

2008-006643

Klamath County, Oregon

Recording requested by:

When recorded return to:

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



00045625200800066430070074

05/06/2008 03:22:16 PM

Fee: \$66.00

ATE = 65368

Space above this line for recorders use only

TS # 039-16299

Order # 30095349

Loan # 0089119143

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

GRANTOR = Silvia E. Gutierrez and OSVALDO Gutierrez
Wife and Husband

Beneficiary = Mortgage Electronic Registration Systems, Inc.

Trustee = First American Title Insurance Co

Recorded = 3/21/06 Instrument NO. M06-05035

Re-recorded = 3/23/06 Instrument NO. M06-0503

4467

AFFIDAVIT OF MAILING

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

Reference No: 039-16299-111886
Mailing Number: 0025321-01

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 1/7/2008, 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

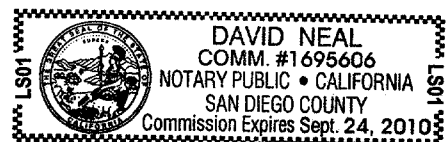
Clifton McBride
Affiant

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On APR 22 2008 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]



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 # 9774

Notice of Sale/Silvia E. & Osvaldo Gutierrez

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

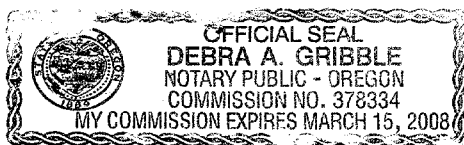
Insertion(s) in the following issues:

January 10, 17, 24, 31, 2008

Subscribed and sworn by Jeanine P Day
before me on: January 31, 2008

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.: 039-16299

Reference is made to that certain Trust Deed made by Silvia E. Gutierrez and Osvaldo Gutierrez, wife and husband as Grantor/Trustor, in which Mortgage Electronic Registration Systems, Inc., is named as Beneficiary and First American Title Insurance Co. as Trustee and recorded 03/21/2006 as Instrument No. M06-05035 and re-recorded on 03/23/2006 as Instrument Number M06-05303, 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 14 in Block 306 Darrow addition to the city of Klamath Falls, according to the Official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon. APN: R633817. The street address or other common designation, if any, of the real property described above is purported to be: 1403 Mitchell Street, 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 8/1/2007 through 12/27/2007 \$4,811.50 Total advances \$0.00 Interest on Advances (if any) \$0.00 Total due the Beneficiary \$4,811.50.

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 \$106,832.34 together with interest thereon at the

current rate of 7.87500 per cent (9%) per annum from 7/1/2007 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 5/6/2008, 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.

350 961 576

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: 12/27/2007.
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 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. Signature Authorized Representative of Trustee. This office is attempting to collect a debt and any information obtained will be used for that purpose. P350701 1/10, 1/17, 1/24, 01/31/2008 #9774 January 10, 17, 24, 31, 2008.

ifornia, 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. Signature Authorized Representative of Trustee. This office is attempting to collect a debt and any information obtained will be used for that purpose. P350701 1/10, 1/17, 1/24, 01/31/2008 #9774 January 10, 17, 24, 31, 2008.

039-16299
350701

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **1403 Mitchell St. Klamath Falls, Oregon 97601**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to ___ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to __, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

☒ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on Occupants of 1403 Mitchell St and after personal inspection, I found the above described real property to be unoccupied.

☐ **SUBSTITUTE SERVICE MAILER:** That on the ___ day of __, 2007 I mailed a copy of the Trustee's Notice of Sale addressed to and all other occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed _____

1403 Mitchell St. Klamath Falls, Oregon 97601

NON-OCC POSTED TO THE DOOR

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

December 31, 2007

10:26 am

DATE OF SERVICE

TIME OF SERVICE

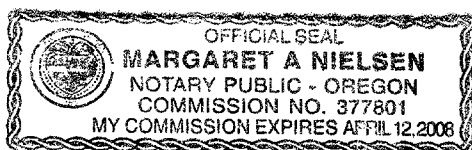
☒ or non occupancy

By: _____

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 2nd day of January, 2008.

Margaret A. Nielsen
Notary Public for Oregon



5/6/08

TRUSTEE'S NOTICE OF SALE
Pursuant to O.R.S. 86.705, et seq. and O.R.S. 79.5010, et seq.
Trustee No.: 039-16299

Reference is made to that certain Trust Deed made by **SILVIA E GUTIERREZ AND OSVALDO GUTIERREZ, WIFE AND HUSBAND** as Grantor/Trustor, in which **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.** is named as Beneficiary and **FIRST AMERICAN TITLE INSURANCE CO.** as Trustee and recorded 3/21/2006 as Instrument No. **M06-05035** and re-recorded on 3/23/2006 as Instrument Number **M06-05303**, 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 14 IN BLOCK 306 DARROW ADDITION TO THE CITY OF KLAMATH FALLS, 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:

**1403 MITCHELL STREET
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 8/1/2007 through 12/27/2007	\$4,811.50
Total advances	\$0.00
Interest on Advances (if any)	\$0.00
TOTAL DUE THE BENEFICIARY	<u>\$4,811.50</u>

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 **\$106,832.34** together with interest thereon at the current rate of **7.87500** per cent (%) per annum from **7/1/2007** 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 5/6/2008, 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.

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: 12/27/2007

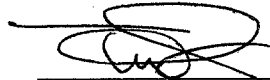
LAWYERS TITLE INSURANCE CORPORATION



By: Tina Suihkonen, Assistant Secretary

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.



Authorized Representative of Trustee

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