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 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.


Saeng Deng

SUBSCRIBED AND SWORN TO before me this 22 day of January, 2010




Angelique D Connell
NOTARY PUBLIC in and for the
State of Washington,
residing at: King County
My Appt Expires: 9-11-12

Bingham, Marcia A
1686.0927171

MAILING LIST

GRANTORS AND ALL OTHER PARTIES:

Occupants of the Premises
30310 Sprague River Dr
Sprague River, OR 97639

Marcia A Bingham
30310 Sprague River Dr
Sprague River, OR 97639

John Doe Bingham
Spouse of Marcia A Bingham
30310 Sprague River Dr
Sprague River, OR 97639

Marcia A Bingham
6430 Verner Ave #237
Sacramento, CA 95841

John Doe Bingham
Spouse of Marcia A Bingham
6430 Verner Ave #237
Sacramento, CA 95841

Marcia A Bingham
7328 Butterball Way
Sacramento, CA 95842

John Doe Bingham
Spouse of Marcia A Bingham
7328 Butterball Way
Sacramento, CA 95842



Bishop, White & Marshall, P.S.

ATTORNEYS AT LAW

WILLIAM L. BISHOP, JR. **
KRISTAL L. WHITE* ***
ANN T. MARSHALL
DAVID A. WEIBEL*
ERIN M. STINES
LAURIE K. FRIEDL*
ANNETTE COOK
DANIEL L. HEMBREE****
HALLIE N. BENNETT *****
BARBARA L. BOLLERO *****
JEFFREY S. MACKIE

Of Counsel
KENNARD M. GOODMAN

* Also Admitted in Oregon
** Also Admitted in Idaho
*** Also Admitted in Alaska
**** Also Admitted in California
***** Admitted in California
***** Also Admitted in Illinois

720 OLIVE WAY, SUITE 1301
SEATTLE, WASHINGTON 98101-1801

TELEPHONE
(206) 622-5306
FAX
(206) 622-0354

NOTICE

If you are the borrower in the deed of trust transaction described in this notice, and you are a member of the armed forces who is on active military duty, or are a member of the National Guard and are deployed for active duty, please contact our office immediately to discuss alternatives to this foreclosure proceeding.

After Recording Return to:
Bishop, White & Marshall, P.S.
720 Olive Way, Suite 1301
Seattle, WA 98101

Ref: Bingham, Marcia A - 1686.0927171

Recorded herein are the following:

- ☐ Affidavit(s) of Mailing # _____
- ☐ Proof(s) of Service # _____
- ☐ Affidavit of Publication
- ☐ Certificate(s) of Mailing # _____
- ☐ Affidavit of Non-Occupancy
- ☐ Affidavit of Mailing Danger Notice
- ☐ Affidavit of Beneficiary or Beneficiary's Agent

TRUSTEE'S NOTICE OF SALE

NOTICE: YOU ARE HEREBY NOTIFIED THAT THE AMOUNT OF YOUR INDEBTEDNESS TO THE BENEFICIARY, THEIR SUCCESSORS IN INTEREST AND/OR ASSIGNEES AS RECITED BEFORE, AS OF THE DATE OF THIS NOTICE, IS \$ 44,891.66 PLUS FORECLOSURE FEES AND COSTS AND ADVANCES IDENTIFIED BELOW, IF ANY. INTEREST FEES AND COSTS WILL CONTINUE TO ACCRUE AFTER THE DATE OF THIS NOTICE. UNLESS YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF WITHIN 30 DAYS AFTER RECEIVING NOTICE OF THIS DOCUMENT, THIS OFFICE WILL ASSUME THE DEBT TO BE VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN THE 30-DAY PERIOD THAT THE DEBT OR ANY PORTION THEREOF IS DISPUTED, VERIFICATION OF THE DEBT WILL BE OBTAINED AND WILL BE MAILED TO YOU. UPON WRITTEN REQUEST WITHIN 30 DAYS, THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR, WILL BE PROVIDED.

NOTICE: WE ARE A DEBT COLLECTOR. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTION.

Reference is made to that certain trust deed made by Marcia A Bingham, an unmarried individual, as grantor, to Aspen Title and Escrow, as trustee, in favor of First Mutual Bank, as beneficiary, dated May 24, 2004, recorded June 8, 2004, in the mortgage records of Klamath County, Oregon, as Recording Number Vol M04 Pg 36840, covering the following described real property situated in said county and state, to-wit:

Lot 2, Block 51, First Addition to Klamath Forest Estates, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon

Together with that certain 40 x 80, FUQUA manufactured home more fully described in that certain Title Elimination document filed with the Recorder of Klamath County, Oregon on April 5, 2004 under Recording No. Volume M04 Page 36840.

