



00029216200700144220090097

08/15/2007 03:47:40 PM

Fee: \$71.00

**RECORDING COVER SHEET FOR NOTICE  
OF SALE PROOF OF COMPLIANCE PER  
O.R.S. 205.234**

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

WHEN RECORDED MAIL TO

**REGIONAL TRUSTEE SERVICES CORPORATION**, as Trustee  
616 1st Avenue, Suite 500  
Seattle, WA 98104

Trustee's Sale No: 09-FMS-45590

ATE: 64579



**MARK NAME(S) OF ALL THE TRANSACTION(S)** described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.



**AFFIDAVIT OF MAILING NOTICE OF SALE** (must have trustee's notice of sale attached)



**AFFIDAVIT OF PUBLICATION NOTICE OF SALE**



**PROOF OF SERVICE /AFFIDAVIT OF NON-OCCUPANCY**

**Original Grantor on Trust Deed**

**MARVIN BAILEY AND DIXIE FERNANDEZ, NOT AS TENANTS IN COMMON BUT WITH FULL RIGHTS  
OF SURVIVORSHIP**

**Beneficiary**

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS  
AND ASSIGNS**

OR\_AffRecCover

71-A

REGIONAL TRUSTEE SERVICES CORPORATION  
616 1st Avenue, Suite 500  
Seattle, WA 98104  
Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-FMS-45590



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON     )  
                                      ) ss.  
COUNTY OF KING         )

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached original Notice of Sale given under the terms of that certain trust deed described in said Notice.

That I gave notice of the sale of the real property described in the attached Notice of Sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

DIXIE FERNANDEZ, 1027 LAKESHORE DRIVE, KLAMATH FALLS, OR, 97601  
MARVIN BAILEY, 1027 LAKESHORE DRIVE, KLAMATH FALLS, OR, 97601  
PARTIES IN POSSESSION, 1027 LAKESHORE DRIVE, KLAMATH FALLS, OR, 97601  
SPOUSE OF DIXIE FERNANDEZ, 1027 LAKESHORE DRIVE, KLAMATH FALLS, OR, 97601  
SPOUSE OF MARVIN BAILEY, 1027 LAKESHORE DRIVE, KLAMATH FALLS, OR, 97601

FREMONT INVESTMENT & LOAN, 175 N. RIVERVIEW DRIVE, ANAHEIM, CA, 92808  
FREMONT INVESTMENT & LOAN, P.O. BOX 34078, FULLERTON, CA, 92834  
FREMONT INVESTMENT & LOAN COMPANY, 2727 E IMPERIAL HWY, BREA, CA, 92821  
FREMONT INVESTMENT & LOAN COMPANY, C/O REGISTERED AGENT CT CORPORATION  
SYSTEM, 388 STATE ST STE 420, SALEM, OR, 97301  
FREMONT INVESTMENT AND LOANS, 3110 EAST GUASTI ROAD, , ONTARIO, CA, 91761  
MERS, EDS, PO BOX 7814, OCALA, FL, 34478-7814  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., C/O FREMONT INVESTMENT AND  
LOAN, 175 N. RIVERVIEW DRIVE, ANAHEIM, CA, 92808  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., P.O. BOX 2026, FLINT, MI, 48501-2026  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., P.O. BOX 2026, FLINT, MI, 48501-2026  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., C/O FREMONT INVESTMENT AND  
LOAN, P.O. BOX 34078, FULLERTON, CA, 92834

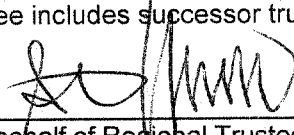
Said persons include (a) the grantor in the trust deed, (b) successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest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

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at

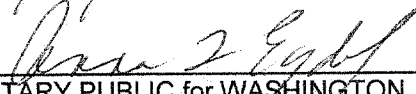
OR\_NOTS Mailing Aff

Seattle, WASHINGTON, on 4/30/07. 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.

