

NTC 86853

2010-006276

Klamath County, Oregon



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05/24/2010 03:27:24 PM

Fee: \$102.00

## RECORDING COVER SHEET

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

### After Recording, Return To:

Brandsness, Brandsness and Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

### 1. Name(s) of the Transaction(s):

Affidavit of Mailing Trustee's Notice of Sale, Trustee's Affidavit of Service on Occupants and  
Affidavit of Publication

### 2. Direct Party (Grantor):

W. Sean Castle, aka Sean Castle, and Kaci Castle

### 3. Indirect Party (Grantee):

n/a

### 4. True and Actual Consideration Paid:

n/a

### 5. Legal Description:

See attached

102amt

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, Michael P. Rudd, 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:

W. Sean Castle, aka Sean Castle  
4220 Myrtlewood Drive  
Klamath Falls, OR 97603

Kaci Castle  
9014 Big Pine Way  
Klamath Falls, OR 97601

Gateway Business Bank, Corp  
c/o National Registered Agents, Inc.  
its Registered Agent  
3533 Fairview Industrial Drive, SE  
Salem, OR 97302

Oregon Department of Justice  
Division of Child Support  
1162 Court Street NE  
Salem, OR 97301-4096

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.

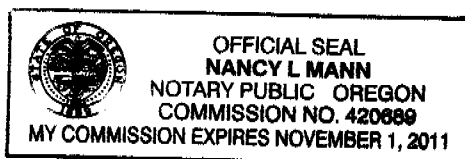
Each of the notices so mailed was certified to be a true copy of the original notice of sale by the trustee Andrew C. Brandsness. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on January 27, 2010. 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.

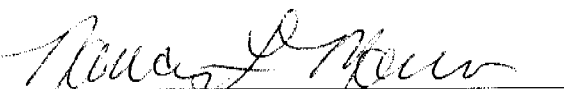
As used herein, the singular includes the plural, "trustee" includes successor trustee, and "person" includes a corporation and any other legal or commercial entity.

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

STATE OF OREGON                    )  
  ) ss.  
County of Klamath                )

Personally appeared before me this 27 day of January, 2010, 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

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

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

W. Sean Castle, aka Sean Castle, and Kaci Castle, Grantor; AmeriTitle, Trustee; and South Valley Bank & Trust, whose beneficial interest was transferred to Oregon Housing and Community Services Department, State of Oregon by instrument recorded May 14, 2003 in Volume M03, page 32554, Microfilm Records of Klamath County, Oregon, Beneficiary, recorded in Official/Microfilm Records, Volume M03, Page 32540, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 4220 Myrtlewood Drive, Klamath Falls, Oregon ("Property"):

Lot 11 in Block 3 of TRACT 1007, WINCHESTER, according to the official plat thereof on file in the office of the County clerk, Klamath County, Oregon

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

Failed to pay monthly installments of \$476.13 due September 1, 2009 and monthly installments 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:

The principal sum of \$79,731.85 plus interest thereon at the rate of 4.95% per annum from August 1, 2009 until paid; plus late charges of \$142.17 and a deficiency escrow amount of \$686.24, 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 June 20, 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: Office 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.

**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 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 sale is . 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's lawyer referral service at 503-684-3763 or toll-free in Oregon at 800-452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to <http://oregonlawhelp.org> or contact the Oregon State Bar's lawyer referral service at the phone numbers referenced above.

Dated: January 22, 2010.



Andrew C. Brandsness, 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.

\_\_\_\_\_  
Andrew C. Brandsness, Successor 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: 4220 Myrtlewood Drive, Klamath Falls, Oregon**

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 a "foreclosure."

The amount you would have had to pay as of January 7, 2010 to bring your mortgage current was \$3,209.06. 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 541-882-6616 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:

Andrew C. Brandsness  
411 Pine Street  
Klamath Falls, OR 97601

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

Date and time: June 10, 2010 at 10:00 AM

Place: Offices of Brandsness, Brandsness & Rudd, P.C.,  
411 Pine 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 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](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 [www.oregonlawhelp.org](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 1-800-710-7872. 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.

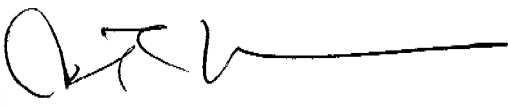
You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your 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: <http://www.makinghomeaffordable.gov/>.

IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "MODIFICATION REQUEST FORM." YOUR LENDER MUST RECEIVE THE FORM BY MARCH 26, 2010.

**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 26, 2010

Trustee name: Andrew C. Brandsness

Trustee signature: 

Trustee phone number: 541-882-6616

South Valley - Castle

**REQUEST FOR LOAN MODIFICATION**

To request a loan modification, send this request to:

Andrew C. Brandsness  
411 Pine Street  
Klamath Falls, OR 97601

on or before March 26, 2010.

Along with this form, you must disclose current information about your income and expenses, and any other facts helpful to describe your ability to pay this loan.

Please provide the following:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Email Address

☐ I/We request ☐ I/We do not request a meeting with the beneficiary or the beneficiary's agent.

