

1st 1706871

2011-009166

Klamath County, Oregon



00105801201100091660230233

08/09/2011 02:58:20 PM

Fee: \$162.00

**RECORDING COVER SHEET**  
**Pursuant to ORS 205.234**

After recording return to:

Northwest Trustee Services, Inc.  
As successor trustee  
Attention: Winston Khan  
P.O. Box 997  
Bellevue, WA 98009-0997

1. AFFIDAVIT OF MAILING – NOTICE OF FORECLOSURE
2. NOTICE OF FORECLOSURE
3. AFFIDAVIT OF NO TIMLEY RECEIPT OF REQUEST FOR LOAN  
MODIFICATION/MEETING UNDER ORS 86.737
4. AFFIDAVIT OF MAILING – TRUSTEE'S NOTICE OF SALE
5. TRUSTEE'S NOTICE OF SALE
6. PROOF OF SERVICE
7. AFFIDAVIT OF PUBLICATION

**Original Grantor(s) on Trust Deed: The Sargo 2001 Revocable Trust**

**Beneficiary: Washington Federal Savings**

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

Preference # 2006-021820

x

**AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE**

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, 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 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 Foreclosure 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 Foreclosure as required by Section 20 of Chapter 19, Oregon Laws 2008 ("Bill") 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 address, to-wit:

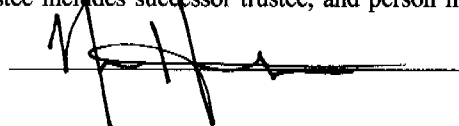
See Attached Exhibit A

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 and to the occupant residing in the Property.

Each of the notices so mailed was certified to be a true copy of the original Notice of Foreclosure, 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 Bellevue, Washington, on 4-27-11. 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 was recorded. The form of the notice complies with Sections 20 and 21 of the Bill and a copy is enclosed with this affidavit.

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

STATE OF WASHINGTON       )  
  ) ss.  
COUNTY OF KING        )



I certify that I know or have satisfactory evidence that Nic Harmonson is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

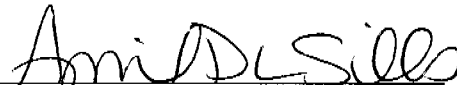
Dated: 4-27-11

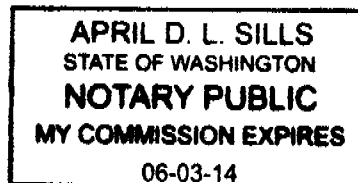
**AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE**

**RE: Trust Deed from  
SARGO, JEFFREY H. and ANNETTE B.;  
THE SARGO 2001 REVOCABLE TRUST  
Grantor**

**to  
Northwest Trustee Services, Inc.,  
Trustee  
File No. 8474.20023**

**After recording return to:  
Northwest Trustee Services, Inc.  
Attn: Winston Khan  
P.O. Box 997  
Bellevue, WA 98009-0997**

  
NOTARY PUBLIC in and for the State of  
Washington, residing at Pierce  
My commission expires 10/3/14



**EXHIBIT A**

Jeffrey H. Sargo  
312 McKinley Street Unit A  
Klamath Falls, OR 97601

Jeffrey H. Sargo, Co-Trustee of The  
312 McKinley Street Unit A  
312 McKinley Street Unit A  
Klamath Falls, OR 97601

Occupant(s)  
312 McKinley Street Unit A  
Klamath Falls, OR 97601

Annette B. Sargo  
312 McKinley Street Unit B  
Klamath Falls, OR 97601

Annette B. Sargo, Co-Trustee of The  
Sargo 2001 Revocable Trust, dtd 7/3/2001  
312 McKinley Street Unit B  
Klamath Falls, OR 97601

Jeffrey H. Sargo  
312 McKinley Street Unit C  
Klamath Falls, OR 97601

Jeffrey H. Sargo, Co-Trustee of The  
Sargo 2001 Revocable Trust, dtd 7/3/2001  
312 McKinley Street Unit C  
Klamath Falls, OR 97601

Occupant(s)  
312 McKinley Street Unit C  
Klamath Falls, OR 97601

Annette B. Sargo  
20009 Peppermint Falls Road  
Jamestown, CA 95327

Annette B. Sargo, Co-Trustee of The  
Sargo 2001 Revocable Trust, dtd 7/3/2001  
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Jamestown, CA 95327

