

2008-012601

Klamath County, Oregon



00052873200800126010090093

09/09/2008 11:34:23 AM

Fee: \$61.00

WHEN RECORDED MAIL TO:

Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
Burbank, California 91504-3120
(818) 260-1600 phone (818) 260-1850 fax

1st 1175638

Space above line for Recorder's Use

T.S. NO.: OR-131134-C LOAN NO.: 7441699246

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF California} SS
 COUNTY OF Los Angeles}

I, Adrianne Cisneros being first duly sworn, depose, 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 his successor in interest named in the attached original or copy of notice of sale given under the terms of that certain trust deed described in said notice.

Notice as required by and in accordance with ORS Chapter 646 was provided to Grantor and successor in interest, if any.

I gave notice of sale of the real property described in the attached notice of sale by mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

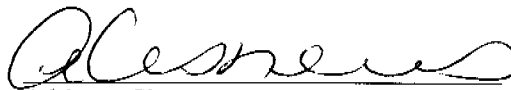
NAME & ADDRESS**SEE ATTACHED****CERTIFIED NO.**

Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Anna Liza Guingao, for FIRST AMERICAN TITLE INSURANCE 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 mail Los Angeles California, on 5/9/2008. 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 California} SS
 COUNTY Los Angeles}


 Adrianne Cisneros

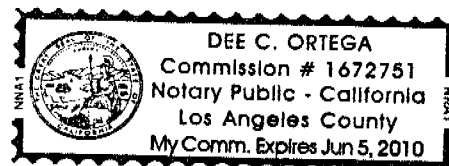
On 5/9/2008 before me, Dee C. Ortega, a Notary Public personally appeared Adrianne Cisneros who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized 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.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature

Dee C. Ortega, Notary Public



Fw-

AFFIDAVIT OF MAILING

Date: **5/9/2008**

T.S. No.: **OR-131134-C** /

Loan No.: **7441699246**

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in Los Angeles County at Executive Trustee Services, LLC, and is not a party to the within action and that on 5/9/2008, (s)he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

HEBERTO GUTIERREZ
1531 AVALON STREET
KLAMATH FALLS, OREGON 97603
71006309264084675846

ISABEL GUTIERREZ
1531 AVALON STREET
KLAMATH FALLS, OR 97603
71006309264084675853

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
PO BOX 2026
FLINT, MI 48501-2026
71006309264084675860

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
C/O EAGLE HOME MORTGAGE, INC. 10510 NE NORTHUP WAY #300
KIRKLAND, WA 98033
71006309264084675877

BENEFICIAL OREGON INC.
1345 CENTER DRIVE, SUITE D
MEDFORD, OR 97501
71006309264084675884

HEBERTO GUTIERREZ
3040 Crest St
Klamath falls Or 97603-7338
71006309264084675891

HEBERTO GUTIERREZ CRAWFORD
1531 AVALON STREET
KLAMATH FALLS, OREGON 97603
71006309264084675907

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

X



Affiant **Adrianne Cisneros**

TRUSTEE'S NOTICE OF SALE

Loan No: 7441699246
T.S. No.: OR-131134-C

Reference is made to that certain deed made by, HEBERTO GUTIERREZ AN ESTATE IN FEE SIMPLE as Grantor to AMERITITLE, as trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY AS NOMINEE FOR LENDER EAGLE HOME MORTGAGE, INC., as Beneficiary, dated 5/16/2006, recorded 5/24/2006, in official records of Klamath County, Oregon in book/reel/volume No. at page No. , fee/file/instrument/microfile/reception No. M06-10515 (indicated which), covering the following described real property situated in said County and State, to-wit:

APN: R444451

LOT 4 IN BLOCK 1 OF SUNNYLAND, A SUBDIVISION OF THE SOUTH 10 ACRES OF TRACT 31 OF ENTERPRISE TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as:
1531 AVALON STREET
KLAMATH FALLS, OREGON 97603

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's:

Unpaid principal balance of \$106,652.91; plus accrued interest plus impounds and / or advances which became due on 11/1/2007 plus late charges, and all subsequent installments of principal, interest, balloon payments, plus impounds and/or advances and late charges that become payable.

Monthly Payment \$844.42 Monthly Late Charge \$37.72

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$106,652.91 together with interest thereon at the rate of 7.49 % per annum from 10/1/2007 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee will on 9/11/2008 at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **On the front steps of the Circuit Court, 316 Main St, in the City of Klamath Falls, County of Klamath, Oregon** 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 him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

Loan No: 7441699246
T.S. No: OR-131134-C


TRUSTEE'S NOTICE OF SALE

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 persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: 5/1/2008

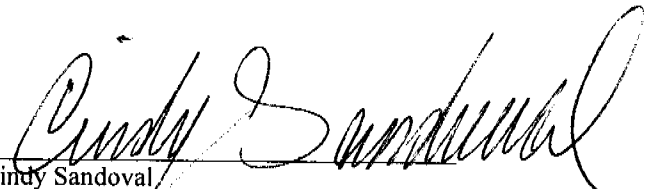
FIRST AMERICAN TITLE INSURANCE COMPANY
C/O EXECUTIVE TRUSTEE SERVICES
15455 San Fernando Mission Blvd., Suite 208
Mission Hills, CA 91345
Sale Line: 714-259-7850

Signature By


Karen Balsano
Assistant Secretary

State of California) ss.
County of Los Angeles)

I, the undersigned, certify that I am the Trustee Sale Officer, and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.