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION  
PRACTICES ACT, 15 U.S.C. § 1692

1. The amount of the debt is stated in the Notice of Sale attached hereto.
2. The beneficiary named in the attached Notice of Sale is the creditor to whom the debt is owed.
3. The debt described in the Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within 30 days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
4. If the debtor notifies the trustee in writing within 30 days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
5. If the creditor named as beneficiary in the attached Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within 30 days from receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
6. Written requests or objections should be addressed to:  
Brandsness, Brandsness & Rudd, P.C., 411 Pine Street,  
Klamath Falls, Oregon 97601.

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



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

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

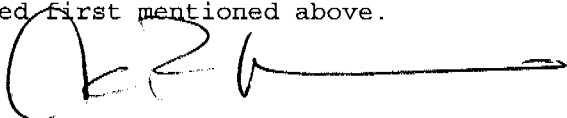
STATE OF OREGON       )  
                              ) ss.  
County of Klamath    )

I, Andrew C. Brandsness, being first duly sworn, depose, say and certify that:

I am the successor trustee of that certain trust deed executed and delivered by W. Sean Castle, aka Sean Castle, and Kaci Castle as grantor to AmeriTitle as trustee in which South Valley Bank & Trust, whose beneficial interest was transferred to Oregon Housing and Community Services Department, State of Oregon by instrument recorded May 14, 2003 in Volume M03, page 32554, Microfilm Records of Klamath County, Oregon is beneficiary, recorded on May 14, 2003 in the mortgage records of Klamath, Oregon, in book/volume No. M03 at page 32540, covering the real property described therein.

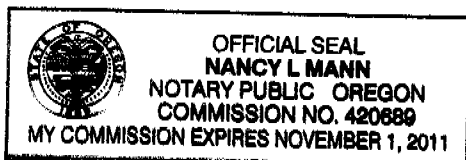
I hereby certify that on January 28, 2010 the occupant(s) of the real property described in the above-referenced trust deed were served with a true copy of the attached Notice of Default and Election to Sell and of Sale. I further certify that pursuant to ORCP 7D(2)(b) true copies of the Notice of Default 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.



Andrew C. Brandsness

SUBSCRIBED AND SWORN to before me this 5 day of February, 2010.



  
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 **4220 Myrtlewood Dr. Klamath Falls, OR 97603**

☐ **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: **January 28, 2010**      **3:50 PM**      **Posted**

2<sup>nd</sup> Attempt: **February 01, 2010**      **4:00 PM**      **Posted**

3<sup>rd</sup> Attempt: **February 03, 2010**      **4:15 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 **February 4, 2010**, 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

*Chelsen Med*

**4220 Myrtlewood Dr. Klamath Falls, OR 97603**

**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.

January 28, 2010

3:50 PM

**DATE OF SERVICE**

**TIME OF SERVICE**

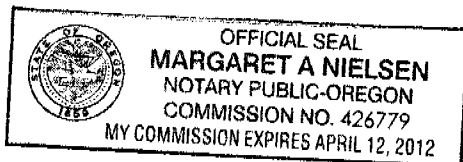
☐ or non occupancy

By:

*Jake Doalin*

Subscribed and sworn to before on this 4<sup>th</sup> day of February, 2010.

*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 # 12140

Notice of Default and Election to Sell  
Castle

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:

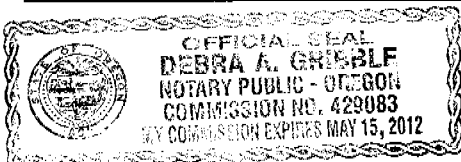
March 25, April 1, 8, 15, 2010

Total Cost: \$1,274.09

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: April 19, 2010

*Debra A Grubbe*  
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. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

Reference is made to a certain trust deed ("Trust Deed") made, as follows: W. Sean Castle, aka Sean Castle, and Kaci Castle, Grantor; AmeriTitle, Trustee; and South Valley Bank & Trust, whose beneficial interest was transferred to Oregon Housing and Community Services Department, State of Oregon by instrument recorded May 14, 2003 in Volume M03, page 32554, Microfilm Records of Klamath County, Oregon, Beneficiary, recorded in Official/Microfilm Records, Volume M03, Page 32540, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 4220 Myrtlewood Drive, Klamath Falls, Oregon ("Property"): Lot 11 in Block 3 of TRACT 1007, WINCHESTER, according to the official plat thereof on file in the office of the County clerk, Klamath County, Oregon. The defaults for which foreclosure is made is grantor's failure to pay when due the following sums: Failed to pay monthly installments of \$476.13 due September 1, 2009 and monthly installments 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: The principal sum of \$79,731.85 plus interest thereon at the rate of 4.95% per annum from August 1, 2009 until paid; plus late charges of \$142.17 and a deficiency escrow amount of \$686.24, 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 June 20, 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: Office 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. **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 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.

If you receive a 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 sale is . 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's lawyer referral service at 503-684-3763 or toll-free in Oregon at 800-452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to <http://oregonlawhelp.org> or contact the Oregon State Bar's lawyer referral service at the phone numbers referenced above.

Dated: January 26, 2010.

/s/ Andrew C. Brandsness, 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/ Andrew C. Brandsness, Successor Trustee  
#12140 March 25, April 1, 8, 15, 2010.