

2007-020810  
Klamath County, Oregon

Recording requested by:



00036824200700208100380388

When recorded return to:

12/12/2007 02:24:41 PM

Fee: \$221.00

LandAmerica Default Services  
Post Office Box 5899  
6 Executive Circle  
Suite 100  
Irvine, CA 92616

Space above this line for recorders use only

ATE: 65113

TS # 039-14620

Order # 30077286

Loan # 0088364443

**AFFIDAVITS OF MAILING, PUBLICATION, AND SERVICE  
OF NOTICE OF DEFAULT AND ELECTION TO SELL  
AND TRUSTEE'S NOTICE OF SALE**

#221. -A

# AFFIDAVIT OF MAILING

By Interface Inc.  
5839 Mission Gorge Road, Suite A  
San Diego, CA 92120

Reference No: 039-14620-86857  
Mailing Number: 0006357-01

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO }SS  
}

I, Clifton McBride being duly sworn, depose and say:

I am and at all times herein mentioned a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California:

That at the request of LandAmerica on 8/23/2007, I deposited in the United States mail a copy of the attached document, in separate sealed envelopes, in accordance with the checked mailing classes defined below, postage prepaid, to the address list on exhibit A, attached hereto and made a part hereof.

☒ First Class      ☐ Certified  
☒ Certified Return      ☐ Registered      ☐ Registered International

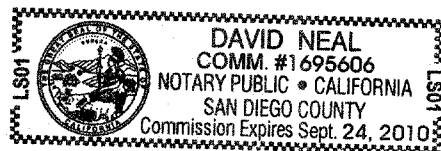
Clifton McBride  
Affiant

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

On DEC 06 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared CLIFTON McBRIDE personally known to me (or proved to me on the basis of satisfactory evidence) to the person(s) whose names(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.

Signature [Signature]



**TRUSTEE'S NOTICE OF SALE****Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.****Trustee No.: 039-14620**

Reference is made to that certain Trust Deed made by MARK S PHILLIPY as Grantor/Trustor, in which **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.**, is named as Beneficiary and **AMERITITLE** as Trustee and recorded 12/28/2005 as Instrument No. M05-71921 in book , page of Official Records in the office of the Recorder of Klamath County, Oregon covering the following described real property situated in said county and state, to-wit:

**LOT 27 AND THE NORTHWESTERLY 25 FEET OF LOT 26 IN BLOCK 17, OF ELDORADO HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON**

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

**1849 EL DORADO BOULEVARD  
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:*

|                                      |                          |
|--------------------------------------|--------------------------|
| Total payments from 4/1/2007 through | \$7,577.35               |
| Total late charges                   |                          |
| Total advances                       | \$0.00                   |
| Interest on Advances (if any)        | \$0.00                   |
| <b>TOTAL DUE THE BENEFICIARY</b>     | <b><u>\$7,577.35</u></b> |

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:*

The unpaid principal balance of **\$187,680.06** together with interest thereon at the current rate of **6.87500** per cent (%) per annum from **3/1/2007** until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

**WHEREFORE**, notice hereby is given that the undersigned trustee will, on 12/26/2007, at the hour of 10:00am in accord with the standard of time established by O.R.S. 187.110 at the following place:

**At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee.

Notice is further given that any person named in O.R.S. 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 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.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

Date: 8/16/2007

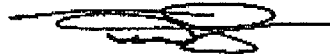
LAWYERS TITLE INSURANCE CORPORATION



By: Tina Suikonen, Assistant Secretary

State of California  
County of Orange ss.

I certify that I, Tina Suikonen am an authorized representative of LAWYERS TITLE INSURANCE CORPORATION, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.



Authorized Representative of Trustee

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

When recorded return to:

LandAmerica Default Services  
Post Office Box 5899  
Irvine, CA 92616

County of Klamath

Instrument # 2007-14588

Date recorded 08/17/2007

Space above this line for recorders use only

TS # 039-14620

Order # 30077286

Loan # 0088364443

## Notice of Default and Election To Sell

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.

Reference is made to that certain Trust Deed made by **MARK S PHILLIPY** as Grantor/Trustor, in which **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.**, is named as Beneficiary and **AMERITITLE** as Trustee and recorded 12/28/2005 as Instrument No. **M05-71921** in book , page of Official Records in the office of the Recorder of **Klamath County, Oregon** covering the following described real property situated in said county and state, to-wit:

**LOT 27 AND THE NORTHWESTERLY 25 FEET OF LOT 26 IN BLOCK 17, OF ELDORADO HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON**

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

**1849 EL DORADO BOULEVARD, KLAMATH FALLS, OR 97601**

The undersigned trustee, **LAWYERS TITLE INSURANCE CORPORATION**, hereby certifies that no assignments of the Trust Deed by the trustee or by the beneficiary and no appointments of a successor-trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover debt, or any part thereof, now remaining secured by the said Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by O.R.S. 86.735 (4).

