

2007-018859

Klamath County, Oregon



00034515200700188590090094

11/02/2007 03:33:29 PM

Fee: \$61.00

ATE: 65003

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) 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 California, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of 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 for all the mailing address(es).

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

Each of the notices so mailed was certified to be a true copy of the original notice of sale by RECONTRUST COMPANY, N.A., 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 VENTURA, CALIFORNIA, on 07/16/07. 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 and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale. As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

State of California

County of Ventura

Subscribed and sworn to (or affirmed) before me on this 17th day of July, 2007, by Daniel B. Rodriguez, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

Signature

Daniel B. Rodriguez

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

MICHAEL R MONTOYA and DELORES M. MONTOYA

Notary Public for California

Residing at Ventura

My commission expires: 3-15-09

RECONTRUST COMPANY, N.A.

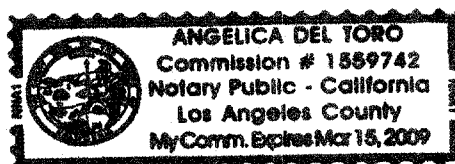
Trustee TS No. 07-28646

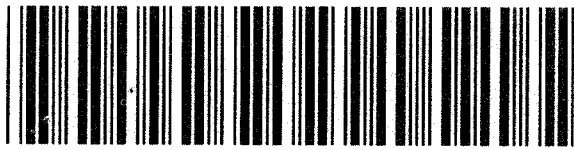
After Recording return to:

400 COUNTRYWIDE WAY SV-35

RECONTRUST COMPANY, N.A.

SIMI VALLEY, CA 93065





02 0728646

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
"EXHIBIT A"**

TS No. 07-28646

MICHAEL R MONTOYA
4912 LORRAYNE PLACE
KLAMMATH FALLS, OR 97603
7187 7930 3131 1238 3847

DELORES M. MONTOYA
4912 LORRAYNE PLACE
KLAMMATH FALLS, OR 97603
7187 7930 3131 1238 3878

Residents/Occupants
4912 LORRAYNE PLACE
KLAMMATH FALLS, OR 97603
7187 7930 3131 1238 3908

MICHAEL MONTOYA
4912 LORRAYNE PLACE
KLAMMATH FALLS, OR 97603
7187 7930 3131 1238 3960

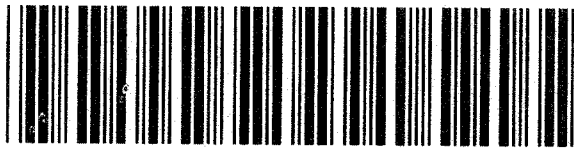
DELORES MONTOYA
4912 LORRAYNE PLACE
KLAMMATH FALLS, OR 97603
7187 7930 3131 1238 3991

Residents/Occupants
4912 LORRAYNE PLACE
KLAMMATH FALLS, OR 97603
7187 7930 3131 1238 3922

MICHAEL R MONTOYA
4912 LORRAYNE PLACE
KLAMATH FALLS, OR 97603
7187 7930 3131 1238 3854

DELORES M. MONTOYA
4912 LORRAYNE PLACE
KLAMATH FALLS, OR 97603
7187 7930 3131 1238 3885

MICHAEL MONTOYA
4912 LORRAYNE PLACE
KLAMATH FALLS, OR 97603
7187 7930 3131 1238 3977



02 0728646

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
"EXHIBIT A"**

TS No. 07-28646

DELORES MONTOYA
4912 LORRAYNE PLACE
KLAMATH FALLS, OR 97603
7187 7930 3131 1238 4004

Residents/Occupants
4912 LORRAYNE PLACE
KLAMATH FALLS, OR 97603
7187 7930 3131 1238 3939

MICHAEL R MONTOYA
839 MAIN ST
KLAMATH FALLS, OR 97601
7187 7930 3131 1238 3861

DELORES M. MONTOYA
839 MAIN ST
KLAMATH FALLS, OR 97601
7187 7930 3131 1238 3892

MICHAEL MONTOYA
839 MAIN ST
KLAMATH FALLS, OR 97601
7187 7930 3131 1238 3984

DELORES MONTOYA
839 MAIN ST
KLAMATH FALLS, OR 97601
7187 7930 3131 1238 4028

CREDIT BUREAU OF KLAMATH COUNTY
839 MAIN ST
KLAMATH FALLS, OR 97601
7187 7930 3131 1238 3953

Residents/Occupants
839 MAIN ST
KLAMATH FALLS, OR 97601
7187 7930 3131 1238 3946

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) 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 California, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of 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 for all the mailing address(es).

