

2008-013979

Klamath County, Oregon



00054561200800139790120124

10/10/2008 08:52:01 AM

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:

65620 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:

JOSH MAGEE AND JENNIFER S MAGEE

ORIGINAL BENEFICIARY ON TRUST DEED:

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

591-ATE

AFTER RECORDING RETURN TO:

GREENE & MARKLEY, P.C.
Attn. Debra M. Johnson
1515 SW 5th Avenue, Suite 600
Portland, OR 97201

65626 ATE

AFFIDAVIT OF MAILING NOTICE REQUIRED UNDER HOUSE BILL 3630

STATE OF OREGON)
) ss.
County of Multnomah)

I, Debra Johnson, being first duly sworn, depose and say:

I am a resident of the State of Oregon, a competent person over the age of 18 years and not the Beneficiary, or Beneficiary's successor in interest, of the trust deed to be foreclosed.

I mailed a true copy of the attached Notice by certified mail, return receipt requested, and first class mail, to each of the grantors (or their legal representatives, where so indicated) at their respective last known addressed, to-wit:

NAME

Josh Magee

Jennifer S. Magee

Josh Magee

ADDRESS

372 Shadow Lawn Drive
Eagle Point, OR 97524

372 Shadow Lawn Drive
Eagle Point, OR 97524

7710 Skyview Circle
Klamath Falls, OR 97601

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598-ATE

Jennifer S. Magee

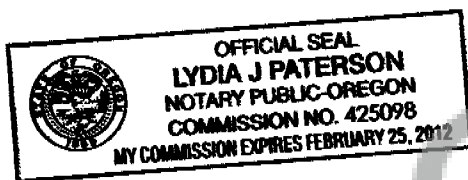
7710 Skyview Circle
Klamath Falls, OR 97601

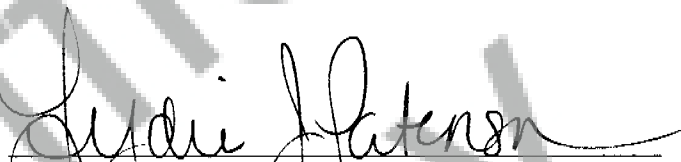
Each copy was contained in a sealed envelope, with postage prepaid, and was deposited in the United States post office at Portland, Oregon, on June 9, 2008. Each of the notices was mailed with the Trustee's Notice of Sale, pursuant to ORS 86.740, of the trust deed to be foreclosed.

As used herein, the singular includes the plural, Trustee includes Successor Trustee, and person includes corporation and any other legal or commercial entity.


Debra M. Johnson

This instrument was acknowledged before me on June 9, 2008, by Debra M. Johnson.




NOTARY PUBLIC FOR OREGON

6460\002\O Affidavit of Mailing Notice Pursuant to HB 3630.wpd

NOTICE:
YOU ARE IN DANGER OF LOSING YOUR PROPERTY
IF YOU DO NOT TAKE ACTION IMMEDIATELY

**This notice is about your mortgage loan on your property at: 7710 Skyview Circle
Klamath Falls, Oregon**

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called "foreclosure."

The amount you would have had to pay as of **June 1, 2008** to bring your mortgage current was \$22,225.06 . The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call Debbie Johnson at 503-295-2668 or toll-free at 1-877-803-1515 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe. You may also get these details by sending a request by certified mail to: Gary L. Blacklidge, Greene & Markley, P.C., 1515 SW 5th Avenue, Ste. 600, Portland, Oregon 97201.

THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION: October 17, 2008 at 11:00 a.m., at the Main Entrance of the Klamath County Courthouse.


THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call John Barry at 1-800-583-3086 or Debbie Johnson at 1-877-803-1515 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and phone number of an organization near you, please call the statewide phone contact number at **1-800-SAFENET (1-800-723-3638)**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **1-800-452-7636** or you may visit its Web site at: **www.osbar.org**. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to **<http://www.oregonlawhelp.org>**.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: June 9, 2008



Gary L. Blacklidge, Successor Trustee
1515 SW 5th Ave., Suite 600, Portland, OR 97201
Telephone: (503) 295-2668

AFTER RECORDING RETURN TO:

GREENE & MARKLEY, P.C.
Attn. Debra M. Johnson
1515 SW 5th Avenue, Suite 600
Portland, OR 97201

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) ss.
County of Multnomah)

I, Debra Johnson, being first duly sworn, depose and say:

I am a resident of the State of Oregon, a competent person over the age of 18 years and not the Beneficiary, or Beneficiary's successor in interest, named in the attached Trustee's Notice of Sale.

I mailed a true copy of the attached Trustee's Notice of Sale by certified mail, return receipt requested, and first class mail, to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

NAME

ADDRESS

Josh Magee

372 Shadow Lawn Drive
Eagle Point, OR 97524

Jennifer S. Magee

372 Shadow Lawn Drive
Eagle Point, OR 97524

Josh Magee

7710 Skyview Circle
Klamath Falls, OR 97601

Jennifer S. Magee

7710 Skyview Circle
Klamath Falls, OR 97601

Kammerzell Construction
c/o Steve Kammerzell
Authorized Representative

638 Oakwood Drive
Eagle Point, OR 97524

Brownsboro Excavation, Inc.
c/o Billy Frazier, Registered Agent

125 Obenchain Road
Eagle Point, OR 97524

Hughes Lumber Co., Inc.
c/o Dennis Rawls, Registered Agent

6345 Crater Lake HWY
Central Point, OR 97502

Hughes Lumber Co., Inc.
c/o Dennis Rawls, Registered Agent

PO Box 2597
White City, OR 97503

Central Point Electric, Inc.
c/o Stacey Gallo, Registered Agent

2977 Merriman Road
Medford, OR 97501

Central Point Electric, Inc.
c/o Stacey Gallo, Registered Agent

PO Box 5170
Central Point, OR 97502

Each copy was contained in a sealed envelope, with postage prepaid, and was deposited in the United States post office at Portland, Oregon, on June 9, 2008. Each of the notices was mailed after the Notice of Default and Election to Sell was recorded.