Both the beneficiary and the trustee, David A. Weibel, will 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 86.753(3); the default for which the foreclosure is made is grantor's failure to pay the following sums:

1. Monthly Payments:

Delinquent Monthly Payments Due from 8/1/2009 through 1/1/2010:

6 payment(s) at \$355.15

2,130.90

Total Payments:

Late Charges:

8 late charge(s) at \$12.85

102.80

for each monthly payment not made within 15 days of its due date

Total Late Charges

Accrued Late Charges:

\$0.03

**THE SUM OWING ON THE OBLIGATION SECURED BY THE TRUST
DEED:**

\$2,233.73

2. Delinquent Real Property Taxes, if any.

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:

Unpaid balance is \$44,891.66 as of January 12, 2010. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice

WHEREFORE, notice hereby is given that the undersigned trustee, David A. Weibel, on May 26, 2010 at the hour of 11:00 am, in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, 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 that is not later than 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), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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.


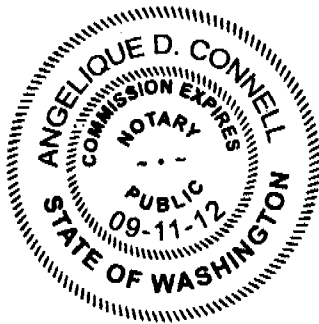
DATED: January 22, 2010.



David A. Weibel, Trustee

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 22nd day of January, 2010, personally appeared David A. Weibel, who acknowledged that s/he signed the within foregoing instrument as his/her free and voluntary act and deed for the uses and purposes therein mentioned.



Angelique D. Connell
Notary Public for Washington
Residing at: King County
My Commission Expires: 9-11-12

I, the undersigned, certify that the foregoing is a complete and exact copy of the original trustee's notice of sale.

For Information Call:
Bishop, White & Marshall, P.S.
720 Olive Way, Suite 1301
Seattle, WA 98101
(206) 622-7527

NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is April 26, 2010. The name of the trustee and the trustee's mailing address are listed on this notice.

Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

David A. Weibel, Trustee
Bishop, White & Marshall, P.S.
720 Olive Way, Suite 1301
Seattle, WA 98101
(206) 622-7527

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. 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>.

AFTER RECORDING RETURN TO:

Bishop, White & Marshall, P.S.
720 Olive Way, Suite 1301
Seattle, WA 98101
Attn: Angelique Connell

**AFFIDAVIT OF MAILING
House Bill 3630, Section 20 Notice**

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I, Saeng Deng, 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 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 House Bill 3630, Section 20 Notice given under the terms of that certain deed described in said notice. I gave notice of the House Bill 3630, Section 20 of the real property described in the attached House Bill 3630, Section 20 Notice with attached Loan Modification Request Form 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:

See 'Mailing List' attached hereto and incorporated herein by this reference.

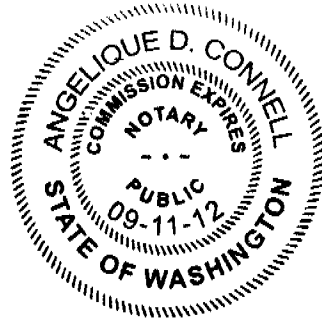
Said persons include (a) the grantor(s) in the trust deed; (b) any successor-in-interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice; and (c) occupant of the premises.

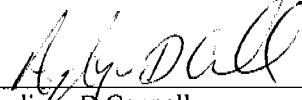
Each of the notices so mailed was contained in a sealed envelope, with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after notice of default and election to sell was recorded, and on or before service or mailing of Trustee's Notice of Sale.

