

2008-013302

Klamath County, Oregon



00053756200800133020120126

09/24/2008 03:06:06 PM

Fee: \$91.00

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:

65762 - 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:

KIRBY L GARLITZ SR AND KATHRUN DENISE GARLITZ

ORIGINAL BENEFICIARY ON TRUST DEED:

NEW CENTURY MORTGAGE CORPORATION

576-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**

**AFTER RECORDING RETURN TO:
AMUTHA S TAYLOR
RECONTRUST COMPANY
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065**

W870379

TS No.: 08 -0032612

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: KIRBY L GARLITZ SR and KATHRUN DENISE GARLITZ

Beneficiary: NEW CENTURY MORTGAGE CORPORATION

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 4-30-08. 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

Subscribed and sworn to (or affirmed) before me on this 6 day of 05, 2008, by Lorena Castillo Ruiz, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

Signature [Signature]

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

KIRBY L GARLITZ SR and KATHRUN DENISE GARLITZ

Notary Public for California

Residing at Ventura

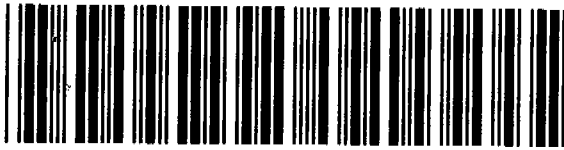
My commission expires: 4-14-09

RECONTRUST COMPANY

Trustee TS No. 08-32612

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





02 0832612

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

TS No. 08-32612

KIRBY L GARLITZ SR
4121 Altamont Dr
Klamath Falls, OR 97603
7187 7930 3131 2375 5855

KATHRUN DENISE GARLITZ
4121 Altamont Dr
Klamath Falls, OR 97603
7187 7930 3131 2375 5879

Residents/Occupants
4121 Altamont Dr
Klamath Falls, OR 97603
7187 7930 3131 2375 5893

KIRBY L GARLITZ SR
4121 ALTAMONT DRIVE
KLAMATH FALLS, OR 97603
7187 7930 3131 2375 5862

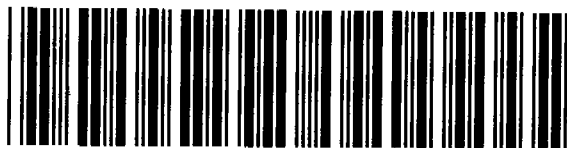
KATHRUN DENISE GARLITZ
4121 ALTAMONT DRIVE
KLAMATH FALLS, OR 97603
7187 7930 3131 2375 5886

123LOAN, LLC
85 ENTERPRISE, SUITE 200
ALISO VIEJO, CA 92656
7187 7930 3131 2375 5909

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
P.O. BOX 2026
FLINT, MI 48501-2026
7187 7930 3131 2375 5947

CITIMORTGAGE INC.
1000 TECHNOLOGY DRIVE
OFALLON, MO 63368-2240
7187 7930 3131 2375 5954

MARNA L GARLITZ AKA MARNA L. ANSELL
C/O EDWIN I. CALEB



02 0832612

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

TS No. 08-32612

MARNA L GARLITZ AKA MARNA L. ANSELL
316 MAIN STREET
KLAMATH FALLS, OR 97601
7187 7930 3131 2375 5992

MARNA L GARLITZ AKA MARNA L. ANSELL
P.O. BOX 14506
CHILD SUPPORT SERVICES
SALEM, OR 97309
7187 7930 3131 2375 6005

DEPARTMENT OF JUSTICE
P.O. BOX 14506
CHILD SUPPORT SERVICES
SALEM, OR 97309
7187 7930 3131 2375 6036

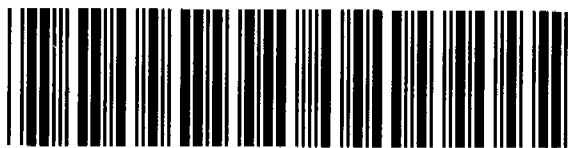
DISCOVER BANK
C/O PATRICK JAMES LAYMAN BISHOP WHITE & MARSHALL P
720 OLIVE WAY #1301
SEATTLE, WA 98101
7187 7930 3131 2375 6043