There is a default by the Grantor or other person owing an obligation, the performance of which is secured by said Trust Deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is Grantor's failure to pay when due the following sums:

|                                      |                          |
|--------------------------------------|--------------------------|
| Total payments from 4/1/2007 through | \$7,577.35               |
| Total late charges                   |                          |
| Total advances                       | \$0.00                   |
| Interest on Advances (if any)        | \$0.00                   |
| <b>TOTAL DUE THE BENEFICIARY</b>     | <b><u>\$7,577.35</u></b> |

**TOGETHER WITH ANY DEFAULT IN THE PAYMENT OF RECURRING OBLIGATIONS AS THEY BECOME DUE.**

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:

The unpaid principal balance of \$187,680.06 together with interest thereon at the current rate of 6.87500 per cent (%) per annum from 3/1/2007 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

Notice hereby is given that the beneficiary and current trustee, LAWYERS TITLE INSURANCE CORPORATION, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to O.R.S. 86.705 to 86.795, and to cause to be sold 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 execution by him of the Trust Deed, together with any interest the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00am in accord with the standard of time established by O.R.S. 187.110 on 12/26/2007 at the following place:

**At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

Notice is further given that any person named in O.R.S. 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 of 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 O.R.S. 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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.

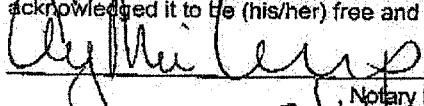
Date: 8/16/2007

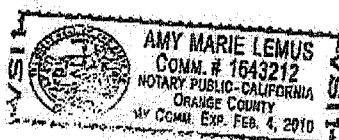
LAWYERS TITLE INSURANCE CORPORATION

  
By: Tina Suikonen, Assistant Secretary

State of California  
County of Orange ss.

On 8/16/07, I certify that I know or have satisfactory evidence that Tina Suikonen 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.

  
\_\_\_\_\_, Notary Public  
My Commission Expires 2/4/10



For further information please contact:

**LAWYERS TITLE INSURANCE CORPORATION**

c/o LandAmerica Default Services  
Post Office Box 5899  
6 Executive Circle  
Suite 100  
Irvine, CA 92616  
(949) 885-4500

Sale Line: (714) 573-1965

Reinstatement (949) 885-4496

**THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL  
BE USED FOR THAT PURPOSE.**

Exhibit A to Affidavit of Mailing

12/6/2007 2:58:33 PM      Sender:      LandAmerica  
6 Executive Circle  
Irvine CA 92614

Postal Class:      First Class

Type of Mailing:      Window

Affidavit Attachment: 0006357-01 000 08232007 LandAmer000126

Postal Number      Sequence Recipient Name

11041994141006662904  
1

Brandy C. Phillipy

Address Line 1/3

1849 El Dorado Blvd.

Address Line 2/4

Klamath Falls OR 97601



Exhibit A to Affidavit of Mailing

|  |                 |  |
|--|-----------------|--|
| 12/6/2007 2:58:34 PM   | Sender:         | LandAmerica<br>6 Executive Circle<br>Irvine CA 92614 |
| Postal Class:  | Certified - Ret |  |
| Type of Mailing:   | Window          |  |
| Affidavit Attachment: 0006357-01 000 08232007 LandAmer000126 |                 |  |
| Postal Number  | Sequence        | Recipient Name                                       |
| 71041994141009244758   | 1               | Brandy C. Phillipy                                   |
|  |                 | Address Line 1/3                                     |
|  |                 | 1849 El Dorado Blvd.                                 |
|  |                 | Address Line 2/4                                     |
|  |                 | Klamath Falls OR 97601                               |

# AFFIDAVIT OF MAILING

By Interface Inc.  
5839 Mission Gorge Road, Suite A  
San Diego, CA 92120

Reference No: 039-14620-86856  
Mailing Number: 0006356-01

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO } SS  
}

I, Clifton McBride being duly sworn, depose and say:

I am and at all times herein mentioned a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California:

That at the request of LandAmerica on 8/23/2007, I deposited in the United States mail a copy of the attached document, in separate sealed envelopes, in accordance with the checked mailing classes defined below, postage prepaid, to the address list on exhibit A, attached hereto and made a part hereof.