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


Saeng Deng

SUBSCRIBED AND SWORN TO before me this 11th day of January, 2010




Angelique D Connell
NOTARY PUBLIC in and for the
State of Washington, residing at: King County
My Appt Expires: 9-11-12

Bingham 1686.0927171

MAILING LIST

GRANTORS AND ALL OTHER PARTIES:

Occupants of the Premises
30310 Sprague River Dr
Sprague River, OR 97639

Marcia A Bingham
30310 Sprague River Dr
Sprague River, OR 97639

John Doe Bingham
Spouse of Marcia A Bingham
30310 Sprague River Dr
Sprague River, OR 97639

Marcia A Bingham
6430 Verner Ave #237
Sacramento, CA 95841

John Doe Bingham
Spouse of Marcia A Bingham
6430 Verner Ave #237
Sacramento, CA 95841

Marcia A Bingham
7328 Butterball Way
Sacramento, CA 95842

John Doe Bingham
Spouse of Marcia A Bingham
7328 Butterball Way
Sacramento, CA 95842

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:

Street

address: 30310 Sprague River Dr

City: Sprague River

State: OR

ZIP: 97639

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 12/16/2009 to bring your mortgage current was \$1878.58.

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 1-800-324-9375 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 By certified mail to:	Washington Federal Savings
THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION:	05/26/2010 At 11:00 am at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, State of 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 Ron McKenzie at 1-800-324-9375 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 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. 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 payments or both. You can get information about possible loan modification programs by contacting your lender at 1-800-324-9375. If you can't reach your lender, 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 with 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: 800-SAFENET (800-723-3638). Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: 800-SAFENET (800-723-3638).

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 _____, 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.

Date: January 22, 2010

Trustee name (print): David A. Weibel

Trustee

signature: By 

Trustee phone number: (206) 622-5306

Unofficial
Copy

LOAN MODIFICATION REQUEST FORM

To: Marcia A Bingham, an unmarried individual
30310 Sprague River Dr
Sprague River, OR 97639

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 February 21, 2010, WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW. THE FORM SHOULD BE MAILED TO:

Washington Federal Savings
Attn: Ron McKenzie
425 Pike Street
Seattle WA 98101-2334

COMPLETE NAME OF ALL GRANTORS (BORROWERS) ON DEED OF TRUST	Marcia A Bingham, an unmarried individual
PROPERTY ADDRESS	30310 Sprague River Dr Sprague River, OR 97639
CURRENT ADDRESS FOR ALL GRANTORS	
TELEPHONE NUMBERS OF GRANTORS	
ELECTRONIC MAIL ADDRESSES (IF ANY)	

1. You can contact your lender by telephone during regular business hours for details regarding your delinquency and to obtain repayment information about your loan at 1-800-324-9375.
2. Your lender may ask you to disclose current information about your income and expenses that may affect your eligibility for a loan modification.

DATED: January 22, 2010

David A. Weibel
Trustee name: David A. Weibel

Telephone: (206) 622-5306
Bishop, White & Marshall, P.S.
720 Olive Way, Suite 1301
Seattle, WA 98101

1686.0927171 / BINGHAM

AFFIDAVIT OF POSTING

STATE OF OREGON

County of Klamath

ss.

I, Jake Doolin, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale; Notice to Tenants; Active Military Duty Notice upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an OCCUPANT at the following "Property Address":

30310 Sprague River Drive
Sprague River, OR 97639

As follows:

On 01/25/2010 at 12:40 PM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

On 01/27/2010 at 1:30 PM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

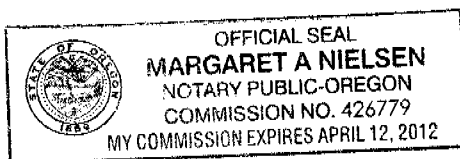
On 02/04/2010 at 11:30 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 5th day of February, 2010
by Jake Doolin.

Margaret A. Nielsen
Notary Public for Oregon

X *Jake Doolin*
Jake Doolin
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



219981



Bishop, White & Marshall, P.S.

ATTORNEYS AT LAW

WILLIAM L. BISHOP, JR. **
KRISTAL L. WHITE* ***
ANN T. MARSHALL
DAVID A. WEIBEL*
ERIN M. STINES
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Ref: Bingham, Marcia A - 1686.0927171

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Lot 2, Block 51, First Addition to Klamath Forest Estates, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon

Together with that certain 40 x 80, FUQUA manufactured home more fully described in that certain Title Elimination document filed with the Recorder of Klamath County, Oregon on April 5, 2004 under Recording No. Volume M04 Page 36840.