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312 McKinley Street Unit A  
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Klamath Falls, OR 97601

Jeffrey H. Sargo  
312 McKinley Street Unit B  
Klamath Falls, OR 97601

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Sargo 2001 Revocable Trust, dtd 7/3/2001  
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Klamath Falls, OR 97601

Occupant(s)  
312 McKinley Street Unit B  
Klamath Falls, OR 97601

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312 McKinley Street Unit C  
Klamath Falls, OR 97601

Annette B. Sargo, Co-Trustee of The  
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Jamestown, CA 95327

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Sargo 2001 Revocable Trust, dtd 7/3/2001  
20009 Peppermint Falls Road  
Jamestown, CA 95327

8474.20023  
Winston Khan

**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:**

312 McKinley Street, Units A, B and C  
Klamath Falls, OR 97601

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 04/26/2011 (date) to bring your mortgage loan current was \$6338.80. 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 (866) 254-5790 to find out the exact amount you must pay bring your to 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:

Northwest Trustee Services, Inc.

PO Box 997

Bellevue, WA 98009-0997

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

Date and time: 08/31/2011 at 10:00 AM

Place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, Klamath Falls OR

**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 <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 800-922-9909. 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." THE FORM ATTACHED MUST BE RETURNED AS DIRECTED BY 05/26/2011, 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: 04/26/2011**

**Trustee contact name: Winston Khan**

**Trustee telephone number: 425-586-1900**

**8474.20023/SARGO, JEFFREY H. and ANNETTE B.; THE SARGO 2001 REVOCABLE TRUST**

## **LOAN MODIFICATION/MEETING REQUEST FORM**

**Your home is at risk of foreclosure.** There may be options available to help you keep your home. If you want to request a loan modification, you must return this form to the address below by 05/26/2011, which is 30 days from the date the Trustee signed the accompanying Notice:

**Northwest Trustee Services, Inc.  
PO Box 997  
Bellevue, WA 98009-0997**

There may be options available to you, including:

- 1) Modifying your loan terms
- 2) Temporarily lowering payments
- 3) Scheduling payments to cure the arrears
- 4) Temporary suspension of payments
- 5) Other options based on your lender and the type of loan.

In order to discuss your loan options, you should gather and provide the following documents:

- 1) Last year's tax returns
- 2) Pay stubs for the last 2 months
- 3) Bank statements for the last 3 months
- 4) Other documents showing your financial hardship status
- 5) Your lender may request that you complete additional forms or provide additional information

**RETURNING THIS REQUEST DOES NOT MODIFY YOUR LOAN.** Your lender is required to contact you within 45 days after you return this form to discuss a possible loan modification. The foreclosure sale will not occur until your lender has contacted you about your request. **YOUR LENDER IS NOT REQUIRED TO MODIFY YOUR LOAN.** The foreclosure sale may proceed if your loan is not modified.

☐ **CHECK THIS BOX TO REQUEST A MEETING.** Before the lender responds to your request for a loan modification, you may request **IN WRITING** a meeting with the lender by sending your written request for a meeting to:

**Northwest Trustee Services, Inc.  
PO Box 997  
Bellevue, WA 98009-0997**

Upon receipt of your written request for a meeting, the lender will attempt to contact you by mail, telephone or e-mail to schedule a meeting in person or by telephone at the lender's option. NOTE: It is important that you respond immediately to any contact from your lender to schedule a meeting that you have requested. If you do not respond within 7 days from the date your lender attempts to contact you to schedule a meeting, your lender may refuse to meet, deny your request for consideration of a loan modification and resume foreclosure activities.

File No. 8474.20023  
Loan No.: 321676-9  
Borrower Name: SARGO, JEFFREY H. and ANNETTE B.; THE SARGO 2001 REVOCABLE TRUST  
Property Address: 312 McKinley Street, Units A, B and C, Klamath Falls, OR 97601

Please indicate where your lender may contact you:

Mailing Address: \_\_\_\_\_

Home Telephone Number: \_\_\_\_\_ Work Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_ (providing your e-mail address authorizes the lender or its agent to communicate with you by e-mail concerning your request for loan modification consideration and for the purpose of scheduling and confirming a meeting.

