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2011-013634

Klamath County, Oregon



00111186201100136340200206

**RECORDING COVER SHEET**

**Pursuant to ORS 205.234**

12/09/2011 02:41:22 PM

Fee: \$142.00

**After recording return to:**

**Northwest Trustee Services, Inc.**

**As successor trustee**

**Attention: Kathy Taggart**

**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: SCOTT M WESTFALL**

**Beneficiary: R.W. Cox & Associates, LLC**

**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.**

P

**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 8-25-11. 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 Harmston 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: 8-25-11

**AFFIDAVIT OF MAILING NOTICE OF  
FORECLOSURE**  
**RE: Trust Deed from**  
**WESTFALL, ESTATE OF SCOTT**  
**Grantor**  
**to**  
**Northwest Trustee Services, Inc.,**  
**Trustee**  
**File No. 7023.96195**

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

Myrtle Louise Walvatne  
NOTARY PUBLIC in and for the State of  
Washington, residing at King Co.  
My commission expires 3-9-11

MYRTLE LOUISE WALVATNE  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
03-09-15

**EXHIBIT A**

Dena Westfall, Personal Rep. to the Estate of Scott Westfall  
Westfall  
c/o Kelly O'Brien, Atty  
Atty  
45 W Park Place  
Bend, OR 97701

Mariah Westfall, heir to the Estate of Scott Westfall  
c/o Monica Ryan, guardian  
PO Box 892  
Maxwell, CA 95955

ESTATE OF SCOTT WESTFALL  
Scott Westfall  
PO BOX 1149  
BAKER CITY, OR 97814-1149

Dustin Westfall, heir to the Estate of Scott Westfall  
Westfall  
c/o Patricia Heatherman, OSB #932990, Atty  
250 NW Franklin Avenue, Suite 402  
Bend, OR 97701

DONNA HINES, PERSONAL REP. TO THE ESTATE OF SCOTT WESTFALL  
DONNA HINES, PERSONAL REPRESENTATIVE TO THE  
c/o Heatherman Law  
250 NW Franklin Avenue, Suite 402  
Bend, OR 97701

Occupants  
10635 MCCORMICK ROAD  
KENO, OR 97627-0000

ESTATE OF SCOTT WESTFALL  
10635 MCCORMICK ROAD  
KENO, OR 97627-0000

Mariah Westfall, heir to the Estate of Scott  
c/o Monica Ryan, guardian c/o Gary Hedlund,  
303 Pine Street  
Klamath Falls, OR 97601

Monica Westfall nka Monica L. Ryan  
PO Box 892  
Maxwell, CA 95955

Donna Hines, Personal Rep. to the Estate of  
c/o Kelly R. O'Brien, OSB #073003, Atty  
45 NW Park Place  
Bend, OR 97702

Mariah Westfall, heir to the Estate of Scott  
c/o Gary L. Hedlund, OSB #73129, Atty  
303 Pine Street  
Klamath Falls, OR 97601

ESTATE OF SCOTT WESTFALL  
10635 MCCORMICK ROAD  
KENO, OR 97627

ESTATE OF SCOTT WESTFALL  
568 NE SAVANNAH #8  
BEND, OR 97701

**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:**  
10635 MCCORMICK ROAD  
KENO, OR 97627

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 08/25/2011 (date) to bring your mortgage loan current was \$4881.60. 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: 01/03/2012 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**. 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 800-662-5014. 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 09/24/2011, 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: 08/25/2011**

**Trustee contact name: Kathy Taggart**

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

**7023.96195/WESTFALL, ESTATE OF SCOTT**

## **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 09/24/2011, 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. 7023.96195  
Loan No.: 0256716838  
Borrower Name: WESTFALL, ESTATE OF SCOTT  
Property Address: 10635 MCCORMICK ROAD, KENO, OR 97627

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

**SCOTT M WESTFALL**

Grantor

to

**Northwest Trustee Services, Inc.**

Trustee

File No. **7023.96195**

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

**Original Loan Amount:** \$104,500.00

**Borrower name(s):** WESTFALL, ESTATE OF SCOTT

**Property Address:** 10635 MCCORMICK ROAD, KENO, OR 97627

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 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: **November 11, 2011**

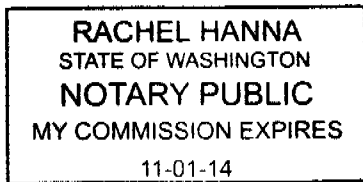
By: \_\_\_\_\_

Northwest Trustee Services, Inc.