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

Each of the notices so mailed was certified to be a true copy of the original notice of sale by RECONTRUST COMPANY, N.A., 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 VENTURA, CALIFORNIA, on 8/19/2007. 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 and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale. As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

State of California
County of Ventura

Subscribed and sworn to (or affirmed) before me on this 20th day of August, 20 07, by Daniel B. Rodriguez, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.
(seal)

Signature

Daniel B. Rodriguez

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

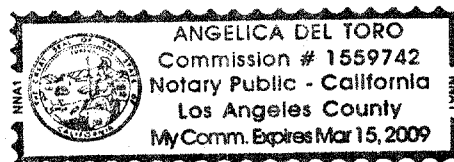
MICHAEL R MONTOYA and DELORES M. MONTOYA

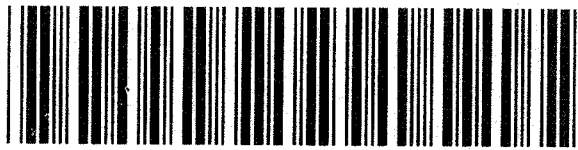
Angelica Del Toro
Notary Public for California
Residing at Ventura
My commission expires: 3-15-09

RECONTRUST COMPANY, N.A.

Trustee TS No. 07-28646

After Recording return to:
400 COUNTRYWIDE WAY SV-35
RECONTRUST COMPANY, N.A.
SIMI VALLEY, CA 93065





02 0728646

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
"EXHIBIT A"**

TS No. 07-28646

SECRETARY OF HOUSING AND URBAN DEVELOPMENT
4111 S. DARLINGTON, SUITE 300
ATTN: MORRIS-GRIFFIN/FIRST MADISON SERVICES, INC.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
TULSA, OK 74135
7187 7930 3131 1295 7833

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 # 9523

Notice of Sale/Michael R. & Delores M. Montoya

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:

August 23, 30, September 6, 13, 2007

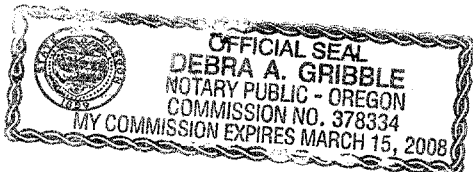
Total Cost: \$810.59

Subscribed and sworn by Jeanine P Day

before me on: September 13, 2007

Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Michael R. Montoya And Delores M. Montoya, Husband And Wife, as grantor(s), to T.D. Service Company, A California Corporation, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 12/13/2006, recorded 12/29/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-025528, covering the following described real property situated in said county and state, to wit: Lot 42, Block 1, Tract No. 1078, Second Addition to Keleene Gardens, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. PROPERTY ADDRESS: 4912 Lorraine Place, Klamath Falls, OR 97603. 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 \$1,065.70 beginning 04/01/2007; plus late charges of \$53.29 each month beginning with the 04/01/2007 payment plus prior accrued late charges of \$53.29; plus advanced

ces of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein. 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: \$111,300.00 with interest thereon at the rate of 11.4899997711182 percent per annum beginning 03/01/2007 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein. WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Tuesday, November 13, 2007 at the hour of 10:00 AM in accordance 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 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 the Trustee's and Attorney's fees not exceeding the amounts provided by ORS 86.753. 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.

Dated: June 29, 2007. Recontrust Company, N.A., Alexis West, Assistant Secretary. For further information, please contact: Recontrust Company, N.A., Countrywide Home Loans, Inc., 1757 Tapo Canyon Road, SVW-88, Simi Valley, CA 93063. (800) 281-8219. TS No. 07-28646. Doc. ID. #0001579080052005N. #9523 August 23, 30, September 6, 13, 2007.