Both the beneficiary and the trustee, David A. Weibel, will 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 86.753(3); the default for which the foreclosure is made is grantor's failure to pay the following sums:

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Delinquent Monthly Payments Due from 8/1/2009 through 1/1/2010:

6 payment(s) at \$355.15

2,130.90

Total Payments:

Late Charges:

8 late charge(s) at \$12.85

102.80

for each monthly payment not made within 15 days of its due date

Total Late Charges

\$0.03

Accrued Late Charges:

THE SUM OWING ON THE OBLIGATION SECURED BY THE TRUST DEED:

\$2,233.73

2. **Delinquent Real Property Taxes, if any.**

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:

Unpaid balance is \$44,891.66 as of January 12, 2010. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice

WHEREFORE, notice hereby is given that the undersigned trustee, David A. Weibel, on May 26, 2010 at the hour of 11:00 am, in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, 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 that is not later than 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), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein 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.

NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is April 26, 2010. The name of the trustee and the trustee's mailing address are listed on this notice.

Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

David A. Weibel, Trustee
Bishop, White & Marshall, P.S.
720 Olive Way, Suite 1301
Seattle, WA 98101
(206) 622-7527

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. 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>.

AFFIDAVIT OF MAILING

STATE OF OREGON

County of Multnomah

ss.

I, Royal Hebert, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On February 05, 2010, I mailed a copy of the Trustee's Notice of Sale; Notice to Tenants; Active Military Duty Notice, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.750(1)(b)(C).

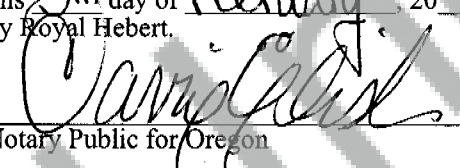
The envelope was addressed as follows:

OCCUPANT
30310 Sprague River Drive
Sprague River, OR 97639

This mailing completes service upon an occupant at the above address with an effective date of **01/25/2010** as calculated pursuant to ORS 86.750 (1)(c).


I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 5th day of February, 20 10
by Royal Hebert.


Notary Public for Oregon



X



Royal Hebert
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



219981

Affidavit of Publication

RECEIVED

1686-092717

Bingham

APR 12 2010

BISHOP WHITE
& MARSHALL, P.C.

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 # 12000

Trustee's Notice of Sale

Bingham

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:

March 10, 17, 24, 31, 2010.

Total Cost: \$1,864.73

Subscribed and sworn by Jeanine P Day
before me on: April 2, 2010

Notary Public of Oregon

My commission expires May 15, 2012

TRUSTEES NOTICE OF SALE

NOTICE: YOU ARE HEREBY NOTIFIED THAT THE
AMOUNT OF YOUR INDEBTEDNESS TO THE BENEFI-
CIARY, THEIR SUCCESSORS IN INTEREST AND/OR AS-
SIGNEES AS RECITED BEFORE, AS OF THE DATE OF
THIS NOTICE, IS \$44,891.66 PLUS FORECLOSURE FEES
AND COSTS AND ADVANCES IDENTIFIED BELOW, IF
ANY. INTEREST FEES AND COSTS WILL CONTINUE TO
ACCUE AFTER THE DATE OF THIS NOTICE. UNLESS
YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY
PORTION THEREOF WITHIN 30 DAYS AFTER RECEIV-
ING NOTICE OF THIS DOCUMENT, THIS OFFICE WILL
ASSUME THE DEBT TO BE VALID. IF YOU NOTIFY THIS
OFFICE IN WRITING WITHIN THE 30-DAY PERIOD THAT
THE DEBT OR ANY PORTION THEREOF IS DISPUTED,
VERIFICATION OF THE DEBT WILL BE OBTAINED AND
WILL BE MAILED TO YOU UPON WRITTEN REQUEST
WITHIN 30 DAYS. THE NAME AND ADDRESS OF THE
ORIGINAL CREDITOR, IF DIFFERENT FROM THE CUR-
RENT CREDITOR, WILL BE PROVIDED.

NOTICE: WE ARE A DEBT COLLECTOR. THIS COMMU-
NICATION IS AN ATTEMPT TO COLLECT A DEBT AND
ANY INFORMATION OBTAINED WILL BE USED FOR
PURPOSES OF DEBT COLLECTION.

Reference is made to that certain trust deed made by
Marcia A Bingham, an unmarried individual, as grantor, to
Aspen Title and Escrow, as trustee, in favor of First Mutual
Bank, as beneficiary, dated May 24, 2004, recorded June 8,
2004, in the mortgage records of Klamath County, Oregon,
as Recording Number Vol M04 Pg 36840, covering the fol-
lowing described real property situated in said county as
state, to-wit:

Lot 2, Block 51, First Addition to Klamath Forest
Estates, according to the official plat thereof on file in the of-
fice of the Clerk of Klamath County, Oregon.