STATE OF WASHINGTON       )  
  ) ss.  
COUNTY OF KING            )

I certify that I know or have satisfactory evidence that Kathy Taggart is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that 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: November 11, 2011



*Rachel Hanna*  
NOTARY PUBLIC in and for the State of  
Washington, residing at Kirkland  
My commission expires 11-1-14



**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 8-26-11. 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 Nic Hornston 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: 8-26-11

Myrtle Louise Walvatne  
NOTARY PUBLIC in and for the State of  
Washington, residing at King Co.  
My commission expires 3-4-15

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

**RE: Trust Deed from  
WESTFALL, ESTATE OF SCOTT  
Grantor**

**to  
Northwest Trustee Services, Inc.,  
Trustee**

**File No. 7023.96195**

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

**MYRTLE LOUISE WALVATNE  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
03-09-15**

## EXHIBIT A

Bank of America  
100 North Tryon Street  
Charlotte, NC 28255

Bank of America  
475 Crosspoint Parkway  
Getzville, NY 14068

Bank of America  
c/o Recontrust Company, N.A.  
400 Countrywide Way SV-35  
Simi Valley, CA 93065

Bank of America  
P.O. Box 35140  
Louisville, KY 40232-5140

Dena Westfall, Personal Rep. to the Estate of  
THE ESTATE OF SC  
c/o Kelly O'Brien, Atty  
45 W Park Place  
Bend, OR 97701

Donna Hines, Personal Rep. to the Estate of Sc  
REPRESENTATIVE TO THE  
c/o Kelly R. O'Brien, OSB #073003, Atty  
45 NW Park Place  
Bend, OR 97702

Dustin Westfall, heir to the Estate of Scott W  
c/o Patricia Heatherman, OSB #932990, Atty  
250 NW Franklin Avenue, Suite 402  
Bend, OR 97701

ESTATE OF SCOTT WESTFALL  
568 NE SAVANNAH #8  
BEND, OR 97701

John Kroger, Attorney General  
W  
Oregon Department of Justice  
1162 Court Street N.E.  
Salem, OR 97301-4096

Mariah Westfall, heir to the Estate of Scott W  
W  
c/o Monica Ryan, guardian  
Hedlund, Atty  
PO Box 892

Bank of America  
101 East Main Street, Suite 400  
Louisville, KY 40232-5140

Bank of America  
c/o Recontrust Company, N.A.  
1800 Tapo canyon Rd., CA6-914-01-94  
Simi Valley, CA 93063

Bank of America  
c/o Recontrust Company, N.A.  
400 National Way  
Simi Valley, CA 93065

Bank of America  
P.O. Box 9000  
Getzville, NY 14068

DONNA HINES, PERSONAL REP. TO  
  
c/o Heatherman Law  
250 NW Franklin Avenue, Suite 402  
Bend, OR 97701

DONNA HINES, PERSONAL  
ESTATE OF SCOTT WESTFALL  
10635 MCCCORMICK ROAD  
KENO, OR 97627

ESTATE OF SCOTT WESTFALL  
10635 MCCORMICK ROAD  
KENO, OR 97627-0000

ESTATE OF SCOTT WESTFALL  
PO BOX 1149  
BAKER CITY, OR 97814-1149

Mariah Westfall, heir to the Estate of Scott  
  
c/o Gary L. Hedlund, OSB #73129, Atty  
303 Pine Street  
Klamath Falls, OR 97601

Mariah Westfall, heir to the Estate of Scott  
  
c/o Monica Ryan, guardian c/o Gary  
303 Pine Street

Maxwell, CA 95955

Monica Westfall nka Monica L. Ryan  
PO Box 892  
Maxwell, CA 95955

Klamath Falls, OR 97601

Occupants  
10635 MCCORMICK ROAD  
KENO, OR 97627-0000

7023.96195  
Kathy Taggart

## TRUSTEE'S NOTICE OF SALE

File No. 7023.96195

Reference is made to that certain trust deed made by SCOTT M WESTFALL, as grantor, to Aspen Title & Escrow, Inc., as trustee, in favor of R.W. Cox & Associates, LLC, as beneficiary, dated 02/04/03, recorded 02/18/03, in the mortgage records of KLAMATH County, Oregon, as Vol: M03 Page: 09400 and subsequently assigned to Wells Fargo Bank, NA by Assignment recorded as 2008-002150, covering the following described real property situated in said county and state, to wit:

A tract of land situated in the E 1/2 E 1/2 SE 1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, and the W 1/2 W 1/2 SW 1/4 of Section 31, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8" iron pin with Tru-Line Surveying plastic cap on the line common to said Sections 36 and 31 and being the Southeast corner of that tract of land described in Volume 120 at Page 451 of the Klamath County Deed Records, the Southwest corner of said Section 36, as marked by an iron axle, bears South 00 degrees 05' 00" West 660.00 feet; thence North 00 degrees 05' 00" East, along said section line, 207.77 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap, marking the South corner of that tract of land described in Volume 338 at Page 204 of said deed records; thence North 32 degrees 48' 24" East 477.85 feet to the Southeasterly corner of that tract of land described in Volume M-68 at Page 532 of said deed records, a 1" iron pipe bears South 72 degrees 04' 50" East 0.26 feet; thence North 72 degrees 04' 50" West 271.36 feet to a 1" iron pin at the Southwesterly corner of said tract of land; thence South 00 degrees 05' 00" West 3.52 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap marking the South 1/16 corner common to said Sections 36 and 31; thence continuing South 00 degrees 05' 00" West 12.08 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap marking the Southeasterly corner of that tract of land described in Volume 27 at Page 294 of said deed records; thence North 57 degrees 30' West 22.48 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap; thence West 21.02 feet to a 5/8" Iron pin with Tru-Line Surveying plastic cap; thence South 00 degrees 05' 00" West 689.38 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap; thence East 40.00 feet to the point of beginning, with bearings based on recorded Survey 1169. AN EASEMENT AND RIGHT OF WAY for the construction, maintenance and operation of an irrigation waterline and pump over and across the Southeasterly fifteen feet (15') of the following described lands in Klamath County, Oregon, to wit: A tract of land in Lot 1, Southwest Quarter of Section 31, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows: Beginning at the intersection of the centerline of River Street and the Westerly boundary line of Brighton Avenue (Highway 66) In the Town of Doten, (now Keno), Oregon, which point is marked with an iron pipe; thence North 57 degrees 08' West along the centerline of said River Street, projected a distance of 1,194.6 feet; thence North 32 degrees 52' East 372.1 feet to the true point of beginning; thence continuing North 32 degrees 52' East 159.8 feet, more or less, to the mean waterline of the Klamath River; thence North 40 degrees 24' West 179.7 feet along said mean waterline to the Easterly boundary of the tract of land described in Book 94 at Page 36, Deed Records of Klamath County, Oregon; thence along the Easterly and Southerly boundaries of said parcel as follows: South 41 degrees 47' West 58.9 feet and North 50 degrees 05' West 321.1 feet to the Easterly boundary of the tract of land described In Volume 130 at Page 412, Deed Records of Klamath County, Oregon; thence South 0 degrees 06' East along said boundary a distance of 434.0 feet; thence South 72 degrees 16' East 273.2 feet to the point of beginning. TOGETHER WITH the right of ingress to and egress from said waterline and pump for the purpose aforesaid.

PROPERTY ADDRESS: 10635 MCCORMICK ROAD  
KENO, OR 97627

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 \$1,255.35 beginning 06/01/11; plus late charges of \$42.35 each month beginning 06/16/11; plus prior accrued late charges of \$0.00; plus advances of \$57.00; 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: \$57,434.26 with interest thereon at the rate of 5.375 percent per annum beginning 05/01/11; plus late charges of \$42.35 each month beginning 06/16/11 until paid; plus prior accrued late charges of \$0.00; plus advances of \$57.00; 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 January 3, 2012 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 January 3, 2012. 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 December 4, 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: August 24, 20 11

  
Northwest Trustee Services, Inc.

By \_\_\_\_\_  
Assistant Vice President,  
Northwest Trustee Services, Inc.