Affidavit of No Timely Receipt of Request for Loan  
Modification or Meeting ORS 86.737

Re: Trust Deed from

**The Sargo 2001 Revocable Trust**

Grantor

to

**Northwest Trustee Services, Inc.**

Trustee

File No. **8474.20023**

**Affidavit of No Timely Receipt of Request for Loan Modification/Meeting**  
**Under ORS 86.737**

**Original Loan Amount:** \$150,800.00

**Borrower name(s):** SARGO, JEFFREY H. and ANNETTE B.; THE SARGO 2001 REVOCABLE TRUST

**Property Address:** 312 McKinley Street, Units A, B and C, Klamath Falls, OR 97601

The undersigned is an employee of the trustee under the trust deed securing the above-referenced loan and is executing this affidavit on behalf of the trustee. The undersigned is at least 18 years of age and competent to testify in a court of law and, having personal knowledge of the matters set forth below, represents and avers, under the penalty of perjury, that the following is true and correct:

**No Request for Meeting or Loan Modification Received.** The trustee duly mailed to the borrower(s) identified above the notice required by ORS 86.737 ("Notice"). With the Notice, the trustee also included the form contemplated by ORS 86.737 on which the borrower(s) could elect to ask the beneficiary to consider granting a loan modification ("Form"). The Notice also invited the borrower(s) to request a meeting. The Notice and/or request form instructed the borrower(s) to submit the request for modification and/or meeting to the trustee at the address provided in the Notice and/or form. The Notice also provided a deadline date by which the trustee would need to receive from the borrower(s) a request for loan modification or request for a meeting. The trustee did not receive a request for loan modification form or request for meeting from the borrower(s) before the deadline set forth in the Notice.

**Limited Agency.** In executing this affidavit, the trustee is acting as the beneficiary's agent for the sole and limited purpose of executing this affidavit.

**Disclaimer.** The trustee is executing and recording this affidavit only because title insurers have compelled it to do so as a title insurance underwriting requirement. The trustee does not believe that an affidavit is legally required by ORS 86.737 in circumstances where the borrower has not timely submitted a request for a loan modification or a meeting under the ORS 86.737.

**No Statement Concerning Borrower's Other Contacts with the Beneficiary.** Nothing in this affidavit may be construed as an averment that the borrower has not contacted the beneficiary to arrange a meeting or discuss a loan modification or other arrangement outside the procedural framework of ORS 86.737.



DATED: 07/19/2011

Northwest Trustee Services, Inc.

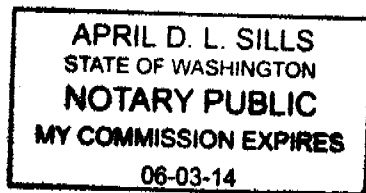
By: Winston Kwan

STATE OF WASHINGTON     )  
  ) ss.  
COUNTY OF KING         )

I certify that I know or have satisfactory evidence that Winston Kwan is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 7/19/11

April D. L. Sills  
NOTARY PUBLIC in and for the State of  
Washington, residing at Pierce  
My commission expires 6/3/14



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

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, 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 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 address, to-wit:

See Attached Exhibit A

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, 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 Bellevue, Washington, on 4-27-11. 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.

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that Nick Harinstein is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 4-27-11

April D. Sills  
NOTARY PUBLIC in and for the State of  
Washington, residing at Pierce  
My commission expires 6/3/14

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

RE: Trust Deed from  
SARGO, JEFFREY H. and ANNETTE B.; THE SARGO 2001  
REVOCABLE TRUST

Grantor  
to  
Northwest Trustee Services, Inc.,  
Trustee

File No. 8474.20023

After recording return to:  
Northwest Trustee Services, Inc.  
Successor by merger to Northwest Trustee Services, PLLC  
(formerly known as Northwest Trustee Services, LLC)  
Attn: Winston Khan  
P.O. Box 997  
Bellevue, WA 98009-0997

APRIL D. L. SILLS  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES

06-03-14

**EXHIBIT A**

Annette B. Sargo  
20009 Peppermint Falls Road  
Jamestown, CA 95327

Annette B. Sargo  
312 McKinley Street Unit B  
Klamath Falls, OR 97601

Annette B. Sargo, Co-Trustee of The  
312 McKinley Street Unit A  
312 McKinley Street Unit A  
Klamath Falls, OR 97601

