



00090991201000115740060065

09/30/2010 12:41:44 PM

Fee: \$62.00

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

Trust Deed from William J. Burke
and Shari A. Burke. Grantor

TO

Theresa M. Tron, Beneficiary

After recording return to:
Scott D. MacArthur, Successor Trustee
635 Main Street
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, being first duly sworn, depose, and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original 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:

William J. Burke	634 Owens Street, Klamath Falls, OR 97601
Shari A. Burke	634 Owens Street, Klamath Falls, OR 97601
Capital One Bank	C/O Daniel N. Gordon, 3390 W. 11 th Avenue, Eugene, OR 97402
Asset Acceptance, LLC	C/O David H. DeBlasio, 1737 NE Broadway, Portland, OR 97232
Capital One Bank	C/O Patrick J. Layman, 720 Olive Way, Suite 1301, Seattle, WA 98101

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls,

Oregon, on June 21, 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 and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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



Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 30th day of September, 2010.





Notary Public for Oregon
My commission expires Mar. 13, 2011

AFFIDAVIT OF POSTING NOTICE OF SALE IN LIEU OF SERVICE

STATE OF OREGON, County of Klamath) ss.

I, Greg Rote, being first duly sworn, depose 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 18 years and not the beneficiary or his successor in interest name in the notice of sale given under the terms of that certain trust deed described in said notice.

I posted the Notice of Sale of the real property in the Notice of Sale posting said notice on the premises of:

NAME:

William J. Burke & Shari A. Burke

ADDRESS:

634 Owens Street, Klamath Falls, Oregon 97601

Each of the notices so posted was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; and was posted by me on June 18, 2010. Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded and at least 90 days before the day fixed in said notice by the trustee for the trustee's sale.

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

Greg Rote

Subscribed and sworn to before me this 30th day of September, 2010.

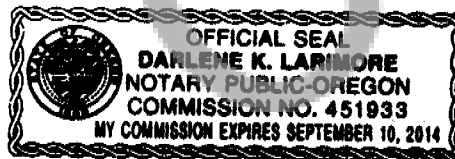
Darlene Larimore

Notary Public for Oregon

My Commission Expires: 9-10-14

(SEAL)

After Recording return to:
Scott D. MacArthur, P.C.
635 Main Street
Klamath Falls, OR 97601



Northwest Private Investigators

STATE OF OREGON)
)
County of Klamath)

Court Case No. 10-007392

Case Number _____

I hereby certify that I received on 6-17-10 the within:

☐ Summons & Complaint ☐ Summons & Petition ☐ Summons ☒ Notice
☐ Order to Appearance ☐ Waiver of Fees ☐ Petition ☐ Order
☐ Show Cause Order ☐ Affidavit ☐ Complaint ☐ Motion
☐ Writ of Garnishment ☐ Restraining Order ☐ Citation ☐ Subpoena
☐ Small Claim ☐ Certificate of Residency

Election to Sale

for service on the within named: _____

☒ Served Rebecca Say
634 Owens St Klamath Falls, OR personally and in person.

☐ Substitute Service – by leaving a true copy with _____, a
person over the age of fourteen, who resides at the place of abode of the within named, at said
abode: _____.

☐ Office Service – by leaving a true copy with _____, the
person in charge of the office maintained for the conduct of business by _____.

☐ By leaving a true copy with _____ of said corporation.

☐ Other Method: _____.

☐ Not Found: After due and diligent search an inquiry, I hereby return that I have been unable to find
the within named: _____ within Klamath County Oregon.

DATE AND TIME OF SERVICE OR NOT FOUND: 6-18-10 12:42 PM

Service Fee: 30 plus Mileage 0 = \$ 30

By: Greg Rabe

HERALD AND NEWS
AD AUTHORIZATION
(CONTINUED)

Salesperson: PAT BERGSTROM

Printed at 08/13/10 16:06 by \$LOGIN

Acct#: 63976

Ad#: 279082 Status: N

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by WILLIAM J. BURKE and SHARI A. BURKE, as grantor, to AMERITITLE, INC, as trustee, in favor of THERESA M. TRON, as beneficiary, dated May 19, 2004, recorded June 7, 2004, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M04 at page 36429, covering the following described real property situated in said county and state, to-wit: Lots 20, 21 and the South 10 feet of Lot 22 in Block 7, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a Notice of Default has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums: Payments in the amount of \$621.13 per month from March 28, 2009 through the present. Taxes for the fiscal year 2009-2010 in the sum of \$626.96 plus interest thereon. Judgment against Grantor, Shari A. Burke in favor of Capital One Bank in the amount \$12,182.83 plus costs and interests from April 30, 2007 in Klamath County Case 0605171-CV. Judgment against Grantor, William J. Burke in favor of Asset Acceptance in the amount \$6,881.25 plus costs and interest from January 29, 2008 in Klamath County Case 0703844-CV. Judgment against Grantor, William J. Burke in favor of Capital One bank in the amount of \$2,542.24 plus costs and interest from April 15, 2008 in Klamath County Case 0800456-CV.

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: \$26,967.99 as of April 17, 2009 plus interest.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 22, 2010 at the hour of 11:00 a.m. Standard time, as established by Section 187.110, Oregon Revised Statutes, at 635 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs or their 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 August 19, 2010.
Scott D. MacArthur, Successor Trustee.
#12635 August 19, 26, September 2, 9, 2010.

HERALD AND NEWS
AD AUTHORIZATION

Salesperson: PAT BERGSTROM

Printed at 08/13/10 16:06 by \$LOGIN

Acct#: 63976
MACARTHUR SCOTT D.
635 MAIN ST
KLAMATH FALLS OR 97601-6007Contact:
Phone: (541) 851-0571
Fax#:
Email:

Agency:

Ad#: 279082 Status: N
Start: 08/19/10 Stop: 09/09/10
Times Ord: 4 Times Run: ****
STDH 2.00 X 8.66 Words: 680
Rate: LEGAL Cost: 910.35
Class: 0001 LEGAL NOTICES
Descript: #12635 TRON/BURKE
Given by: *
Created: pbe10 08/13/10 15:11
Last Changed: pbe10 08/13/10 16:02

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFSS
10HN	A		97	S 08/19,26	09/02,09		
10IN	A		97	S 08/19,26	09/02,09		

PAYMENT INFORMATION

Pay Date 08/13/2010 \$910.35 VI *****9115 05581BY <APP>91035<B

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(AD COPY ON NEXT PAGE)