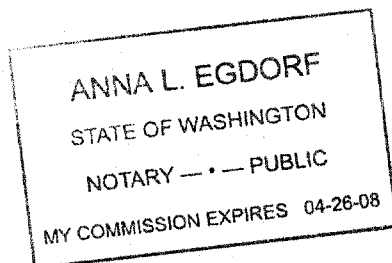
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

  
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on 4/30/07

  
NOTARY PUBLIC for WASHINGTON

My commission expires: 04-26-08



OR\_NOTS Mailing Aff

**NOTICE TO BORROWER:** YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**TRUSTEE'S NOTICE OF SALE**

*Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.*  
Trustee's Sale No. 09-FMS-45590



Reference is made to that certain Deed of Trust made by, MARVIN BAILEY AND DIXIE FERNANDEZ, NOT AS TENANTS IN COMMON BUT WITH FULL RIGHTS OF SURVIVORSHIP, as grantor, to ASPEN TITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS, as beneficiary, dated 6/23/2004, recorded 6/28/2004 in Volume M04, page 41614, of Deeds of Trust, under Instrument No. //, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by U.S. BANK NATIONAL ASSOCIATION as Trustee. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 18, LAKESHORE GARDENS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON  
FILE IN THE OFFICE THE CLERK OF KLAMATH COUNTY, OREGON.

The street address or other common designation, if any, of the real property described above is purported to be:

1027 LAKESHORE DRIVE  
KLAMATH FALLS, OR 97601

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to 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:

	Amount due as of April 26, 2007
Delinquent Payments from December 01, 2006	
1 payments at \$ 1,123.50 each	\$ 1,123.50
1 payments at \$ 1,428.58 each	\$ 1,428.58
3 payments at \$ 1,571.94 each	\$ 4,715.82
(12-01-06 through 04-26-07)	
Late Charges:	\$ 228.03
Beneficiary Advances:	\$ 125.00
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 7,620.93

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following:

UNPAID PRINCIPAL BALANCE OF \$131,562.44, PLUS VARIABLE interest thereon from 012/01/06 to 02/01/07, 11% per annum from 2/1/2007, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on August 29, 2007, at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.


Notice is further given that any person named in 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.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

DATED: 4/26/2007

REGIONAL TRUSTEE SERVICES CORPORATION  
Trustee

By   
DEBORAH KAUFMAN, VICE PRESIDENT  
616 1st Avenue, Suite 500, Seattle, WA 98104  
Phone: (206) 340-2550  
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON     }  
                                      } ss.  
COUNTY OF KING         }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Authorized Representative of Trustee

09FMS45590/BAILEY

ASAP# 848828

**RS-CAS****PROOF OF SERVICE**

STATE OF OREGON           )  
   ) ss.  
 County of Klamath       )

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original Trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities to be served, named below, by delivering true copies of said Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, upon an **OCCUPANT** at the following address:

**1027 LAKESHORE DRIVE, KLAMATH FALLS, OREGON 97601**, as follows:

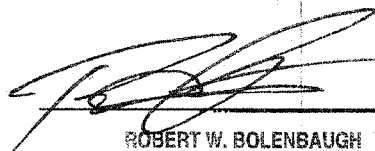
Personal service upon Dixie Fernandez, by delivering said true copy, personally and in person, at the above address on May 9, 2007 at 05:37 p.m.

Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2007 at \_\_\_\_\_:\_\_\_\_\_.m.

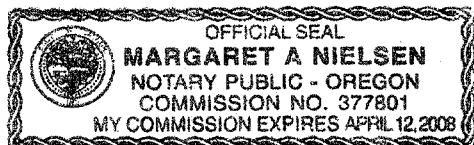
Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2007 at \_\_\_\_\_:\_\_\_\_\_.m.