Annette B. Sargo, Co-Trustee of The  
Sargo 2001 Revocable Trust, dtd 7/3/2001  
312 McKinley Street Unit B  
Klamath Falls, OR 97601

Jeffrey H. Sargo  
20009 Peppermint Falls Road  
Jamestown, CA 95327

Jeffrey H. Sargo  
312 McKinley Street Unit B  
Klamath Falls, OR 97601

Jeffrey H. Sargo, Co-Trustee of The  
312 McKinley Street Unit A  
312 McKinley Street Unit A  
Klamath Falls, OR 97601

Jeffrey H. Sargo, Co-Trustee of The  
Sargo 2001 Revocable Trust, dtd 7/3/2001  
312 McKinley Street Unit B  
Klamath Falls, OR 97601

Occupant(s)  
312 McKinley Street Unit A  
Klamath Falls, OR 97601

Occupant(s)  
312 McKinley Street Unit C  
Klamath Falls, OR 97601

Annette B. Sargo  
312 McKinley Street Unit A  
Klamath Falls, OR 97601

Annette B. Sargo  
312 McKinley Street Unit C  
Klamath Falls, OR 97601

Annette B. Sargo, Co-Trustee of The  
Sargo 2001 Revocable Trust, dtd 7/3/2001  
20009 Peppermint Falls Road  
Jamestown, CA 95327

Annette B. Sargo, Co-Trustee of The  
Sargo 2001 Revocable Trust, dtd 7/3/2001  
312 McKinley Street Unit C  
Klamath Falls, OR 97601

Jeffrey H. Sargo  
312 McKinley Street Unit A  
Klamath Falls, OR 97601

Jeffrey H. Sargo  
312 McKinley Street Unit C  
Klamath Falls, OR 97601

Jeffrey H. Sargo, Co-Trustee of The  
Sargo 2001 Revocable Trust, dtd 7/3/2001  
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Jeffrey H. Sargo, Co-Trustee of The  
Sargo 2001 Revocable Trust, dtd 7/3/2001  
312 McKinley Street Unit C  
Klamath Falls, OR 97601

Occupant(s)  
312 McKinley Street Unit B  
Klamath Falls, OR 97601

Winston Khan

**April 25, 2011**

**Notice**

**Pursuant to the Federal Fair Debt Collection Practices Act: If you are the consumer who originally contracted the debt or if you assumed the debt, then you are notified that:**

1. As of the date of this notice, you owe \$152,855.52. Because of interest, late charges, and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check. For further information write or call:

**Northwest Trustee Services, Inc.  
P.O. Box 997  
Bellevue, WA 98009-0997  
(425)-586-1900**

2. The creditor to whom the debt is owed is Washington Federal Savings/Washington Federal.
3. Unless within 30 days after receipt of this notice you dispute the debt or any portion of it, we will assume the debt to be valid.
4. If you notify us within 30 days after receipt of this notice that you dispute the debt or any part of it, we shall obtain verification of the debt and mail it to you.
5. If you request within 30 days after receipt of this notice, we will provide you with the name and address of the original creditor, if different from the current creditor.

**SARGO, JEFFREY H. and ANNETTE B.; THE SARGO 2001 REVOCABLE TRUST/8474.20023**

## TRUSTEE'S NOTICE OF SALE

File No. 8474.20023

Reference is made to that certain trust deed made by The Sargo 2001 Revocable Trust, as grantor, to Amerititle, as trustee, in favor of Washington Federal Savings, as beneficiary, dated 10/20/06, recorded 10/31/06, in the mortgage records of Klamath County, Oregon, as 2006-021820, covering the following described real property situated in said county and state, to wit:

The Northwesterly 58 feet of the Southwesterly 9 inches of Lot 3 and All of Lot 4, and the Northeasterly 2 feet and 8 inches of Lot 5, and All in Block 28, First 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.

PROPERTY ADDRESS: 312 McKinley Street, Units A, B and C  
Klamath Falls, OR 97601

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,016.00 beginning 01/15/11; plus late charges of \$50.80 each month beginning 02/02/11; plus prior accrued late charges of \$705.40; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$146,995.76 with interest thereon at the rate of 7.125 percent per annum beginning 12/15/10; plus late charges of \$50.80 each month beginning 02/02/11 until paid; plus prior accrued late charges of \$705.40; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 31, 2011 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: inside the 1st floor lobby of the Klamath County Courthouse, 316 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 the described real property which the grantor had or had power to convey at the time of the execution by grantor of the 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 foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com). 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 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. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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.