IN THE _____ COURT OF THE STATE OF _____
COUNTY OF _____ : COURT CASE NO. _____

OREGON

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC

vs

MICHAEL R MONTOYA AND
DELORES M MONTOYA

PROOF OF SERVICE

STATE OF OREGON)
County of _____) SS.

I hereby certify that on the _____ day of _____, 20____, at the hour of _____, I served _____ by _____

DELO
MICH
Personal Service (personally and in person)
Substitute Service (by serving a person over the age of 14 years, who resides at the usual place of abode of the within named)
Office Service (by serving the person apparently in charge)
By posting (said residence)

A certified/true copy of:
Summons
Motion
Complaint
Petition
X Other: TRUSTEES NOTICE OF SALE
Writ of Garnishment
Order
Citation
Notice
Small Claims
Affidavit
Subpoena
Decree

Together with a copy of _____

To DELORES MONTOYA At 4912 LORRAYNE PL
KLAMATH FALLS, OR. 97603

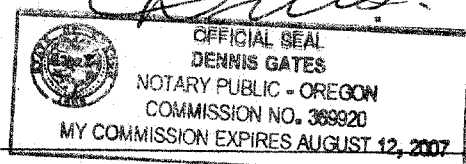
NOT FOUND: I certify that I received the within document for service on the _____ day of _____, 20____, and after due and diligent search and inquiry, I have been unable to locate _____ within the county of _____ Dated this _____ day of _____, 20____

ALL SEARCH AND SERVICE WAS MADE WITHIN THE COUNTY OF _____ KLAMATH

I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the action.

Subscribed to and sworn to before me this
18 day of July, 2007

DAVE DAVIS (#16)
Cleveland Process Serving, LLC.
(541) 665-5162



Papers
Received From FEI LLC
PO BOX 219
BELLEVUE
WA 98009-0219

425-458-2112
ATTN:

Remit to: CPS, LLC.	Service Fee	\$ 40.00
P.O. Box 5358	Mileage	\$
Central Point, OR 97502	Rush/Emergency	\$
Date: 07-17-2007	Incorrect Add.	\$
CPS File No. 3689-K		\$
Client No. 1006.09101	Amount Paid	\$ 0.00
	TOTAL DUE	\$ 40.00

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Michael R. Montoya And Delores M. Montoya, Husband And Wife, as grantor(s), to T.D. Service Company, A California Corporation, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 12/13/2006, recorded 12/29/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-025528, covering the following described real property situated in said county and state, to wit:

LOT 42, BLOCK 1, TRACT NO. 1078, SECOND ADDITION TO KELENE GARDENS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 4912 LORRAYNE PLACE
KLAMATH FALLS, OR 97603

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 \$1,065.70 beginning 04/01/2007; plus late charges of \$53.29 each month beginning with the 04/01/2007 payment plus prior accrued late charges of \$-53.29; plus advances of \$0.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

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: \$111,300.00 with interest thereon at the rate of 11.4899997711182 percent per annum beginning 03/01/2007 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Tuesday, November 13, 2007 at the hour of 10:00 AM 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 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 the Trustee's and attorney's fees not exceeding the amounts provided by ORS 86.753.

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.

RECONTRUST COMPANY, N.A.

Dated June 29, 2007

Alvin West

Form ORNOS (03/02)

Alexis West, Assistant Secretary

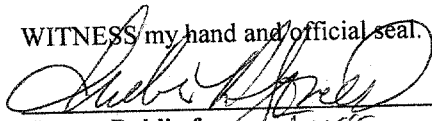
For further information, please contact:

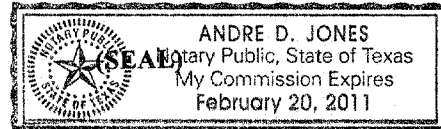
RECONTRUST COMPANY, N.A.
COUNTRYWIDE HOME LOANS, INC.
1757 TAPO CANYON ROAD, SVW-88
SIMI VALLEY, CA 93063
(800)-281-8219
TS No. 07 -28646
Doc ID #0001579080052005N

STATE OF Texas)
COUNTY OF Dallas) ss.

On 6/29/2007, before me, **ANDRE D. JONES**, notary public, personally appeared Alexis West, personally known to me (~~or proved to me on the basis of satisfactory~~ evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Notary Public for Texas
My commission expires: 2/20/2011



THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.