☒ First Class      ☐ Certified  
☒ Certified Return      ☐ Registered      ☐ Registered International

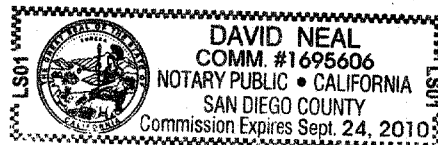
Clifton McBride  
Affiant

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

On DEC 06 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared CLIFTON McBRIDE personally known to me (or proved to me on the basis of satisfactory evidence) to the person(s) whose names(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.

Signature [Signature]



**TRUSTEE'S NOTICE OF SALE**

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.  
Trustee No.: 039-14620

Reference is made to that certain Trust Deed made by MARK S PHILLIPY as Grantor/Trustor, in which MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. , is named as Beneficiary and AMERITITLE as Trustee and recorded 12/28/2005 as Instrument No. M05-71921 in book , page of Official Records in the office of the Recorder of Klamath County, Oregon covering the following described real property situated in said county and state, to-wit:

**LOT 27 AND THE NORTHWESTERLY 25 FEET OF LOT 26 IN BLOCK 17, OF ELDORADO HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON**

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

**1849 EL DORADO BOULEVARD  
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:***

|                                      |                          |
|--------------------------------------|--------------------------|
| Total payments from 4/1/2007 through | \$7,577.35               |
| Total late charges                   |                          |
| Total advances                       | \$0.00                   |
| Interest on Advances (if any)        | \$0.00                   |
| <b>TOTAL DUE THE BENEFICIARY</b>     | <b><u>\$7,577.35</u></b> |

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:***

The unpaid principal balance of \$187,680.06 together with interest thereon at the current rate of 6.87500 per cent (%) per annum from 3/1/2007 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

**WHEREFORE**, notice hereby is given that the undersigned trustee will, on 12/26/2007, at the hour of 10:00am in accord with the standard of time established by O.R.S. 187.110 at the following place:

**At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee.

Notice is further given that any person named in O.R.S. 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 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.

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If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

Date: 8/16/2007

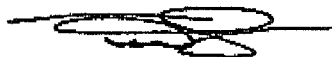
LAWYERS TITLE INSURANCE CORPORATION



By: Tina Suihkonen, Assistant Secretary

State of California }  
County of Orange } ss.

I certify that I, Tina Suihkonen am an authorized representative of LAWYERS TITLE INSURANCE CORPORATION, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.



Authorized Representative of Trustee

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

When recorded return to:

LandAmerica Default Services  
Post Office Box 5899  
Irvine, CA 92616

County of Klamath

Instrument # 2007-14588

Date recorded 08/17/2007

Space above this line for recorders use only

TS # 039-14620

Order # 30077286

Loan # 0088364443

## Notice of Default and Election To Sell

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.

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1849 EL DORADO BOULEVARD, KLAMATH FALLS, OR 97601

The undersigned trustee, **LAWYERS TITLE INSURANCE CORPORATION**, hereby certifies that no assignments of the Trust Deed by the trustee or by the beneficiary and no appointments of a successor-trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover debt, or any part thereof, now remaining secured by the said Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by O.R.S. 86.735 (4).

There is a default by the Grantor or other person owing an obligation, the performance of which is secured by said Trust Deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is Grantor's failure to pay when due the following sums:

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|--------------------------------------|-------------------|
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**TOGETHER WITH ANY DEFAULT IN THE PAYMENT OF RECURRING OBLIGATIONS AS THEY BECOME DUE.**

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Notice hereby is given that the beneficiary and current trustee, LAWYERS TITLE INSURANCE CORPORATION, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to O.R.S. 86.705 to 86.795, and to cause to be sold 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 execution by him of the Trust Deed, together with any interest the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00am in accord with the standard of time established by O.R.S. 187.110 on 12/26/2007 at the following place:


**At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

Notice is further given that any person named in O.R.S. 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 of 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 O.R.S. 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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.

Date: 8/16/2007

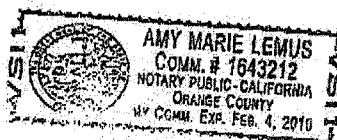
LAWYERS TITLE INSURANCE CORPORATION

By:   
Tina Suihkonen, Assistant Secretary

State of California  
County of Orange ss.

On 8/16/07, I certify that I know or have satisfactory evidence that Tina Suihkonen 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.