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#### NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for August 31, 2011. Unless the lender who is foreclosing on this property is paid, the foreclosure will go through and someone new will own this property.

The following information applies to you only if you occupy and rent this property as a residential dwelling under a legitimate rental agreement. The information does not apply to you if you own this property or if you are not a residential tenant.

If the foreclosure goes through, the business or individual who buys this property at the foreclosure sale has the right to require you to move out. The buyer must first give you an eviction notice in writing that specifies the date by which you must move out. The buyer may not give you this notice until after the foreclosure sale happens. If you do not leave before the move-out date, the buyer can have the sheriff remove you from the property after a court hearing. You will receive notice of the court hearing.

#### FEDERAL LAW REQUIRES YOU TO BE NOTIFIED

IF YOU ARE OCCUPYING AND RENTING THIS PROPERTY AS A RESIDENTIAL DWELLING UNDER A LEGITIMATE RENTAL AGREEMENT, FEDERAL LAW REQUIRES THE BUYER TO GIVE YOU NOTICE IN WRITING A CERTAIN NUMBER OF DAYS BEFORE THE BUYER CAN REQUIRE YOU TO MOVE OUT. THE FEDERAL LAW THAT REQUIRES THE BUYER TO GIVE YOU THIS NOTICE IS EFFECTIVE UNTIL DECEMBER 31, 2012. Under federal law, the buyer must give you at least 90 days' notice in writing before requiring you to move out. If you are renting this property under a fixed-term lease (for example, a six-month or one-year lease), you may stay until the end of your lease term. If the buyer wants to move in and use this property as the buyer's primary residence, the buyer can give you written notice and require you to move out after 90 days, even if you have a fixed-term lease with more than 90 days left.

#### STATE LAW NOTIFICATION REQUIREMENTS

IF THE FEDERAL LAW DOES NOT APPLY, STATE LAW STILL REQUIRES THE BUYER TO GIVE YOU NOTICE IN WRITING BEFORE REQUIRING YOU TO MOVE OUT IF YOU ARE OCCUPYING AND RENTING THE PROPERTY AS A TENANT IN GOOD FAITH. EVEN IF THE FEDERAL LAW REQUIREMENT IS NO LONGER EFFECTIVE AFTER DECEMBER 31, 2012, THE REQUIREMENT UNDER STATE LAW STILL APPLIES TO YOUR SITUATION. Under state law, if you have a fixed-term lease (for example, a six-month or one-year lease), the buyer must give you at least 60 days' notice in writing before requiring you to move out. If the buyer wants to move in and use this property as the buyer's primary residence, the buyer can give you written notice and require you to move out after 30 days, even if you have a fixed-term lease with more than 30 days left.

If you are renting under a month-to-month or week-to-week rental agreement, the buyer must give you at least 30 days' notice in writing before requiring you to move out.

**IMPORTANT:** For the buyer to be required to give you notice under state law, you must prove to the business or individual who is handling the foreclosure sale that you are occupying and renting this property as a residential dwelling under a legitimate rental agreement. The name and address of the business or individual who is handling the foreclosure sale is shown on this notice under the heading 'TRUSTEE.' You must mail or deliver your proof not later than August 1, 2011 (30 days before the date first set for the foreclosure sale). Your proof must be in writing and should be a copy of your rental agreement or lease. If you do not have a written rental agreement or lease, you can provide other proof, such as receipts for rent you paid.

#### ABOUT YOUR SECURITY DEPOSIT

Under state law, you may apply your security deposit and any rent you paid in advance against the current rent you owe your landlord. To do this, you must notify your landlord in writing that you want to subtract the amount of your security deposit or prepaid rent from your rent payment. You may do this only for the rent you owe your current landlord. If you do this, you must do so before the foreclosure sale. The business or individual who buys this property at the foreclosure sale is not responsible to you for any deposit or prepaid rent you paid to your landlord.