For further information, please contact:

Kathy Taggart  
Northwest Trustee Services, Inc.  
P.O. Box 997  
Bellevue, WA 98009-0997  
(425) 586-1900  
File No. 7023.96195/WESTFALL, ESTATE OF SCOTT

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

ANDREW THOMPSON, 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 10635 MCCORMICK ROAD, KENO, OR 97627 in a conspicuous place on:
  - 1st Attempt: Friday, August 26, 2011 at 03:30 pm
  - 2nd Attempt: Tuesday, August 30, 2011 at 10:15 am
  - 3rd Attempt: Saturday, September 3, 2011 at 02:00 pm

Signed in Klamath County, Oregon by:

Signature

A Thompson

Date

9/6/2011

State of Oregon

County of

Klamath

On this 6th day of September in the year of 2011, before me a Notary Public, Personally appeared Andrew Thompson, 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:

Margaret A. Nielsen  
Klamath  
4-12-12



03748691

1002.202071  
7023.96195

Northwest Trustee Services, Inc.



## STATEMENT OF PROPERTY CONDITION

### Occupancy:

☐ Occupied

☒ Vacant

### Type of Dwelling:

☒ Single Family

☐ Condominium

☐ Apartment Bldg

☐ Commercial Bldg

☐ Mobile Home

☐ Vacant Land

☐ Multi-Family: Number of Units: \_\_\_\_\_

### Property Condition:

#### Damage:

☐ Fire

☐ Vandalism

☐ Other

Describe: \_\_\_\_\_

### Landscape:

☒ Good

☐ Poor

### Other:

☐ Property Address Discrepancies

☐ Code Enforcement Notices

☐ Livestock

☐ For Sale Sign, By \_\_\_\_\_

Comments: \_\_\_\_\_

#### Disclaimer:

Foreclosure Expeditors/Initiators, LLC provides the information herein as a courtesy. That information is obtained from field service representatives possessing varying degrees of knowledge and sophistication in the observance and reporting of real property conditions and should not be relied upon in lieu of the lender's or servicer's regular property inspections for the property. No guaranty, warranty or representation of any kind, expressed or implied, is made concerning the accuracy, completeness or correctness of the matters reported upon by FEI's representatives herein. Foreclosure Expeditors/Initiators, LLC, its affiliates, officers, directors, employees, or agents are neither responsible nor liable for any direct, indirect, incidental, consequential special, punitive, exemplary or other damages arising out of or relating in any way to the content or information contained in this Statement of Property Condition.



03748821

1002.202071  
7023.96195

Northwest Trustee Services, Inc.

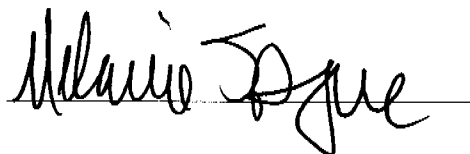
**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT**  
**(In Lieu of Personal Service)**

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.

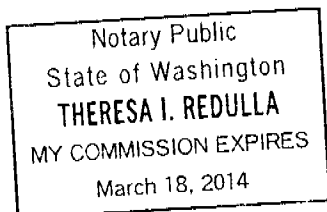
On September 7, 2011 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 10635 MCCORMICK ROAD, KENO, OR, 97627 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.

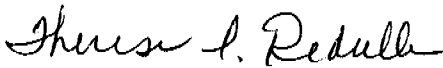


STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF KING                )

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: 9/7/11



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

**7023.96195 / WESTFALL, ESTATE OF SCOTT**  
**Kathy Taggart**

**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

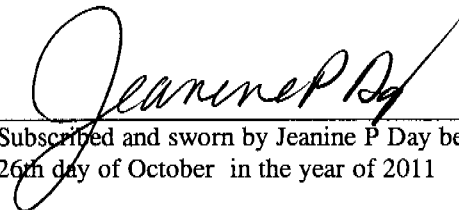
Legal#13778 SALE WESTFALL  
#1002.202071

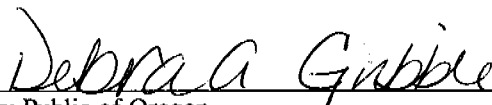
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

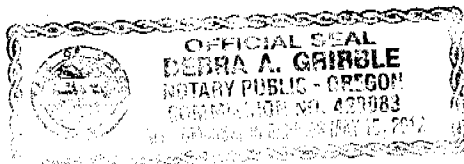
Insertion(s) in the following issues:

10/05/2011 10/12/2011 10/19/2011 10/26/2011

Total Cost: \$1881.14

  
Subscribed and sworn by Jeanine P Day before me on:  
26th day of October in the year of 2011