  
My Commission Expires 2/4/10, Notary Public



For further information please contact:

**LAWYERS TITLE INSURANCE CORPORATION**  
c/o LandAmerica Default Services  
Post Office Box 5899  
6 Executive Circle  
Suite 100  
Irvine, CA 92616  
(949) 885-4500

Sale Line: (714) 573-1965  
Reinstatement (949) 885-4496

**THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

Exhibit A to Affidavit of Mailing

12/6/2007 2:58:11 PM      Sender:      LandAmerica  
6 Executive Circle  
Irvine CA 92614

Postal Class:      First Class

Type of Mailing:      Window

Affidavit Attachment: 0006356-01 000 08232007 LandAmer000126

Postal Number      Sequence Recipient Name

11041994141006662898  
1      Current Occupant

Address Line 1/3

1849 El Dorado Blvd.

Address Line 2/4

Klamath Falls OR 97601



Exhibit A to Affidavit of Mailing

|   |                 |  |
|---|-----------------|--|
| 12/6/2007 2:58:12 PM  | Sender:         | LandAmerica<br>6 Executive Circle<br>Irvine CA 92614 |
| Postal Class:   | Certified - Ret |  |
| Type of Mailing:  | Window          |  |
| Affidavit Attachment: 00063356-01 000 08232007 LandAmer000126 |                 |  |
| Postal Number   | Sequence        | Recipient Name                                       |
| 71041994141009244741  | 1               | Current Occupant                                     |
|   |                 | Address Line 1/3                                     |
|   |                 | 1849 El Dorado Blvd.                                 |
|   |                 | Address Line 2/4                                     |
|   |                 | Klamath Falls OR 97601                               |

# AFFIDAVIT OF MAILING

By Interface Inc.  
5839 Mission Gorge Road, Suite A  
San Diego, CA 92120

Reference No: 039-14620-86855  
Mailing Number: 0006355-01

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO } SS  
}

I, Clifton McBride being duly sworn, depose and say:

I am and at all times herein mentioned a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California:

That at the request of LandAmerica on 8/23/2007, I deposited in the United States mail a copy of the attached document, in separate sealed envelopes, in accordance with the checked mailing classes defined below, postage prepaid, to the address list on exhibit A, attached hereto and made a part hereof.

☒ First Class  
☒ Certified Return

☐ Certified  
☐ Registered

☐ Registered International

Clifton McBride  
Affiant

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

DEC 06 2007

On \_\_\_\_\_ before me, the undersigned, a Notary Public in and for said State,  
personally appeared CLIFTON McBRIDE

personally known to me (or proved to me on the basis of satisfactory evidence) to the person(s) whose names(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.

Signature [Signature]



**TRUSTEE'S NOTICE OF SALE****Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.****Trustee No.: 039-14620**

Reference is made to that certain Trust Deed made by MARK S PHILLIPY as Grantor/Trustor, in which MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. , is named as Beneficiary and AMERITITLE as Trustee and recorded 12/28/2005 as Instrument No. M05-71921 in book , page of Official Records in the office of the Recorder of Klamath County, Oregon covering the following described real property situated in said county and state, to-wit:

**LOT 27 AND THE NORTHWESTERLY 25 FEET OF LOT 26 IN BLOCK 17, OF ELDORADO HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON**

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

**1849 EL DORADO BOULEVARD  
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:***

|                                      |                          |
|--------------------------------------|--------------------------|
| Total payments from 4/1/2007 through | \$7,577.35               |
| Total late charges                   |                          |
| Total advances                       | \$0.00                   |
| Interest on Advances (if any)        | \$0.00                   |
| <b>TOTAL DUE THE BENEFICIARY</b>     | <b><u>\$7,577.35</u></b> |

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:***

The unpaid principal balance of \$187,680.06 together with interest thereon at the current rate of 6.87500 per cent (%) per annum from 3/1/2007 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

**WHEREFORE, notice hereby is given that the undersigned trustee will, on 12/26/2007, at the hour of 10:00am in accord with the standard of time established by O.R.S. 187.110 at the following place:**

**At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee.

Notice is further given that any person named in O.R.S. 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 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.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

Date: 8/16/2007

LAWYERS TITLE INSURANCE CORPORATION



By: Tina Suihkonen, Assistant Secretary

State of California }  
County of Orange } ss.

I certify that I, Tina Suihkonen am an authorized representative of LAWYERS TITLE INSURANCE CORPORATION, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.



Authorized Representative of Trustee

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

When recorded return to:

LandAmerica Default Services  
Post Office Box 5899  
Irvine, CA 92616

County of Klamath

Instrument # 2007-14588

Date recorded 08/17/2007

Space above this line for recorders use only

TS # 039-14620

Order # 30077286

Loan # 0088364443

## Notice of Default and Election To Sell

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.