#### ABOUT YOUR TENANCY AFTER THE FORECLOSURE SALE

The business or individual who buys this property at the foreclosure sale may be willing to allow you to stay as a tenant instead of requiring you to move out. You should contact the buyer to discuss that possibility if you would like to stay. Under state law, if the buyer accepts rent from you, signs a new residential rental agreement with you or does not notify you in writing within 30 days after the date of the foreclosure sale that you must move out, the buyer becomes your new landlord and must maintain the property. Otherwise, the buyer is not your landlord and is not responsible for maintaining the property on your behalf and you must move out by the date the buyer specifies in a notice to you.

YOU SHOULD CONTINUE TO PAY RENT TO YOUR LANDLORD UNTIL THE PROPERTY IS SOLD TO ANOTHER BUSINESS OR INDIVIDUAL OR UNTIL A COURT OR A LENDER TELLS YOU OTHERWISE. IF YOU DO NOT PAY RENT, YOU CAN BE EVICTED. AS EXPLAINED ABOVE, YOU MAY BE ABLE TO APPLY A DEPOSIT YOU MADE OR PREPAID RENT YOU PAID AGAINST YOUR CURRENT RENT OBLIGATION. BE SURE TO KEEP PROOF OF ANY PAYMENTS YOU MAKE AND ANY NOTICE YOU GIVE OR RECEIVE CONCERNING THE APPLICATION OF YOUR DEPOSIT OR YOUR PREPAID RENT

IT IS UNLAWFUL FOR ANY PERSON TO TRY TO FORCE YOU TO LEAVE YOUR HOME WITHOUT FIRST GOING TO COURT TO EVICT YOU. FOR MORE INFORMATION ABOUT YOUR RIGHTS, YOU MAY WISH TO CONSULT A LAWYER. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar Association (16037 Upper Boones Ferry Road, Tigard, Oregon 97224, (503)620-0222, toll-free in Oregon (800)452-8260) and ask for lawyer referral service. If you do not have enough money to pay a lawyer and are otherwise eligible, you may be able to receive legal assistance for free. Information about whom to contact for free legal assistance; a county-by-county listing of legal aid resources may be found on the Internet at <http://www.osbar.org/public/ris/lowcostlegalhelp/legalaid.html>.

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The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com).

Dated: 4/27, 20 11

Northwest Trustee Services, Inc.

By 

Assistant Vice President,  
Northwest Trustee Services, Inc.

For further information, please contact:

Winston Khan

Northwest Trustee Services, Inc.

P.O. Box 997

Bellevue, WA 98009-0997

(425) 586-1900

File No.8474.20023/SARGO, JEFFREY H. and ANNETTE B.; THE SARGO 2001 REVOCABLE TRUST

State of Washington, County of King) ss:

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

\_\_\_\_\_  
By Authorized Signer

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.



**FEI, LLC**  
**Affidavit of Posting and Service**

State of Oregon  
County of Klamath

GABRIEL MARTINEZ, being sworn, says:

- That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale:
- That my business address is 1135 Pine Street, Klamath Falls, OR.
- That I posted a copy of the Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 312 McKinley Street, Units A, Klamath Falls, OR 97601 in a conspicuous place on:
  - 1st Attempt: Thursday, April 28, 2011 at 03:04 pm
  - 2nd Attempt: Monday, May 2, 2011 at 10:41 am
  - 3rd Attempt: Thursday, May 5, 2011 at 10:32 am

Signed in Klamath County, Oregon by:

Signature

Date

State of Oregon

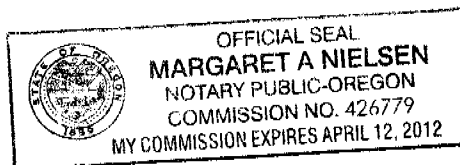
County of

On this 19th day of May in the year of 2011, before me a Notary Public, Personally appeared Gabriel Martinez known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Notary Public for Oregon:

Residing at:

Commission expires:



03094122

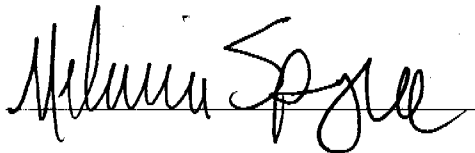
**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT  
(In Lieu of Personal Service)**

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, 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 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.

