

2008-008701

Klamath County, Oregon



00048053200800087010100102

06/16/2008 03:10:36 PM

Fee: \$81.00

RECONTRUST COMPANY

ATE = 65517

FIDELITY NATIONAL DEFAULT SOLUTION
15661 REDHILL AVE, STE. 201
TUSTIN, CA 92780

RECORDING COVER SHEET FOR
NOTICE OF SALE PROOF OF COMPLIANCE
Per ORS 205.234

AFTER RECORDING RETURN TO:

NOEL PIERES 98-6578
RECONTRUST COMPANY
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

10870096
TS No.: 08 -03280

1. AFFIDAVIT OF MAILING NOTICE OF SALE
2. AFFIDAVIT OF PUBLICATION NOTICE OF SALE
3. AFFIDAVIT OF SERVICE
4. COPY OF NOTICE OF SALE

Original Grantor on Trust Deed: ERIC L TRACY

Beneficiary: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC.

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

#81-A

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, 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 2/8/08. 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

Signature Tina Sevillano

Subscribed and sworn to (or affirmed) before me on this 10 day of June, 2008, by Tina Sevillano, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

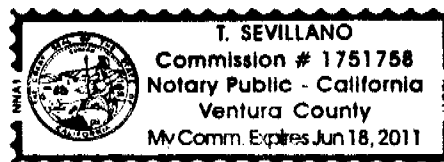
Grantor
and ERIC L TRACY

Buillon
Notary Public for California
Residing at VENTURA
My commission expires: 6.18.2011

RECONTRUST COMPANY

Trustee TS No. 08-03280

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





02 0803280

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

TS No. 08-03280

ERIC L TRACY
86 Lincoln St
Klamath Falls, OR 97601
7187 7930 3131 2023 6159

Residents/Occupants
86 Lincoln St
Klamath Falls, OR 97601
7187 7930 3131 2023 6197

Residents/Occupants
86 Lincoln St
Klamath Falls, OR 97601
7187 7930 3131 2023 6203

ERIC L TRACY
86 LINCOLN STREET
KLAMATH FALLS, OR 97601
7187 7930 3131 2023 6166

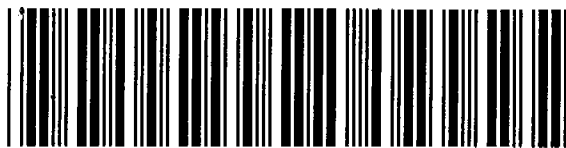
Residents/Occupants
86 LINCOLN STREET
KLAMATH FALLS, OR 97601
7187 7930 3131 2023 6227

ERIC L TRACY
430 N 300 W
LA VERKIN,, UT 84745-5200
7187 7930 3131 2023 6135

ERIC L TRACY
430 N 300 W
LA VERKIN,, UT 84745-5200
7187 7930 3131 2023 6173

ERIC L TRACY
430 N 300 W
La Verkin, UT 84745-5200
7187 7930 3131 2023 6142

ERIC L TRACY
430 N 300 W
La Verkin, UT 84745-5200
7187 7930 3131 2023 6180



02 0803280

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

TS No. 08-03280

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
P.O. BOX 2026
FLINT, MI 48501-2026
7187 7930 3131 2023 6234

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
P.O. BOX 2026
DBA LENDING TREE LOANS
FLINT, MI 48501-2026
7187 7930 3131 2023 6241

HOME LOAN CENTER, IN., DBA LENDING TREE LOANS
P.O. BOX 2026
C/O MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
FLINT, MI 48501-2026
7187 7930 3131 2023 6258

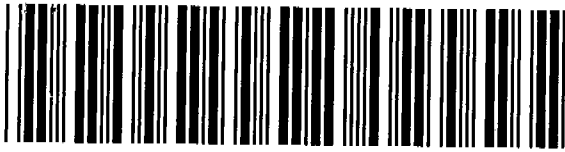
HOME LOAN CENTER, IN., DBA LENDING TREE LOANS
163 TECHNOLOGY DRIVE
IRVINE, CA 92618
7187 7930 3131 2023 6265

HOME LOAN CENTER, INC.
3533 FAIRVIEW INDUSTRIAL DR SE
C/O NATIONAL REGISTERED AGENTS, INC.
SALEM, OR 97302-1155
7187 7930 3131 2023 6272

MICHELLE ANN TRACY
501 MAIN ST., SUITE 400
C/O MELINDA BROWN, ATTORNEY AT LAW
KLAMATH FALLS, OR 97601
7187 7930 3131 2023 6289

ERIC LYNN TRACY
303 PINE STREET, STE. 102
C/O RICHARD A. DALRYMPLE
KLAMATH FALLS, OR 97601
7187 7930 3131 2023 6326

DEPARTMENT OF HUMAN RESOURCES (DHS)
PO BOX 14506
SALEM, OR 97309
7187 7930 3131 2023 6340



02 0803280

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

TS No. 08-03280

MICHELLE ANN TRACY
W2060 COUNTY RD AW
RALDOLPH, WI 53956
7187 7930 3131 2023 6296

ERIC LYNN TRACY
1CC K21 18B/90 BOX 70010
BOISE, ID 83707-0110
7187 7930 3131 2023 6333

MICHELLE ANN TRACY
1830 3RD AVE. EAST, STE . 102
C/O HENNING & KEEDY, LLC
KALISPELL, MT 59901
7187 7930 3131 2023 6302

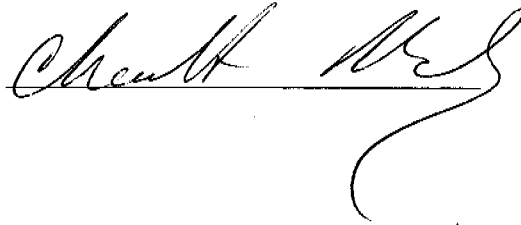
AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT
(In Lieu of Personal Service)