Reference is made to that certain Trust Deed made by MARK S PHILLIPY as Grantor/Trustor, in which MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. , is named as Beneficiary and AMERITITLE as Trustee and recorded 12/28/2005 as Instrument No. M05-71921 in book , page of Official Records in the office of the Recorder of Klamath County, Oregon covering the following described real property situated in said county and state, to-wit:

**LOT 27 AND THE NORTHWESTERLY 25 FEET OF LOT 26 IN BLOCK 17, OF ELDORADO HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON**

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

1849 EL DORADO BOULEVARD, KLAMATH FALLS, OR 97601

The undersigned trustee, LAWYERS TITLE INSURANCE CORPORATION , hereby certifies that no assignments of the Trust Deed by the trustee or by the beneficiary and no appointments of a successor-trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover debt, or any part thereof, now remaining secured by the said Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by O.R.S. 86.735 (4).

There is a default by the Grantor or other person owing an obligation, the performance of which is secured by said Trust Deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is Grantor's failure to pay when due the following sums:

|                                      |                          |
|--------------------------------------|--------------------------|
| Total payments from 4/1/2007 through | \$7,577.35               |
| Total late charges                   |                          |
| Total advances                       | \$0.00                   |
| Interest on Advances (if any)        | \$0.00                   |
| <b>TOTAL DUE THE BENEFICIARY</b>     | <b><u>\$7,577.35</u></b> |

**TOGETHER WITH ANY DEFAULT IN THE PAYMENT OF RECURRING OBLIGATIONS AS THEY BECOME DUE.**

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:

The unpaid principal balance of \$187,680.06 together with interest thereon at the current rate of 6.87500 per cent (%) per annum from 3/1/2007 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

Notice hereby is given that the beneficiary and current trustee, LAWYERS TITLE INSURANCE CORPORATION, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to O.R.S. 86.705 to 86.795, and to cause to be sold 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 execution by him of the Trust Deed, together with any interest the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00am in accord with the standard of time established by O.R.S. 187.110 on 12/26/2007 at the following place:

**At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

Notice is further given that any person named in O.R.S. 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 of 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 O.R.S. 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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.

Date: 8/16/2007

LAWYERS TITLE INSURANCE CORPORATION

  
By: Tina Suihkonen, Assistant Secretary

State of California  
County of Orange ss.

On 8/16/07, I certify that I know or have satisfactory evidence that Tina Suihkonen 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.

  
My Commission Expires 2/4/10 Notary Public



For further information please contact:

**LAWYERS TITLE INSURANCE CORPORATION**  
c/o LandAmerica Default Services  
Post Office Box 5899  
6 Executive Circle  
Suite 100  
Irvine, CA 92616  
(949) 885-4500

Sale Line: (714) 573-1965  
Reinstatement (949) 885-4496

**THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL  
BE USED FOR THAT PURPOSE.**

Exhibit A to Affidavit of Mailing

12/6/2007 2:57:49 PM      Sender:      LandAmerica  
6 Executive Circle  
Irvine CA 92614

Postal Class:      First Class  
Type of Mailing:      Window

Affidavit Attachment: 0006355-01 000 08232007 LandAmer000126

Postal Number      Sequence      Recipient Name

11041994141006662881      1      MARK S PHILLIPY

Address Line 1/3  
1954 LAREDO CIR.

Address Line 2/4  
STOCKTON OR 95209



Exhibit A to Affidavit of Mailing

12/6/2007 2:57:50 PM      Sender:      LandAmerica  
6 Executive Circle  
Irvine CA 92614

Postal Class:      Certified - Ret

Type of Mailing:      Window

Affidavit Attachment: 0006355-01 000 08232007 LandAmer000126

Postal Number      Sequence Recipient Name

71041994141009244734  
1      MARK S PHILLIPY

Address Line 1/3

1954 LAREDO CIR.

Address Line 2/4

STOCKTON OR 95209

# AFFIDAVIT OF MAILING

By Interface Inc.  
5839 Mission Gorge Road, Suite A  
San Diego, CA 92120

Reference No: 039-14620-86854  
Mailing Number: 0006354-01

STATE OF CALIFORNIA }  
 }SS  
COUNTY OF SAN DIEGO }

I, Clifton McBride being duly sworn, depose and say:

I am and at all times herein mentioned a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California:

That at the request of LandAmerica on 8/23/2007, I deposited in the United States mail a copy of the attached document, in separate sealed envelopes, in accordance with the checked mailing classes defined below, postage prepaid, to the address list on exhibit A, attached hereto and made a part hereof.

☒ First Class      ☐ Certified  
☒ Certified Return      ☐ Registered      ☐ Registered International

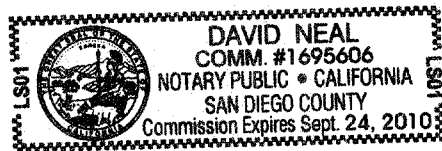
Clifton McBride  
Affiant

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

On DEC 06 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared CLIFTON McBRIDE personally known to me (or proved to me on the basis of satisfactory evidence) to the person(s) whose names(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.