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



**TRUSTEE'S NOTICE OF SALE File No. 7023.96195**

Reference is made to that certain trust deed made by SCOTT M WESTFALL, as grantor, to Aspen Title & Escrow, Inc., as trustee, in favor of H.W. Cox & Associates, LLC, as beneficiary, dated 02/04/03, recorded 02/18/03, in the mortgage records of KLAMATH County, Oregon, as Vol: M03 Page: 09400 and subsequently assigned to Wells Fargo Bank, NA by Assignment recorded as 2008-002150, covering the following described real property situated in said county and state, to wit: A tract of land situated in the E 1/2 E 1/2 SE 1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, and the W 1/2 W 1/2 SW 1/4 of Section 31, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8" iron pin with Tru-Line Surveying plastic cap on the line common to said Sections 36 and 31 and being the Southeast corner of that tract of land described in Volume 120 at Page 451 of the Klamath County Deed Records, the Southwest corner of said Section 36, as marked by an iron axle, bears South 00 degrees 05' 00" West 660.00 feet; thence North 00 degrees 05' 00" East, along said section line, 207.77 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap, marking the South corner of that tract of land described in Volume 338 at Page 204 of said deed records; thence North 32 degrees 48' 24" East 477.85 feet to the Southeasterly corner of that tract of land described in Volume M-68 at Page 532 of said deed records, a 1" iron pipe bears South 72 degrees 04' 50" East 0.26 feet; thence North 72 degrees 04' 50" West 271.36 feet to a 1" iron pin at the Southwesterly corner of said tract of land; thence South 00 degrees 05' 00" West 3.52 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap marking the South 1/16 corner common to said Sections 36 and 31; thence continuing South 00 degrees 05' 00" West 12.08 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap marking the Southeasterly corner of that tract of land described in Volume 27 at Page 294 of said deed records; thence North 57 degrees 30' West 22.48 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap; thence West 21.02 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap; thence South 00 degrees 05' 00" West 689.38 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap; thence East 40.00 feet to the point of beginning, with bearings based on recorded Survey 1189. AN EASEMENT AND RIGHT OF WAY for the construction, maintenance and operation of an irrigation waterline and pump over and across the Southeasterly fifteen feet (15') of the following described lands in Klamath County, Oregon, to wit: A tract of land in Lot 1, Southwest Quarter of Section 31, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows: Beginning at the intersection of the centerline of River Street and the Westerly boundary line of Brighton Avenue (Highway 86) in the Town of Doten, (now Keno), Oregon, which point is marked with an iron pipe; thence North 57 degrees 08' West along the centerline of said River Street, projected a distance of 1,194.6 feet; thence North 32 degrees 52' East 372.1 feet to the true point of beginning; thence continuing North 32 degrees 52' East 159.8 feet, more or less, to the mean waterline of the Klamath River; thence North 40 degrees 24' West 179.7 feet along said mean waterline to the Easterly boundary of the tract of land described in Book 94 at Page 36, Deed Records of Klamath County, Oregon; thence along the Easterly and Southerly boundaries of said parcel as follows: South 41 degrees 47' West 58.9 feet and North 50 degrees 05' West 321.1 feet to the Easterly boundary of the tract of land described in Volume 130 at Page 412, Deed Records of Klamath County, Oregon; thence South 0 degrees 06' East along said boundary a distance of 434.0 feet; thence South 72 degrees 16' East 273.2 feet to the point of beginning. TOGETHER WITH the right of ingress to and egress from said waterline and pump for the purpose aforesaid. PROPERTY ADDRESS: 10635 MCCORMICK ROAD KENO, OR 97627.

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 \$1,255.35 beginning

06/01/11; plus late charges of \$42.35 each month beginning 06/16/11; plus prior accrued late charges of \$0.00; plus advances of \$57.00; 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: \$57,434.26 with interest thereon at the rate of 5.375 percent per annum beginning 05/01/11; plus late charges of \$42.35 each month beginning 06/16/11 until paid; plus prior accrued late charges of \$0.00; plus advances of \$57.00; 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 January 3, 2012 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. 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: Kathy Taggart Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 (425) 586-1900 File No. 7023.96195/WEST-FALL ESTATE OF SCOTT 1002.202071-FEI #13778 October 05, 12, 19, 26, 2011.