

Asp 444445

2011-011880
Klamath County, Oregon



RECORDING COVER SHEET
Pursuant to ORS 205.234

10/24/2011 03:16:22 PM

Fee: \$87.00

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 SUPPLEMENTAL MAILING - NOTICE OF TRUSTEE'S SALE
2. COPY OF TRUSTEE'S SALE
3. AFFIDAVIT OF PERSONAL SERVICE - NOTICE OF TRUSTEE'S SALE

Original Grantor(s) on Trust Deed: Stanley M Petersen and Naomi Janet Petersen, tenants by the entirety

Beneficiary: Polaris Mortgage Associates, a division of Provident Funding Associates, L.P. a California Limited Partnership, its successors and assigns

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.

824nt

AFFIDAVIT OF SUPPLEMENTAL 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:

Clough Oil Company
c/o Parks & Parks, Attorneys at Law
832 Klamath Avenue
Klamath Falls, OR 97601

Clough Oil Company
c/o Matthew T. Parks, Attorney
832 Klamath Avenue
Klamath Falls, OR 97601

Clough Oil Company
PO Box 338
Klamath Falls, OR 97601

Dynamic Strategies, Inc.
18912 North Creek Parkway Ste 208
Bothell, WA 98011

Dynamic Strategies, Inc.
c/o Brad L. Williams, Attorney
621 West Mallon Avenue, Ste 603
Spokane, WA 99201

FIA Card Services, N.A.
c/o Johnson Mark LLC
901 North Brutscher Street D
Newberg, OR 97132

FIA Card Services, N.A.
c/o Johnson Mark LLC
PO Box 401
Newberg, OR 97132

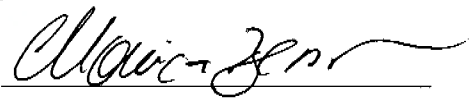
FIA Card Services, N.A.
c/o Daniel R. Wilkinson
901 North Brutscher Street D
Newberg, OR 97132

FIA Card Services, N.A.
c/o Daniel R. Wilkinson
PO Box 401
Newberg, OR 97132

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 10.03.11. 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.

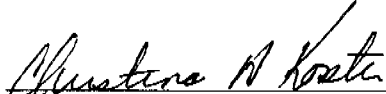


STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Monica Benson 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: 10-3-11

CHRISTINA A. KOSTER
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
04-27-15


NOTARY PUBLIC in and for the State of
Washington, residing at King
My commission expires 4-27-2015

TRUSTEE'S NOTICE OF SALE

File No. 7021.26703

Reference is made to that certain trust deed made by Stanley M Petersen and Naomi Janet Petersen, tenants by the entirety, as grantor, to First American Title Insurance Company, as trustee, in favor of Polaris Mortgage Associates, a division of Provident Funding Associates, L.P. a California Limited Partnership, its successors and assigns, as beneficiary, dated 10/23/98, recorded 11/02/98, in the mortgage records of Klamath County, Oregon, as Book M98 Page 40025 and subsequently assigned to Deutsche Bank National Trust Company as Trustee for the Morgan Stanley ABS Capital I Inc. Trust 2004-SD3 by Assignment recorded as 2009-8086, covering the following described real property situated in said county and state, to wit:

Government Lots 1,2,3, the South 1/2 of the NE 1/4, The SE 1/4 of the NW 1/4, The NE 1/4 of the SW 1/4 lying Northerly of Highway 70 and the NW 1/4 of the SE 1/4 of Section 5, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

More accurately described as:

Parcels 1 and 2 of Land Partition 47-07, being Lots 1, 2, 3; the South half of the Northeast Quarter; The Southeast Quarter of the Northwest quarter; the Northeast Quarter of the Southwest quarter lying North of the Highway; and the Northwest Quarter of the Southeast Quarter of Section 5, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

PROPERTY ADDRESS: 28585 Highway 70
Bonanza, OR 97623

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 \$1,248.62 beginning 01/01/09; plus late charges of \$62.43 each month beginning 01/16/09; plus prior accrued late charges of \$0.00; 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: \$124,883.28 with interest thereon at the rate of 10.5 percent per annum beginning 12/01/08; plus late charges of \$62.43 each month beginning 01/16/09 until paid; plus prior accrued late charges of \$0.00; 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 October 3, 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. 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.

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for October 3, 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 September 3, 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>.

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

Dated: 6/2, 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. 7021.26703/Petersen, Stanley M. and Naomi Janet

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.

Unofficial
Copy

FEI, LLC
Affidavit of Posting and Service

State of Washington
County of King

Francisco Vargas, being sworn, says:

- That I am over 18 years of age, a resident of Washington, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale:
- That my business address is. 3517 213th Pl SE, Bothell, WA.
- That on 10/6/2011 at the address of 18912 North Creek Parkway Ste 208, Bothell, WA 98011 within King County I duly served: Notice of Trustee Sale upon: Dynamic Strategies, Inc by personally delivering 1 true and correct copy therefore and leaving the same with: Margaret Szymanski personally.

Signed in King County, Washington by:

Signature

Francisco Vargas

Date

10/12/11

FEI, LLC
Affidavit of Posting and Service

State of Washington
County of Spokane

J SAUERLAND, 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. P.O. Box 21082, Spokane, WA.
- That on 10/5/2011 at the address of 621 West Mallon Avenue, Ste 603, Spokane WA, 99201 within Spokane County I duly served: Notice of Trustee Sale upon: Dynamic Strategies, Inc. c/o Brad L. Williams, Attorney by personally delivering 1 true and correct copy therefore and leaving the same with: Brad L. Williams personally.

Signed in Spokane County, Washington by:

Signature _____

Date _____

10-12-11

UNOFFICIAL COPY

1002.194969 | 7021.26703

FEI, LLC
Affidavit of Posting and Service

David Hartman, 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. 422 N 6th St, Klamath Falls, OR.
- That on 10/05/2011 at the address of 620 Main Street, Klamath Falls, OR 97601 within Klamath County, I duly served: Notice of Trustee Sale upon Clough Oil Company c/o Matthew T. Parks, Attorney by personally delivering 1 true and correct copy thereof and leaving the same with Matthew T. Parks personally.

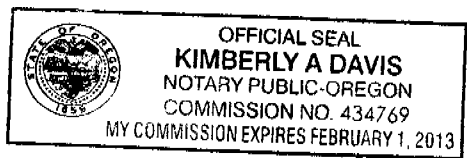
Signed in Klamath County, Oregon by:

Signature David Hartman
Date 10-12-2011

State of Oregon
County of Klamath

On this 12th day of October in the year of 2011, before me a Notary Public, Personally appeared DAVID HARTMAN, 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: Kimberly A Davis
Residing at: Klamath County
Commission expires: 01 Feb 2013




FEI, LLC
Affidavit of Posting and Service

DUSTIN NORTHEY, 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. PO BOX 822424, Vancouver, WA.
- That on 10/06/2011 at the address of 901 North Brutscher Street D, Newberg, OR 97132 within Yamhill County, I duly served: Notice of Trustee Sale upon FIA Card Services, N.A. c/o Daniel R. Wilkinson by personally delivering 1 true and correct copy thereof and leaving the same with Daniel R. Wilkinson personally.

Signed in Washington County, Oregon by:

Signature 
Date 10-14-11

State of Oregon
County of washington

On this 14 day of october in the year of 2011, before me a Notary Public, Personally appeared Dustin Northey, 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: Vancouver Wa
Commission expires: 2-28-14



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