Cindy Sandoval
Trustee Sale Officer

**Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
Burbank, California 91504-3120**

(818) 260-1600

Date: 5/1/2008

T.S. Number: OR-131134-C
Loan Number: 7441699246

DEBT VALIDATION NOTICE

1. The enclosed document relates to a debt owed to the current creditor:

MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC.

You may send us a written request for the name and address of the original creditor, if different from the current creditor, and we will obtain and mail the information to you.

2. As of **5/1/2008** the total delinquency owed was **\$11,020.27**, but this amount will increase until the delinquency has been fully cured.
3. As of **5/1/2008** the amount required to pay the entire debt in full was **\$116,445.79** but this amount will increase daily until the debt has been fully paid.
4. You may dispute the validity of this debt, or any portion thereof, within thirty (30) days after receiving this notice. Otherwise, we will assume that the debt is valid.
5. If you notify us in writing that you dispute all or any portion of this debt within thirty (30) days after receiving this notice, we will obtain and mail to you verification of the debt, or a copy of any judgement against you.

**WE ARE ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION
WE OBTAIN WILL BE USED FOR THAT PURPOSE.**

AFFIDAVIT OF MAILING

STATE OF OREGON
County of Multnomah

ss.

I, Royal Hebert, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On May 16, 2008, I mailed a copy of the Trustee's Notice of Sale; Debt Validation Notice, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.750(1)(a)(C).

The envelope was addressed as follows:

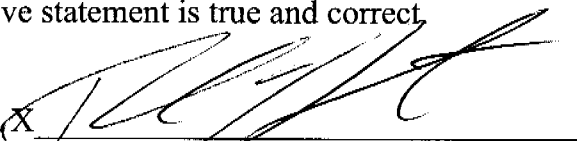
OCCUPANT
1531 Avalon Street
Klamath Falls, OR 97603

This mailing completes service upon an occupant at the above address with an effective date of **05/09/2008** as calculated pursuant to ORS 86.750 (1)(c).

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

SUBSCRIBED AND SWORN BEFORE ME
this 16 day of May, 2008
by Royal Hebert.

Renee L. Gourley
Notary Public for Oregon

X 
Royal Hebert
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



173408

OR-131134-C / GUTIERREZ
ASAP# 2752512

EXEC**AFFIDAVIT OF POSTING**

STATE OF OREGON

County of Klamath

ss.

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

I made service of the attached original Trustee's Notice of Sale; Debt Validation Notice upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "Property Address":

1531 Avalon Street
Klamath Falls, OR 97603

As follows:

On 05/09/2008 at 9:23 AM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

On 05/12/2008 at 6:18 PM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

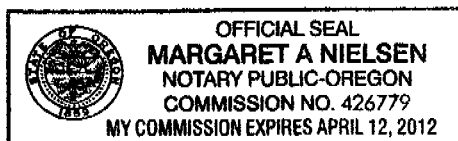
On 05/14/2008 at 11:31 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

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

SUBSCRIBED AND SWORN BEFORE ME
this 16th day of May, 2008
by Robert Bolenbaugh.

Margaret A. Nielsen
Notary Public for Oregon

Robert Bolenbaugh
Robert Bolenbaugh
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



173408

Affidavit of Publication

9/11

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 # 10327

Notice of Sale/Heberto 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:

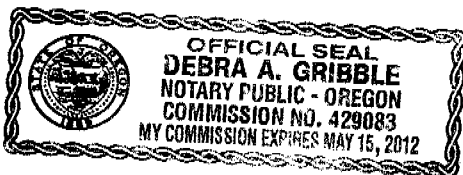
June 26, July 3, 10, 17, 2008

Total Cost: \$831.52

Subscribed and sworn by Jeanine P Day
before me on: August 8, 2008

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Loan No: 7441699246

T.S. No.: OR-131134-C

Reference is made to that certain deed made by, HEBERTO GUTIERREZ AN ESTATE IN FEE SIMPLE as Grantor to AMERITITLE, as trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY AS NOMINEE FOR LENDER EAGLE HOME MORTGAGE, INC., as Beneficiary, dated 5/16/2006, recorded 5/24/2006, in official records of Klamath County, Oregon in book/reel/volume No. at page No. fee/file/instrument/microfile/reception No. M06-10515 (indicated which), covering the following described real property situated in said County and State, to-wit: APN: R444451 LOT 4 IN BLOCK 1 OF SUNNYLAND, A SUBDIVISION OF THE SOUTH 10 ACRES OF TRACT 31 OF ENTERPRISE TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. Commonly known as: 1531 AVALON STREET, KLAMATH FALLS, OREGON 97603.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes; the default for which the foreclosure is made is the grantor's: Unpaid principal balance of \$106,652.91; plus accrued interest plus impounds and / or advances which became due on 11/1/2007 plus late charges, and all subsequent installments of principal, interest, balloon payments, plus impounds and/or advances and late charges that become payable. Monthly Payment \$844.42 Monthly Late Charge \$37.72.

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$106,652.91

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(Continued from below)

together with interest thereon at the rate of 7.49 % per annum from 10/1/2007 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee will on 9/11/2008 at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at On the front steps of the Circuit Court, 316 Main St, in the City of Klamath Falls, County of Klamath, Oregon 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 him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

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 persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Dated: 5/1/2008. FIRST AMERICAN TITLE INSURANCE COMPANY C/O EXECUTIVE TRUSTEE SERVICES, 15455 San Fernando Mission Blvd., Suite 208, Mission Hills, CA 91345. Sale Line: 714-259-7850 Signature By Karen Balsano Assistant Secretary. ASAP# 2752512 06/26/2008, 07/03/2008, 07/10/2008, 07/17/2008. #10327 June 26, July 3, 10, 17, 2008.