Signature [Signature]



**TRUSTEE'S NOTICE OF SALE**

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.  
Trustee No.: 039-14620

Reference is made to that certain Trust Deed made by MARK S PHILLIPY as Grantor/Trustor, in which MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. , is named as Beneficiary and AMERITITLE as Trustee and recorded 12/28/2005 as Instrument No. M05-71921 in book , page of Official Records in the office of the Recorder of Klamath County, Oregon covering the following described real property situated in said county and state, to-wit:

**LOT 27 AND THE NORTHWESTERLY 25 FEET OF LOT 26 IN BLOCK 17, OF ELDORADO HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON**

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

**1849 EL DORADO BOULEVARD  
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:*

|                                      |                          |
|--------------------------------------|--------------------------|
| Total payments from 4/1/2007 through | \$7,577.35               |
| Total late charges                   |                          |
| Total advances                       | \$0.00                   |
| Interest on Advances (if any)        | \$0.00                   |
| <b>TOTAL DUE THE BENEFICIARY</b>     | <b><u>\$7,577.35</u></b> |

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:*

The unpaid principal balance of \$187,680.06 together with interest thereon at the current rate of 6.87500 per cent (%) per annum from 3/1/2007 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

WHEREFORE, notice hereby is given that the undersigned trustee will, on 12/26/2007, at the hour of 10:00am in accord with the standard of time established by O.R.S. 187.110 at the following place:

**At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee.

Notice is further given that any person named in O.R.S. 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 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.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

Date: 8/16/2007

LAWYERS TITLE INSURANCE CORPORATION



By: Tina Suikonen, Assistant Secretary

State of California  
County of Orange ss.

I certify that I, Tina Suikonen am an authorized representative of LAWYERS TITLE INSURANCE CORPORATION, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.



Authorized Representative of Trustee

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

When recorded return to:

LandAmerica Default Services  
Post Office Box 5899  
Irvine, CA 92616

County of Klamath

Instrument # 2007-14588

Date recorded 08/17/2007

Space above this line for recorders use only

TS # 039-14620

Order # 30077286

Loan # 0088364443

## Notice of Default and Election To Sell

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.

Reference is made to that certain Trust Deed made by **MARK S PHILLIPY** as Grantor/Trustor, in which **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.** is named as Beneficiary and **AMERITITLE** as Trustee and recorded 12/28/2005 as Instrument No. **M05-71921** in book , page of Official Records in the office of the Recorder of **Klamath** County, Oregon covering the following described real property situated in said county and state, to-wit:

**LOT 27 AND THE NORTHWESTERLY 25 FEET OF LOT 26 IN BLOCK 17, OF ELDORADO HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON**

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

**1849 EL DORADO BOULEVARD, KLAMATH FALLS, OR 97601**

The undersigned trustee, **LAWYERS TITLE INSURANCE CORPORATION** , hereby certifies that no assignments of the Trust Deed by the trustee or by the beneficiary and no appointments of a successor-trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover debt, or any part thereof, now remaining secured by the said Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by O.R.S. 86.735 (4).

There is a default by the Grantor or other person owing an obligation, the performance of which is secured by said Trust Deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is Grantor's failure to pay when due the following sums:

|                                      |                          |
|--------------------------------------|--------------------------|
| Total payments from 4/1/2007 through | \$7,577.35               |
| Total late charges                   |                          |
| Total advances                       | \$0.00                   |
| Interest on Advances (if any)        | \$0.00                   |
| <b>TOTAL DUE THE BENEFICIARY</b>     | <b><u>\$7,577.35</u></b> |

**TOGETHER WITH ANY DEFAULT IN THE PAYMENT OF RECURRING OBLIGATIONS AS THEY BECOME DUE.**

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:

The unpaid principal balance of \$187,680.06 together with interest thereon at the current rate of 6.87500 per cent (%) per annum from 3/1/2007 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

Notice hereby is given that the beneficiary and current trustee, LAWYERS TITLE INSURANCE CORPORATION, by reason of said default, have elected and do hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to O.R.S. 86.705 to 86.795, and to cause to be sold 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 execution by him of the Trust Deed, together with any interest the Grantor or his successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00am in accord with the standard of time established by O.R.S. 187.110 on 12/26/2007 at the following place:


**At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

Notice is further given that any person named in O.R.S. 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 of 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 O.R.S. 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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.