DISCOVER BANK
6500 NEW ALBANY ROAD, PO BOX 3025
NEW ALBANY, OH 43054-3025
7187 7930 3131 2375 6050

MARNA L GARLITZ AKA MARNA L. ANSELL
215 WEST OREGON
KLAMATH FALLS, OR 97601
7187 7930 3131 2375 6029

123LOAN, LLC
C/O CORPORATION SERVICE COMPANY
285 LIBERTY ST NE
SALEM, OR 97301
7187 7930 3131 2375 5923

CITIMORTGAGE INC.
17682 BEACH BLVD. SUITE 204
C/O LAW OFFICES OF LES ZIEVE
HUNTINGTON BEACH, CA 92647
7187 7930 3131 2375 5961



02 0832612

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

TS No. 08-32612

CITIMORTGAGE INC.
1000 TECHNOLOGY DR MS 140
SAINT CHARLES, MO 63304
7187 7930 3131 2375 5978

CITIMORTGAGE INC.
388 STATE ST STE 420
C/O C T CORPORATION SYSTEM
SALEM, OR 97301
7187 7930 3131 2375 5985

123LOAN, LLC
C/O MERS
P.O. BOX 2026
FLINT, MI 48501-2026
7187 7930 3131 2375 5930

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.

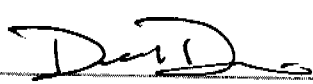
That I posted a copy of the attached Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 4121 Altamont Drive, Klamath Falls, OR in a conspicuous place.

1st Attempt: Posted Real Property on 04/21/2008 at 13:55

AND: / OR:

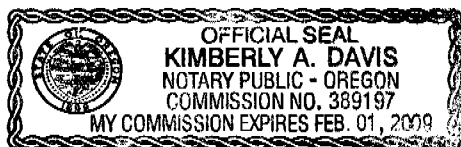
That I personally served a copy of the attached Notice of Trustee's Sale upon an adult occupant of the real property in the manner in which a summons is served by delivering to or leaving with Kathrun D. Garlitz, a person over the age of fourteen (14) years, then residing therein on Monday, April 21, 2008, at 13:55.


Signed in Klamath County, Oregon by:

 9/16/8
Signature _____ Date _____
1006.19387

State of Oregon
County of Klamath

On this 16th day of September 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.

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 Kathrun Denise Garlitz, An Undivided One-Half Interest And Kirby L. Garlitz, Sr., An Undivided One-Half Interest, as grantor(s), to Title Direct, as Trustee, in favor of New Century Mortgage Corporation, as Beneficiary, dated 11/04/2003, recorded 11/17/2003, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume No. M03 at Page No. 84686 as Recorder's fee/file/instrument/microfilm/reception Number -, covering the following described real property situated in said county and state, to wit:

THE SOUTH 81.5 FEET OF LOT 8 BLOCK 2 OF SECOND 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: 4121 ALTAMONT DRIVE
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 \$1,120.11 beginning 06/01/2007; plus late charges of \$47.76 each month beginning with the 06/01/2007 payment plus prior accrued late charges of \$5.95; plus advances of \$62.50; 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: \$99,474.96 with interest thereon at the rate of 10.1999998092651 percent per annum beginning 05/01/2007 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 Wednesday, August 27, 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 April 14th, 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 -32612**

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 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 # 10238

Notice of Sale/Kathrun D. & Kirby L. Garlitz, Sr.

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:

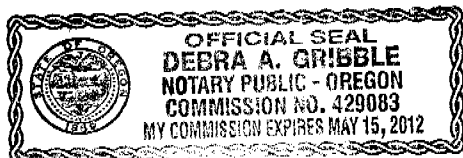
June 2, 9, 16, 23, 2008

Total Cost: \$867.93

Subscribed and sworn by Jeanine P Day
before me on: June 23, 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 Kathrun Denise Garlitz, An Undivided One-Half interest And Kirby L. Garlitz, Sr., An Undivided One-Half Interest, as grantor(s) to Title Direct, as Trustee, in favor of New Century Mortgage Corporation, as Beneficiary, dated 11/04/2003, recorded 11/17/2003, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume No. M03 at Page No. 84686 as Recorder's fee/file/instrument/microfilm/reception Number _____, covering the following described real property situated in said county and state, to-wit:

The south 81.5 feet of Lot 8 Block 2 of Second 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: 4121 Altamont Drive, 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 the grantor's failure to pay when due, the following sums: monthly payments of \$1,120.11 beginning 06/01/2007; plus late charges of \$47.76 each month beginning with the 06/01/2007 payment plus prior accrued late charges of \$5.95; plus advances of \$62.50; 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: \$99,474.96 with interest thereon at the rate of 10.1999998092651 percent per annum beginning 05/01/2007, 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 Wednesday, August 27, 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: April 14, 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. 08-32612.

#10238 June 2, 9, 16, 23, 2008.