

2008-012788

Klamath County, Oregon



00053111200800127880100103

09/12/2008 03:38:24 PM

Fee: \$81.00

Recording Requested By:
Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

When Recorded Return To:

Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

105830

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

COVER SHEET

DOCUMENT:

Affidavit of Mailing / Trustee's Notice of Sale
Affidavit of Service
Affidavit of Publication

ORIGINAL GRANTOR ON TRUST DEED:

Dustin J. Robustelli and Angela M. Richey

ORIGINAL BENEFICIARY ON TRUST DEED:

Mortgage Electronic Registration Systems, Inc.

581-ATE

RECONTRUST COMPANY

Klamath, OR
65837 ATT-E
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

W870571

AFTER RECORDING RETURN TO:
NOEL PIERIS 98-6578
RECONTRUST COMPANY
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

TS No.: 08 -0046827

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: DUSTIN J ROBUSTELLI and ANGELA M RICHEY

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.

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 09/11/08. 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 *Heiderose Courton*

Subscribed and sworn to (or affirmed) before me on this 8 day of September, 20 08, by Heiderose Courton, 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

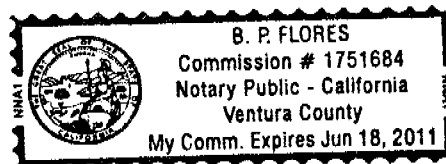
DUSTIN J ROBUSTELLI and ANGELA M RICHEY

B. P. Flores
Notary Public for California
Residing at VENTURA
My commission expires: 6-18-2011

RECONTRUST COMPANY

Trustee TS No. 08-0046827

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





02 080046827

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

TS No. 08-0046827

DUSTIN J ROBUSTELLI
1527 Derby St
Klamath Falls, OR 97603
7187 7930 3131 2636 0773

ANGELA M RICHEY
1527 Derby St
Klamath Falls, OR 97603
7187 7930 3131 2636 0797

Residents/Occupants
1527 Derby St
Klamath Falls, OR 97603
7187 7930 3131 2636 0827

DUSTIN J ROBUSTELLI
1527 DERBY STREET
KLAMATH FALLS, OR 97603
7187 7930 3131 2636 0780

ANGELA M RICHEY
1527 DERBY STREET
KLAMATH FALLS, OR 97603
7187 7930 3131 2636 0803

FEI, LLC
Affidavit of Posting and Service

State of Oregon
County of Klamath

Dave Davis, being sworn, says: That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale: That my business address is 422 N 6th St, Klamath Falls, OR.

That I posted a copy of the attached Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 1527 DERBY STREET, KLAMATH FALLS, OR in a conspicuous place.

1st Attempt: Posted Real Property on 6/9/2008 at 14:50
2nd Attempt: Posted Real Property on 6/12/2008 at 15:14
3rd Attempt: Posted Real Property on 06/16/2008 at 14:27

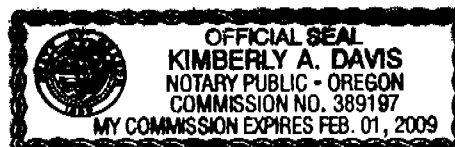
Signed in Klamath County, Oregon by:

Dave Davis 6/16/8
Signature Date
1006.26703

State of Oregon
County of Klamath

On this 16th day of June in the year of 2008, before me a Notary Public, Personally appeared DAVE DAVIS, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Kimberly A Davis
Notary Public for Oregon
Residing at Klamath County
Commission expires: 01. Feb 2009



Statement of Property Condition**Occupancy:**☒ Occupied☐ Vacant**Type of Dwelling:**☒ Single Family☐ Condominium☐ Apartment Bldg☐ Commercial Bldg☐ Mobil Home☐ Vacant Land☐ Multi-Family: Number of Units _____**Property Condition:**

Damage:

☐ Fire☐ Vandalism☐ Other - Describe: _____

_____**Landscape:**☐ Good☒ Poor**Other:**☐ Property Address Discrepancies☐ Code Enforcement Notices☐ Livestock☐ For Sale, Sign By: _____Comments: _____