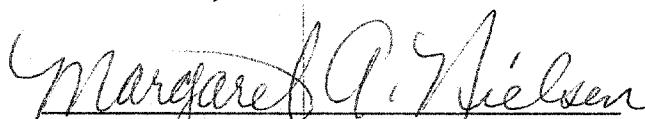
Personal service upon \_\_\_\_\_, by delivering said true copy, personally and in person, at the above address on \_\_\_\_\_, 2007 at \_\_\_\_\_:\_\_\_\_\_.m.

I declare under the penalty of perjury that the above statement is true and correct.

  
 ROBERT W. BOLENBAUGH           323159

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of May, 2007 by ROBERT W. BOLENBAUGH.



  
 Notary Public for Oregon

# Affidavit of Publication

STATE OF OREGON,  
COUNTY OF KLAMATH

I, Jeanine P. Day, Business Manager, being first duly sworn, depose and say that I am the principal clerk of the publisher of the Herald and News a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state; that I know from my personal knowledge that the

Legal # 9279

Notice of Sale/Marvin Bailey & Dixie Fernandez

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

Insertion(s) in the following issues:

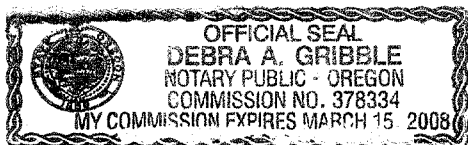
May 11, 18, 25, June 1, 2007

Total Cost: \$1,001.69

Subscribed and sworn by Jeanine P Day  
before me on: June 1, 2007

Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S  
NOTICE OF SALE  
Pursuant to O.R.S.  
86.705 et seq. and  
O.R.S. 79.5010, et  
seq. Trustee's Sale  
No. 09-FMS-45590  
Notice to Borrower:  
You should be  
aware that the un-  
dersigned is at-  
tempting to collect a  
debt and that any in-  
formation obtained  
will be used for that  
purpose.

Reference is made to that certain Deed of Trust made by Marvin Bailey and Dixie Fernandez, not as tenants in common but with full rights of survivorship, as grantor, to Aspen Title, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc, as nominee for its successors and assigns, as beneficiary, dated 6/23/2004, recorded 6/28/2004 in Volume M04, page 41614 of Deed of Trust, under Instrument No. , records of Klamath County, Oregon. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by U.S. Bank National Association as Trustee. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: Lot 18, Lakeshore Gardens, according to the official plat thereof on file in the office of the clerk of Klamath County, Oregon. The street address or other common designation, if any, of the real property described above is purported to be: 1027 Lakeshore Drive Klamath Falls, OR 97601 The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to 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: Amount due as of April 26, 2007 Delinquent Payments from December 01, 2006 1 payments at \$1,123.50 each \$1,123.50 1 payments at \$1,428.58 each \$1,428.58 3 payments at \$1,571.94 each \$4,715.82 (12-01-06 through 04-26-07) Late Charges: \$228.03 Beneficiary Advances: \$125.00 Suspense Credit: \$0.00 Total: \$7,620.93

Also, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following: Unpaid Principal Balance of \$131,562.44, Plus variable interest thereon from 012/01/06 to 02/01/07, 11% per annum from 2/1/2007, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

Wherefore, notice hereby is given that the undersigned trustee, will on August 29, 2007, at the hour of 10:00 A.M, in accord with the standard of time established by ORS 187.110, at On the front steps of the Circuit Court, 316 Main Street, Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. No-



501-57

tice 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 trust's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter; the singular includes the plural; the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. Anyone having any objection to the sale on any grounds whatsoever

ever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

Dated: 4/26/2007 Regional Trustee Services Corporation  
Trustee By Deborah Kaufman, Vice President  
616 1st Avenue, Suite 500, Seattle, WA 98104  
Phone: (206) 340-2550 Sale Information:  
<http://www.rtrustee.com> ASAP# 848828  
05/11/2007, 05/18/2007, 05/25/2007, 06/01/2007  
#9279 May 11, 18, 25, June 1, 2007.

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