Together with that certain 40 x 80, FUQUA manufac-
tured home more fully described in that certain Title Elimina-
tion document filed with the Record of Klamath County, Ore-
gon on April 5, 2004 under Recording No. Volume M04 Page
36840.

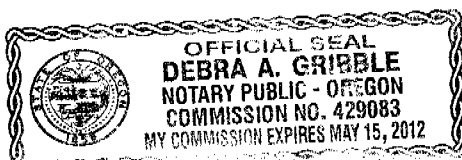
Both the beneficiary and the trustee, David A. Weibel,
will sell the said real property to satisfy the obligations se-
cured by said trust deed and a notice of default has been
recorded pursuant to Oregon Revised Statutes 86.753(3); the
default for which the foreclosure is made is grantor's failure to
pay the following sums:

- Monthly Payments:
Delinquent Monthly Payments Due from
8/1/2009 through 1/1/2010:

6 payments(s) at \$355.15 \$2,130.90

Total Payments:
Late Charges:
8 late charge(s) at \$12.85 \$ 102.80

for each monthly payment not made within
15 days of its due date
Total Late Charges
Accrued Late Charges \$.03
**THE SUM OWING ON THE OBLIGATION
SECURED BY THE TRUST DEED: \$2,233.73**
- Delinquent Real Property Taxes, if any.



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:

Unpaid balance is \$44,891.66 as of January 12, 2010. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice.

WHEREFORE, notice hereby is given that the undersigned trustee, David A. Weibel, on May 26, 2010 at the hour of 11:00 am, in accord with the standard of time established by ORS 187.110, at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property 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 that is not later than 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), paying all advances authorized under the trust deed, including all costs and expenses incurred in enforcing the obligation and trust deed, and by curing any other default complained of therein that is capable of

ing any other default complained of therein 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.

Dated: January 22, 2010

David A. Weibel, Trustee

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David A. Weibel,
Trustee Bishop, White & Marshall, P.S.
720 Olive Way, Suite 1301, Seattle, WA 98101
(206)622-7527

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. 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>.
#12000 March 10, 17, 24, 31, 2010.

AFTER RECORDING RETURN TO:

(206) 622-5306

Bishop, White & Marshall, P.S.

720 Olive Way, Suite 1301

Seattle, WA 98101

Attn: Foreclosure Dept.

Ref: Bingham, Marcia A - 1686.0927171

**AFFIDAVIT OF BENEFICIARY OR BENEFICIARY'S AGENT
PURSUANT TO ORS 86.750 (5)**

STATE OF _____)
) ss.
COUNTY OF _____)

I, Ronald J. McKenzie, 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 WA, a competent person over the age of eighteen years, and am authorized to execute this affidavit on behalf of the Beneficiary or Beneficiary's Agent.

☒ (Beneficiary or Beneficiary's Agent) did not receive a completed Loan Modification Request Form from the grantor(s) within thirty (30) days after the date the Trustee signed the Notice of Trustee's Sale, which was January 22, 2010

☐ Beneficiary or Beneficiary's Agent received a completed Loan Modification Request Form from the Grantor(s) within thirty (30) days after the date the Trustee signed the Notice of Trustee's Sale, which was January 22, 2010

☐ Grantor(s) were contacted.

☐ A meeting was scheduled.

☐ A meeting took place.

- ☐ Grantor(s) were notified in writing that they are not eligible for a loan modification.
- ☐ Attempts were made to contact the Grantor(s), but Grantor(s) did not respond within seven (7) business days after an attempt was made to reach them.
- ☐ Beneficiary or Beneficiary's Agent has determined in good faith, after considering the most current financial information that the Grantor(s) has/have provided, that the Grantor(s) is/are not eligible for a loan modification and that they have been notified they are not eligible.

BENEFICIARY OR BENEFICIARY'S AGENT

First Mutual Bank, a division of Washington Federal
Savings, successor by merger to First Mutual Bank, a Washington corporation

By: *Ronald J. Warner*
Name: Ronald J. Warner, Title SVP

SUBSCRIBED AND SWORN TO before me this 22 day of March, 2010

Judy L. Warner
Judy L. Warner (Print Name)
NOTARY PUBLIC in and for the
State of Washington,
residing at: Federal Way
My Appt Expires: 6/29/10