_____**Disclaimer:**

Foreclosure Expeditors/Initiators, LLC provides the information herein as a courtesy. That information is obtained from field service representatives possessing varying degrees of knowledge and sophistication in the observance and reporting of real property conditions and should not be relied upon in lieu of the lender's or servicer's regular property inspections for the property. No guaranty, warranty or representation of any kind, expressed or implied, is made concerning the accuracy, completeness or correctness of the matters reported upon by FEI's representatives herein. Foreclosure Expeditors/Initiators, LLC, its affiliates, officers, directors, employees, or agents are neither responsible nor liable for any direct, indirect, incidental, consequential special, punitive, exemplary or other damages arising out of or relating in any way to the content or information contained in this Statement of Property Condition.

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Dustin J Robustelli An Unmarried Man And Angela M. Richey, An Unmarried Woman, as grantor(s), to Aspen Title And Escrow Inc., as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 11/08/2006, recorded 11/22/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-023431, covering the following described real property situated in said county and state, to wit:

LOT 16, BLOCK 1, BRYANT TRACTS NO. 2, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 1527 DERBY STREET
KLAMATH FALLS, OR 97603

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,429.72 beginning 01/01/2008; plus late charges of \$57.64 each month beginning with the 01/01/2008 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: \$180,361.33 with interest thereon at the rate of 6.5 percent per annum beginning 12/01/2007 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, October 13, 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 5-30, 2008


Stephanie Reyna, Team Member

For further information, please contact:

**RECONTRUST COMPANY
RECONTRUST COMPANY
2380 Performance Dr, RGV-D7-450
Richardson, TX 75082
(800)-281-8219
TS No. 08 -46827**

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.

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 July 29, 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 1527 DERBY STREET, KLAMATH FALLS, OR, 97603 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.

Sarah Halbakken

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Sarah Halbakken 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: 8-1-08



Renee Kristene Maye
NOTARY PUBLIC in and for the State of
Washington, residing at King
My commission expires 3-21-12

08-46827 / ROBUSTELLI, DUSTIN J and RICHEY, ANGELA M
Kerri Klein

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 # 10382

Notice of Sale/Dustin J. Robustelli & Angela M. Richey

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:

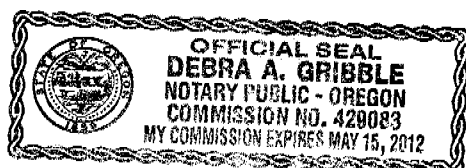
July 17, 24, 31, August 7, 2008

Total Cost: \$852.85

Subscribed and sworn by Jeanine P Day
before me on: August 7, 2008

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Dustin J. Robustelli, An Unmarried Man And Angela M. Richey, An Unmarried Woman, as grantor(s) to Aspen Title And Escrow Inc., as Trustee, in favor of Mortgage Electronic Registration Systems, Inc. as Beneficiary, dated 11/08/2006, recorded 11/22/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-023431, covering the following described real property situated in said county and state, to-wit: Lot 16, Block 1, Bryant Tracts No 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. PROPERTY ADDRESS: 1527 Derby Street, Klamath Falls, OR 97603.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due, the following sums: monthly payments of \$1,429.72 beginning 01/01/2008; plus late charges of \$57.64 each month beginning with the 01/01/2008 payment plus prior accrued late charges of \$0.00; plus advances of \$00.00; 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: \$180,361.33 with interest thereon at the rate of 6.5 percent per annum beginning 12/01/2007, 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, October 13, 2008, at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, at the fol-

lowing 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: May 30, 2008. RECONTRUST COMPANY, Stephanie Reyna, Team Member. For further information, please contact: Recontrust Company, 2380 Performance Drive, RVG-D7-450, Richardson, TX 75082. (800)-281-8219, TS No. 08-46827.

#10382 July 17, 24, 31, August 7, 2008.