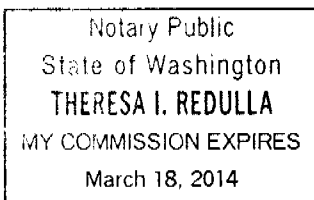
On May 6, 2011 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 312 McKinley Street, Unit A, Klamath Falls, OR, 97601 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.

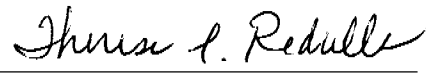


STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF KING                )

I certify that I know or have satisfactory evidence that Melanie Sprague is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 5/6/11



  
NOTARY PUBLIC in and for the State of  
Washington, residing at KING  
My commission expires 3-18-14

**8474.20023 / SARGO, JEFFREY H. and ANNETTE B.; THE SARGO 2001  
REVOCABLE TRUST  
Winston Khan**

**FEI, LLC**  
**Affidavit of Posting and Service**


State of Oregon  
County of Klamath

ROBERT BOLENBAUGH, being sworn, says:

- That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale:
- That my business address is. 1135 Pine Street, Klamath Falls, OR.
- That I personally served a copy of the Notice of Trustee's Sale upon an adult occupant of the real property, commonly referred to as 312 McKinley Street, Units , B C, Klamath Falls, OR 97601 in the manner in which a summons is served by delivering to or leaving with AMY CRIDER, a person over the age of eighteen (18) years, then residing therein on Thursday, April 28, 2011, at 03:07 pm.

Signed in Klamath County, Oregon by:

Signature

  
ROBERT W. BOLENBAUGH

Date


April 29<sup>th</sup>, 2011

State of Oregon

County of Klamath

On this 29<sup>th</sup> day of April in the year of 2011, before me a Notary Public, Personally appeared ROBERT W. BOLENBAUGH, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Notary Public for Oregon:



Residing at:

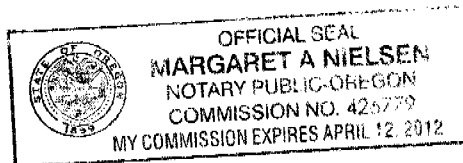
Klamath

Commission expires:

4-12-12



03051101



1002.191723

Northwest Trustee Services, Inc.

**FEI, LLC**  
**Affidavit of Posting and Service**

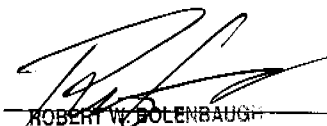
State of Oregon  
County of Klamath

ROBERT BOLENBAUGH, being sworn, says:

- That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale:
- That my business address is. 1135 Pine Street, Klamath Falls, OR.
- That I personally served a copy of the Notice of Trustee's Sale upon an adult occupant of the real property, commonly referred to as 312 McKinley Street, Units C, Klamath Falls, OR 97601 in the manner in which a summons is served by delivering to or leaving with ABBY BOSTOCK, a person over the age of eighteen (18) years, then residing therein on Thursday, April 28, 2011, at 03:15 pm.

Signed in Klamath County, Oregon by:

Signature

  
ROBERT W. BOLENBAUGH

Date

April 29<sup>th</sup>, 2011

State of Oregon

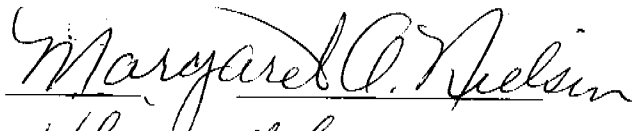
County of Klamath

On this 29<sup>th</sup> day of April in the year of 2011, before me a Notary Public, Personally appeared ROBERT W. BOLENBAUGH, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Notary Public for Oregon:

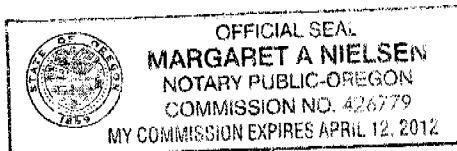
Residing at:

Commission expires:

  
Klamath  
4-12-12



03050870



1002.191723

Northwest Trustee Services, Inc.