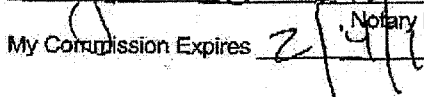
Date: 8/16/2007

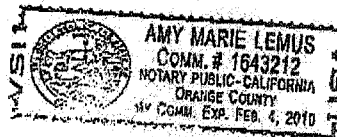
LAWYERS TITLE INSURANCE CORPORATION

  
By: Tina Suikonen, Assistant Secretary

State of California  
County of Orange ss.

On 8/16/07, I certify that I know or have satisfactory evidence that Tina Suikonen 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.

  
My Commission Expires 2/9/10 Notary Public



For further information please contact:

**LAWYERS TITLE INSURANCE CORPORATION**  
c/o LandAmerica Default Services  
Post Office Box 5899  
6 Executive Circle  
Suite 100  
Irvine, CA 92616  
(949) 885-4500

Sale Line: (714) 573-1965  
Reinstatement (949) 885-4496

**THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

Exhibit A to Affidavit of Mailing

12/6/2007 2:57:24 PM      Sender:      LandAmerica  
6 Executive Circle  
Irvine CA 92614

Postal Class:      First Class

Type of Mailing:      Window

Affidavit Attachment: 0006354-01 000 08232007 LandAmer000126

Postal Number      Sequence Recipient Name

11041994141006662874  
1      MARK S PHILLIPY

Address Line 1/3

1849 EL DORADO BOULEVARD

Address Line 2/4

KLAMATH FALLS OR 97601



Exhibit A to Affidavit of Mailing

|  |                 |  |
|--|-----------------|--|
| 12/6/2007 2:57:25 PM   | Sender:         | LandAmerica<br>6 Executive Circle<br>Irvine CA 92614 |
| Postal Class:  | Certified - Ret |  |
| Type of Mailing:   | Window          |  |
| Affidavit Attachment: 0006354-01 000 08232007 LandAmer000126 |                 |  |
| Postal Number  | Sequence        | Recipient Name                                       |
| 71041994141009244727   | 1               | MARK S PHILLIPY                                      |
| Address Line 1/3   |                 | Address Line 2/4                                     |
| 1849 EL DORADO BOULEVARD                                     |                 | KLAMATH FALLS OR 97601                               |

# Affidavit of Publication

039-14620

## 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 # 9538

Notice of Sale/Mark S. Phillipy

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 30, September 6, 13, 20, 2007

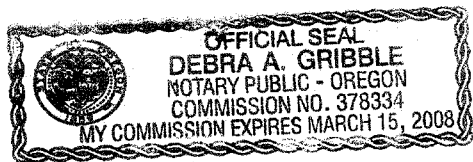
*Jeanine P Day*

Subscribed and sworn by Jeanine P Day  
before me on: September 20, 2007

*Debra A Gribble*

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 No.: 039-14620

Reference is made to that certain Trust Deed made by Mark S Phillipy as Grantor/Trusfor, in which Mortgage Electronic Registration Systems, Inc., is named as Beneficiary and Amerititle as Trustee and recorded 12/28/2005 as Instrument No. M05-71921 in book, page of Official Records in the office of the Recorder of Klamath County, Oregon covering the following described real property situated in said county and state, to wit: Lot 27 and the northwesterly 25 feet of lot 26 in block 17, of Eldorado Heights, according to the official plat thereof on file in the office of the county clerk of Klamath County, Oregon. APN: R-3809-020dd-11400-000. The street address or other common designation, if any, of the real property described above is purported to be: 1849 El Dorado, 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: Total payments from 4/1/2007 through \$7,577.35 Total advances \$0.00 Interest on Advances (if any) \$0.00 Total due the Beneficiary \$7,577.35.

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: The unpaid principal balance of \$187,680.06 together with interest thereon at the current rate of 6.87500 per cent (%) per annum from 3/1/2007 until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

Wherefore, notice hereby is given that the undersigned trustee will on 12/26/2007, at the hour of 10:00 AM in accord with the

standard of time established by O.R.S. 187.110 at the following place: At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the grantor 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 reasonable charge by the trustee. Notice is further given that any person named in O.R.S. 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 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.



12/26/07  
312919

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

Date: 8/16/2007.

Lawyers Title Insurance Corporation

By: Tina Suihkonen, Assistant Secretary.

For further information please contact:

Lawyers Title Insurance Corporation

c/o LandAmerica

Default Services, Post Office Box 5899

6 Executive Circle, Suite 100, Irvine, CA

92616. (949) 885-4500.

