

2008-012923

Klamath County, Oregon

65793

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



00053285200800129230090091

09/16/2008 11:26:32 AM

Fee: \$76.00

When Recorded Return To:

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

Until requested otherwise, send all tax statements:

(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:

ROBERT DAILEY

### ORIGINAL BENEFICIARY ON TRUST DEED:

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC

\$76-ATE

**RECONTRUST COMPANY**

**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**

W 8704 03

**AFTER RECORDING RETURN TO:  
BONNIE ALBERIGO  
RECONTRUST COMPANY  
400 COUNTRYWIDE WAY SV-35  
SIMI VALLEY, CA 93065**

**TS No.: 08 -0039800**

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: ROBERT DAILEY

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 09/13/08. 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 [Signature]

Subscribed and sworn to (or affirmed) before me on this 12th day of September, 2008, by [Signature], 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

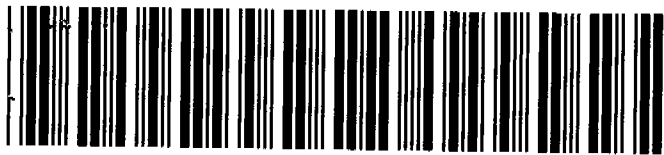
RE: Trust Deed from  
Grantor  
and ROBERT DAILEY

[Signature]  
Notary Public for California  
Residing at California  
My commission expires: 9/21/2011

RECONTRUST COMPANY  
Trustee TS No. 08-0039800

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





02 080039800

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

**TS No. 08-0039800**

ROBERT DAILEY  
3520 Altamont Dr  
Klamath Falls, OR 97603  
7187 7930 3131 2454 7657

Residents/Occupants  
3520 Altamont Dr  
Klamath Falls, OR 97603  
7187 7930 3131 2454 7671

ROBERT ANTHONY DAILEY  
3520 Altamont Dr  
Klamath Falls, OR 97603  
7187 7930 3131 2454 7756

ROBERT DAILEY  
3520 Altamont Dr  
Klamath Falls, OR 97603-7212  
7187 7930 3131 2454 7664

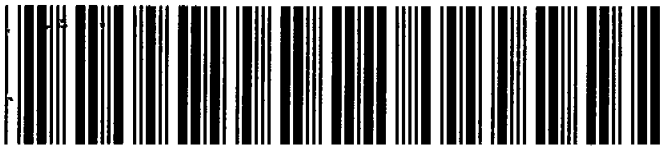
ROBERT ANTHONY DAILEY  
3520 Altamont Dr  
Klamath Falls, OR 97603-7212  
7187 7930 3131 2454 7763

NICOLE YVONNE DAILEY  
4175 WAGNER ST #459  
EUGENE, OR 97402  
7187 7930 3131 2454 7688

STATE OF OREGON  
1841 NE 3RD STREET  
DEPARTMENT OF HUMAN RESOURCES  
BEND, OR 97701  
7187 7930 3131 2454 7695

DEPARTMENT OF JUSTICE  
DIVISION OF CHILD SUPPORT  
1495 EDGEWATER STREET N.W. SUITE 170  
SALEM, OR 97304  
7187 7930 3131 2454 7701

DEPARTMENT OF HUMAN RESOURCES  
PO BOX 14506



02 080039800

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

**TS No. 08-0039800**

DEPARTMENT OF HUMAN RESOURCES  
CHILD SUPPORT PROGRAM UNIT  
SALEM, OR 97309  
7187 7930 3131 2454 7725

STATE OF OREGON DEPARTMENT OF JUSTICE  
1001 SW EMKAY DR., STE A  
DIVISION OF CHILD SUPPORT  
BEND, OR 97702  
7187 7930 3131 2454 7732

STATE OF OREGON C/O ATTORNEY GENERAL  
1162 COURT STREET NE  
SALEM, OR 97301  
7187 7930 3131 2454 7749

# 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 # 10287

Notice of Sale/Robert Dailey

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:

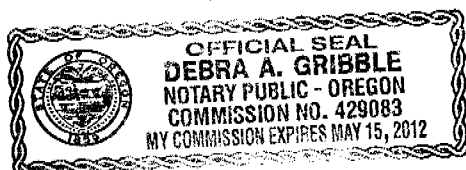
June 13, 20, 27, July 4, 2008

Total Cost: \$852.85

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: July 4, 2008

*Debra A Gribble*  
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 Robert Dailey, as grantor(s) to Fidelity National Title Insurance Co., as Trustee, in favor of Mortgage Electronic Registration Systems, Inc. as Beneficiary, dated 08/25/2006, recorded 09/05/2006, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume No. 2006 at Page No. 017830 as Recorder's fee/file/instrument/microfilm/reception Number 2006-017830, covering the following described real property situated in said county and state, to-wit:

The North 1/2 of Lot 4, Block 2, Third Addition to Altamont Acres, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 3520 Altamont Drive, Klamath Falls, OR 97601 97603-7212

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 \$912.46 beginning 01/01/2008; plus late charges of \$37.50 each month beginning with the 01/01/2008 payment plus prior accrued late charges of \$16.52; 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: \$96,896.47 with interest thereon at the rate of 9 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, September 08, 2008, at the hour of 10:00 A.M, 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 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 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: April 25, 2008. RECONTRUST COMPANY, Julia Evans, Team Member. For further information, please contact: Recontrust Company, 2380 Performance Drive, RVG-D7-450, Richardson, TX 75082. (800)-281-8219. TS No. 08-39800. #10287 June 13, 20, 27, July 4, 2008.

**FEI, LLC**  
**Affidavit of Posting and Service**

State of Oregon  
County of Klamath

Dave Davis, being sworn, says: That I am a citizen of the United States, 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 3520 Altamont Dr, Klamath Falls, OR in a conspicuous place.

1st Attempt: Posted Real Property on 04/29/2008 at 18:15

AND: / OR:

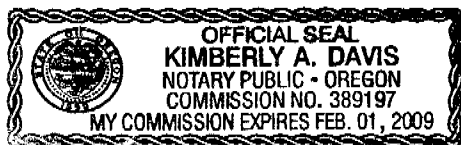
That I personally served a copy of the attached Notice of Trustee's Sale upon an adult occupant of the real property in the manner in which a summons is served by delivering to or leaving with Tom Matthias, a person over the age of eighteen (18) years, then residing therein on Tuesday, April 29, 2008, at 18:15.


Signed in Klamath County, Oregon by:

  
Signature 4/29/08 Date  
1006.21392

State of Oregon  
County of KLAMATH

On this 29<sup>th</sup> day of April 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.



  
Notary Public for Oregon  
Residing at Klamath County  
Commission expires: 01 Feb 2009

**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 Robert Dailey, as grantor(s), to Fidelity National Title Insurance Co., as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 08/25/2006, recorded 09/05/2006, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume No. 2006 at Page No. 017830 as Recorder's fee/filc/instrument/microfilm/reception Number 2006-017830, covering the following described real property situated in said county and state, to wit:

THE NORTH 1/2 OF LOT 4, BLOCK 2, THIRD ADDITION TO ALTAMONT ACRES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 3520 Altamont Dr  
Klamath Falls, OR 97603-7212

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 \$912.46 beginning 01/01/2008; plus late charges of \$37.50 each month beginning with the 01/01/2008 payment plus prior accrued late charges of \$-16.52; 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.

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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

April 25<sup>th</sup>, 2008

J. L. Evans

Julia Evans, 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 -39800**

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.**