**AFFIDAVIT OF PUBLICATION  
STATE OF OREGON,  
COUNTY OF KLAMATH**

I, Jeanine P. Day, Finance Director, being duly sworn,  
depose and say that I am the principle 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

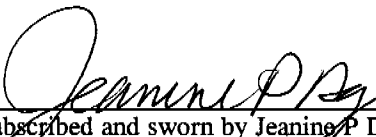
Legal#13436 SALE SARGO  
1002.191723

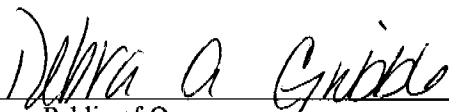
a printed copy of which is hereto annexed, was published  
in the entire issue of said newspaper for: 4

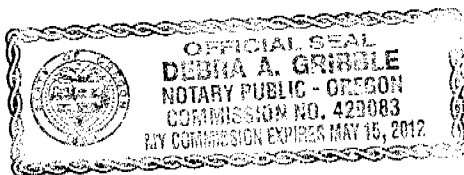
Insertion(s) in the following issues:

06/01/2011 06/08/2011 06/15/2011 06/22/2011

Total Cost: \$1248.98

  
Subscribed and sworn by Jeanine P Day before me on:  
22nd day of June in the year of 2011

  
Notary Public of Oregon  
My commission expires on May 15, 2012



**TRUSTEE'S NOTICE OF SALE File No. 8474.20023**

Reference is made to that certain trust deed made by The SARGO 2001 Revocable Trust, as grantor, to Amerititle, as trustee, in favor of Washington Federal Savings, as beneficiary, dated 10/20/06, recorded 10/31/06, in the mortgage records of Klamath County, Oregon, as 2006-021820, covering the following described real property situated in said county and state, to wit: The Northwestern 58 feet of the Southwesterly 9 inches of Lot 3 and All of Lot 4, and the Northeasterly 2 feet and 8 inches of Lot 5, and All in Block 28, First 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. PROPERTY ADDRESS: 312 McKinley Street, Units A, B and C Klamath Falls, OR 97601.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,016.00 beginning 01/15/11; plus late charges of \$50.80 each month beginning 02/02/11; plus prior accrued late charges of \$705.40; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$146,995.76 with interest thereon at the rate of 7.125 percent per annum beginning 12/15/10; plus late charges of \$50.80 each month beginning 02/02/11 until paid; plus prior accrued late charges of \$705.40; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 31, 2011 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: inside the 1st floor lobby of the Klamath County Courthouse, 316 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 the described real property which the grantor had or had power to convey at the time of the execution by grantor of the 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 foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com). 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 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

costs, 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. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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. The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com). For further information, please contact: Winston Khan Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 425-588-1900 File No. 8474.20023/SARGO, JEFFREY H. and ANNETTE B.; THE SARGO 2001 REVOCABLE TRUST 1002.191723-FEI. #13436 June 01, 06, 15, 22, 2011.

# TRUSTEE'S NOTICE OF SALE File No. 8474.20023

Reference is made to that certain trust deed made by The Sargo 2001 Revocable Trust, as grantor, to Amerititle, as trustee, in favor of Washington Federal Savings, as beneficiary, dated 10/20/06, recorded 10/31/06, in the mortgage records of Klamath County, Oregon, as 2006-021820, covering the following described real property situated in said county and state, to wit: The Northwest 58 feet of the Southwestern 9 inches of Lot 3 and All of Lot 4, and the Northeast 2 feet and 8 inches of Lot 5, and All in Block 28, First 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. PROPERTY ADDRESS: 312 McKinley Street, Units A, B and C Klamath Falls, OR 97601.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,016.00 beginning 01/15/11; plus late charges of \$50.80 each month beginning 02/02/11; plus prior accrued late charges of \$705.40; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees advanced by the beneficiary, for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$146,995.76 with interest thereon at the rate of 7.125 percent per annum beginning 12/15/10; plus late charges of \$50.80 each month beginning 02/02/11 until paid; plus prior accrued late charges of \$705.40; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on August 31, 2011 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: inside the 1st floor lobby of the Klamath County Courthouse, 316 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 the described real property which the grantor had or had power to convey at the time of the execution by grantor or the 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 foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com). 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 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

in constructing 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. The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com). For further information, please contact: Winston Khan Northwest Trustee Services, Inc. P.O. Box 997 Belleview, WA 98009-0997 425-586-1900 File No. 8474.20023/SARGO, JEFFREY H. and ANNETTE B., THE SARGO 2001 REVOCABLE TRUST 1002.191723-FEL #13436 June 01, 08, 15, 22, 2011.

enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.