Sales Line: 714-573-1965 or [www.priorityposting.com](http://www.priorityposting.com)

Reinstatement Fax Line 949-606-9274. State of

California, County of

Orange. I certify that I, Tina Suihkonen, am an authorized representative of Lawyers Title Insurance Corporation, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale: Tina Suihkonen, Authorized Representative of Trustee. This office is attempting to collect a debt and any information obtained will be used for that purpose. P312919 8/30, 9/6, 9/13, 09/20/2007. #9538 August 30, September 6, 13, 20, 2007

039-14620

**JEFFERSON STATE ADJUSTERS**  
**RECOVERY IS OUR BUSINESS**  
1135 Pine Street  
Klamath Falls, Oregon 97601  
Phone: (541) 882-8036 Fax: (541) 883-2129

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**AFFIDAVIT OF  
NON-OCCUPANCY**

STATE OF OREGON  
COUNTY OF KLAMATH

I, ROBERT W. BOLENBAUGH, being first duly sworn, depose and say: That I am and have been at all material times hereto, a competent person over the age of eighteen years and a resident of the county of Klamath, State of Oregon. I am not a party to, an attorney for, or interested in any suit or action involving the property described below.

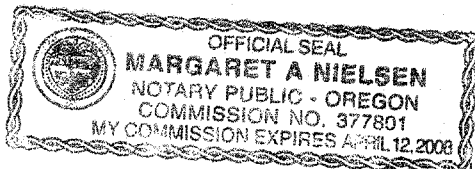
That on the 20 day of August 2007, after personal inspection, I found the following described real property to be unoccupied.

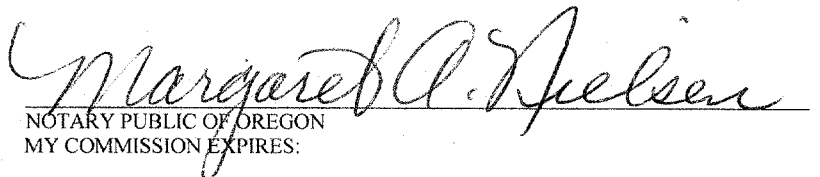
Commonly described as (1849 El Dorado Blvd. Klamath Falls, OR 97601)

I declare under the penalty of perjury that the above statements are true and correct.

  
\_\_\_\_\_  
ROBERT W. BOLENBAUGH (Signed and Dated)

Subscribed and Sworn to before me this 21<sup>st</sup> day of August 2007.



  
\_\_\_\_\_  
MARGARET A. NIELSEN  
NOTARY PUBLIC OF OREGON  
MY COMMISSION EXPIRES:

12/26  
3/12/09

## TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.  
Trustee No.: 039-14620

Reference is made to that certain Trust Deed made by **MARK S PHILLIPY** as Grantor/Trustor, in which **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.**, is named as Beneficiary and **AMERITITLE** as Trustee and recorded 12/28/2005 as Instrument No. **M05-71921** in book , page of Official Records in the office of the Recorder of **Klamath** County, Oregon covering the following described real property situated in said county and state, to-wit:

**LOT 27 AND THE NORTHWESTERLY 25 FEET OF LOT 26 IN BLOCK 17, OF ELDORADO HEIGHTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON**

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

**1849 EL DORADO BOULEVARD  
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:*

|                                      |                          |
|--------------------------------------|--------------------------|
| Total payments from 4/1/2007 through | \$7,577.35               |
| Total late charges                   |                          |
| Total advances                       | \$0.00                   |
| Interest on Advances (if any)        | \$0.00                   |
| <b>TOTAL DUE THE BENEFICIARY</b>     | <b><u>\$7,577.35</u></b> |

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:*

The unpaid principal balance of **\$187,680.06** together with interest thereon at the current rate of **6.87500** per cent (%) per annum from **3/1/2007** until paid, plus all accrued late charges, escrow advances, attorney fees and costs, and any other sums incurred or advanced by the beneficiary pursuant to the terms and conditions of said deed of trust.

**WHEREFORE**, notice hereby is given that the undersigned trustee will, on 12/26/2007, at the hour of 10:00am in accord with the standard of time established by O.R.S. 187.110 at the following place:

**At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR**

County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the Grantor has or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor 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 reasonable charge by the trustee.

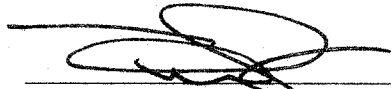
Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such 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 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.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes 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.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

Date: 8/16/2007

LAWYERS TITLE INSURANCE CORPORATION



By: Tina Suihkonen, Assistant Secretary

State of California }  
County of Orange }ss.

I certify that I, Tina Suihkonen am an authorized representative of LAWYERS TITLE INSURANCE CORPORATION, Trustee, and that the foregoing is a complete and exact copy of the original trustee's notice of sale.



Authorized Representative of Trustee

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