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

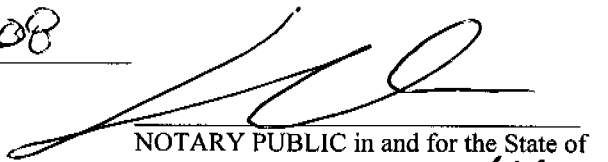
On March 7, 2008 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 86 LINCOLN STREET, KLAMATH FALLS, OR, 97601 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.



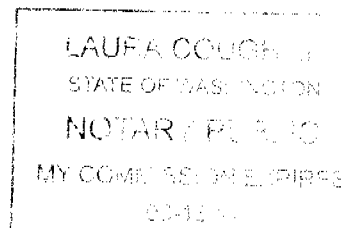
STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Charlotte Kinder is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 3-10-08


NOTARY PUBLIC in and for the State of
Washington, residing at Seattle
My commission expires 2/3/11

08-03280 / TRACY, ERIC L



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 # 9949

Notice of Sale/Eric L. Tracy

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:

March 13, 20, 27, April 3, 2008

Total Cost: \$883.01

Jeanine P. Day
Subscribed and sworn by Jeanine P Day
before me on: April 3, 2008

Beth Furtado
Notary Public of Oregon

My commission expires November 15, 2008



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Eric L. Tracy, A Married Man As His Sole And Separate Property, as grantor(s) to David A Kubat, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc. as Beneficiary, dated 10/05/2006, recorded 10/18/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-020949, covering the following described real property situated in said county and state, to-wit:

Lot 6 in Block 14, Ewauna Heights 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. Together with portion of vacated First Street which inured thereto by ordinance No. 6408, in Volume M82 on Page 18495, Deed Records of Klamath County, Oregon.

PROPERTY ADDRESS: 86 Lincoln Street, Klamath Falls, OR 97601.

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 \$1,192.22 beginning 09/01/2007; plus late charges of \$59.61 each month beginning with the 09/01/2007 payment plus prior accrued late charges of \$0.00; 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: \$177,845.04 with interest thereon at the rate of 7 percent per annum beginning 08/01/2007, until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees, 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, the undersigned Trustee, will on Monday, June 09, 2008, 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 said 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 said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Trust Deed, 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 said 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: January 24, 2008. RECONTRUST COMPANY, Stephanie Reyna, Assistant Secretary. For further information, please contact: Recontrust Company, 2380 Performance Drive, RVG-D7-450, Richardson, TX 75082. (800)-281-8219. TS No. 08-03280. #9949 March 13, 20, 27, April 3, 2008.

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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC)

vs

ERIC L TRACY)

PROOF OF SERVICE

STATE OF OREGON)

County of _____ KLAMATH) SS.

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

_____ 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)

XX

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 _____ At _____
(POSTED: 1/31/08 234PM, 2/3 3PM, 2/6 1010AM) KLAMATH FALLS, OR. 97601

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

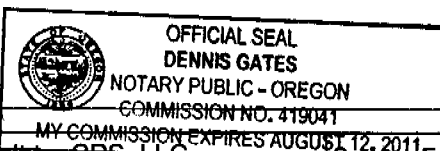
I am a competent person over the age of 18, a resident of said State, not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the action.

Subscribed to and sworn to before me this

_____ day of _____, 20____

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	\$ 45.00
P.O. Box 5358	Mileage	\$
Central Point, OR 97502	Rush/Emergency	\$ 25.00
Date: 02-01-2008	Incorrect Add.	\$
CPS File No. 869-K		\$
Client No.	Amount Paid	\$ 0.00
1006.14312	TOTAL DUE	\$ 70.00

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Eric L. Tracy, A Married Man As His Sole And Separate Property, as grantor(s), to David A. Kubat, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 10/05/2006, recorded 10/18/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-020949, covering the following described real property situated in said county and state, to wit:

LOT 6 IN BLOCK 14, EWAUNA HEIGHTS 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. TOGETHER WITH PORTION OF VACATED FIRST STREET WHICH INURED THERETO BY ORDINANCE NO. 6408, IN VOLUME M82 ON PAGE 18495, DEED RECORDS OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 86 LINCOLN STREET
KLAMATH FALLS, OR 97601

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 \$1,192.22 beginning 09/01/2007; plus late charges of \$59.61 each month beginning with the 09/01/2007 payment plus prior accrued late charges of \$.00; 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: \$177,845.04 with interest thereon at the rate of 7 percent per annum beginning 08/01/2007 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, the undersigned Trustee will on Monday, June 09, 2008 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

Dated Jan. 24, 2008

S. Reyna
Stephanie Reyna, Assistant Secretary

For further information, please contact:

RECONTRUST COMPANY
RECONTRUST COMPANY
2380 Performance Dr, RGV-D7-450
Richardson, TX 75082
(800)-281-8219
TS No. 08 -03280

STATE OF _____)
) ss.
COUNTY OF _____)

On _____, before me, _____, notary public, personally appeared _____, 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 _____
My commission expires: _____

(SEAL)

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.