

2008-013041

Klamath County, Oregon



00053425200800130410100107

09/18/2008 11:24:16 AM

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:

@5596 ATE

(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:

MICHAEL CARR

### ORIGINAL BENEFICIARY ON TRUST DEED:

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC

\$81-ATE

***RECONTRUST COMPANY***

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

**TS No.: 08 -0008086**

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: **MICHAEL CARR**

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 08/11/08. 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 [Signature]

Subscribed and sworn to (or affirmed) before me on this 16th day of Sept, 2008, by Helderose 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

and MICHAEL CARR

Notary Public for California

Residing at

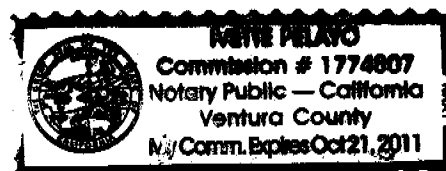
My commission expires: 10/21/2011

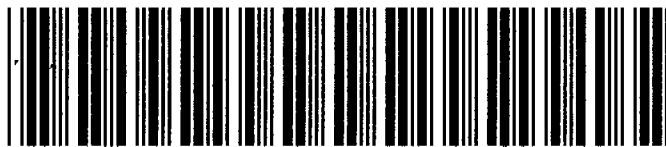
Ventura

RECONTRUST COMPANY

Trustee TS No. 08-0008086

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





02 080008086

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

**TS No. 08-0008086**

MICHAEL CARR  
8134 Capwell Dr  
Oakland, CA 94621  
7187 7930 3131 2136 8101

Residents/Occupants  
8134 Capwell Dr  
Oakland, CA 94621  
7187 7930 3131 2136 8170

Residents/Occupants  
8134 Capwell Dr  
Oakland, CA 94621  
7187 7930 3131 2136 8187

MICHAEL CARR  
1900 ESPLANADE AVENUE  
KLAMATH FALLS, OR 97601-2238  
7187 7930 3131 2136 8125

Residents/Occupants  
1900 ESPLANADE AVENUE  
KLAMATH FALLS, OR 97601-2238  
7187 7930 3131 2136 8194

Residents/Occupants  
1900 ESPLANADE AVE  
KLAMATH FALLS, OR 97601  
7187 7930 3131 2136 8200

MICHAEL CARR  
4789 THOMAS DRIVE  
KLAMATH FALLS, OR 97603  
7187 7930 3131 2136 8132

MICHAEL CARR  
620 N. BAKER STREET  
STOCKTON, CA 95203  
7187 7930 3131 2136 8149

MICHAEL CARR  
1900 ESPLANADE AVENUE  
KLAMATH FALLS, OR 97601-2238  
7187 7930 3131 2136 8156



02 080008086

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

**TS No. 08-0008086**

MICHAEL CARR  
1900 ESPLANADE AVENUE  
KLAMATH FALLS, OR 97601-2238  
7187 7930 3131 2136 8163

COUNTRYWIDE HOME LOANS, INC  
MS SV-79 DOCUMENT PROCESSING  
P.O. BOX 10423  
VAN NUYS, CA 91410-0423  
7187 7930 3131 2136 8224

COUNTRYWIDE HOME LOANS, INC  
4500 PARK GRANADA  
CALABASAS, CA 91302-1613  
7187 7930 3131 2136 8231

COUNTRYWIDE HOME LOANS, INC  
285 LIBERTY ST NE  
C/O THE PRENTICE-HALL CORPORATION SYSTEM, INC.  
SALEM, OR 97301  
7187 7930 3131 2136 8248

**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 1900 ESPLANADE AVENUE, KLAMATH FALLS, OR in a conspicuous place.

1st Attempt: Posted Real Property on 2/29/2008 at 13:18  
2nd Attempt: Posted Real Property on 3/3/2008 at 17:00  
3rd Attempt: Posted Real Property on 03/06/2008 at 12:31

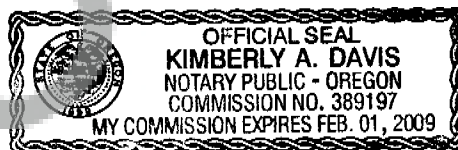
Signed in Klamath County, Oregon by:

Dave Davis  
Signature 3/6/8 Date  
1006.15688

State of Oregon  
County of Klamath

On this 6<sup>th</sup> day of MARCH 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



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Michael Carr, An Unmarried Man, as grantor(s), to Recontrust Company, N.A., as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 12/16/2005, recorded 12/21/2005, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number M05-71552, covering the following described real property situated in said county and state, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

PROPERTY ADDRESS: 1900 ESPLANADE AVENUE  
KLAMATH FALLS, OR 97601-2238

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 \$1,117.16 beginning 10/01/2007; plus late charges of \$55.86 each month beginning with the 10/01/2007 payment plus prior accrued late charges of \$-55.86; 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: \$150,008.26 with interest thereon at the rate of 8 percent per annum beginning 09/01/2007 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 Thursday, July 10, 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 Feb. 26, 2008

  
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 -08086

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On FEB. 26, 2008, 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.



# ~~08-08086~~  
08-08086

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

The West 57 feet of Lots 12 and 13, Block 39, HOT SPRINGS ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southeast corner of Esplanade and Eldorado Streets being the most Westerly corner of Block 39 aforesaid; thence South along the Easterly line of Eldorado Avenue to the Southwest corner of said Lot 13; thence Northeasterly along the Southerly line of said Lot 13, 57 feet; thence Northwesterly parallel with Eldorado Avenue to the Southerly line of Esplanade; thence Southwesterly along the Southeasterly line of Esplanade to the place of beginning.

Tax Account No: 3809-028CB-04000-000

Key No: 305217

# 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 # 10072

Notice of Sale/Michael Carr

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:

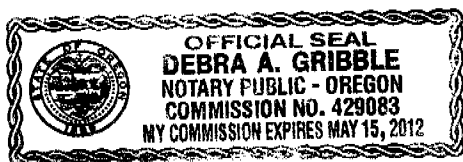
April 17, 24, May 1, 8, 2008

Total Cost: \$988.57

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: August 29, 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 Michael Carr, An Unmarried Man, as grantor(s) to Recontrust Company, N.A., as Trustee, in favor of Mortgage Electronic Registration Systems, Inc. as Beneficiary, dated 12/16/2005, recorded 12/21/2005, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number M05-71552, covering the following described real property situated in said county and state, to-wit:

#### EXHIBIT "A" LEGAL DESCRIPTION

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Tax Account No. 3809-028CB-04000-000. Key No. 305217.

PROPERTY ADDRESS: 1900 ESPLANADE AVENUE, KLAMATH FALLS, OR 97601-2238.

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 \$1,117.16 beginning 10/01/2007; plus late charges of \$55.86 each month beginning with the 10/01/2007 payment plus prior accrued late charges of \$55.86; 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: \$150,008.26 with interest thereon at the rate of 8 percent per annum beginning 09/01/2007, 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 Thursday, July 10, 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 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: February 26, 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. 08-08086.

#10072 April 17, 24, May 1, 8, 2008.