The above-named 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.

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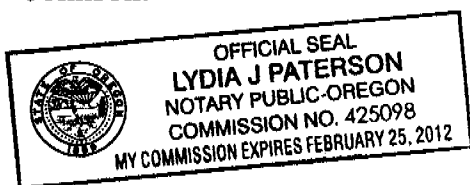
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As used herein, the singular includes the plural, Trustee includes Successor Trustee, and person includes corporation and any other legal or commercial entity.

Debra M. Johnson
Debra M. Johnson

This instrument was acknowledged before me on June 9, 2008, by Debra M. Johnson.



Lydia J. Paterson
NOTARY PUBLIC FOR OREGON

6460\002\O Affidavit of Mailing Trustee's Notice.wpd

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 # 10468

Notice of Sale/Josh & Jennifer S. Magee

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:

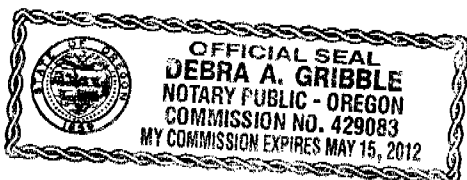
August 28, September 4, 11, 18, 2008

Total Cost: \$982.32

Subscribed and sworn by Jeanine P Day
before me on: September 18, 2008

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

The trust deed to be foreclosed pursuant to Oregon law is referred to as follows (the "Trust Deed"):

Grantor: Josh Magee and Jennifer S. Magee
Trustee: LAWYERS TITLE INSURANCE CORPORATION, a Nebraska Corporation
Beneficiary: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

Date: March 27, 2007

Recording Date: March 30, 2007

Recording Reference: 2007-005982

County of Recording: Klamath

Golf Savings Bank is the Beneficiary by assignment from Mortgage Electronic Registration Systems, Inc.

The Trust Deed covers the following described real property situated in the County of Klamath, State of Oregon, ("the Property"):

Lot 23, Block 2, Tract No. 1034, LAKEWOODS SUBDIVISION UNIT NO. 1, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

CODE 008 MAP 3805-005B0 T: 03200 KEY #71549

More commonly known as: 7710 Skyview Circle, Klamath Falls, Oregon

The Grantor or other person owing the debt has defaulted as provided under the Trust Deed, and both the Beneficiary and the Trustee have elected to foreclose the Trust Deed and sell the Property to satisfy the obligations secured by the Trust Deed.

The default for which foreclosure is permitted is the Grantor's failure to pay when due the following sums:
Monthly interest only payments due December 1, 2007, through June 1, 2008, totaling \$21,343.23, and late charges in the amount of 5% of each payment not paid within 15 days of its due date totaling \$881.83 through May 9, 2008.

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable as follows:
\$550,000.00 together with interest thereon at the rate of 7.375 percent per annum from November 1, 2007 until paid, late charges of \$811.83 as of May 9, 2008, a loan fee of \$125.00, and a Non-Modification Fee of \$11,000.00, together with Trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the Trust Deed.

NOTICE

The Trustee will on October 17, 2008 at the hour of 11:00 o'clock, A.M., at the Main Entrance 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 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 acquired after the execution of the Trust Deed, to satisfy the debt thereby secured and the costs, attorney fees and expenses of sale, including a reasonable charge by the Trustee.

NOTICE OF RIGHT TO CURE

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 doing all of the following:

1. Paying the Beneficiary the entire amount then due (other than such portion of the principal as would not then be due had no default occurred);
2. Curing any other default complained of herein that is capable of being cured by tendering the performance required under the debt or Trust Deed; and
3. Paying all costs and expenses actually incurred in enforcing the debt and Trust Deed, together with Trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

DATED: June 9, 2008

Gary L. Blackledge
Successor Trustee
1515 SW 5th Ave., Suite 600
Portland, OR 97201
Telephone: (503) 295-2668
Facsimile: (503) 224-8434

#10468 August 28, September 4, 11, 18, 2008

6460-002 / Josh Magee and Jennifer S. Magee

AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON)
) ss.
County of Klamath)

I, Robert Bolenbaugh, being first duly sworn, depose and say:

That I am, and have been at all material times hereto, a competent person over the age of eighteen years and a resident of Klamath County, State of Oregon. I am not a party to, an attorney in, or interested in any suit of action involving the property described below.

That on the 11th day of June, 2008, after personal inspection, I found the following described real property to be unoccupied:

LOT 23, BLOCK 2, TRACT NO. 1034, LAKEWOODS SUBDIVISION UNIT NO. 1, ACCORDING
TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH
COUNTY, OREGON

CODE 008 MAP 3805-005B0 T: 03200 KEY #71549

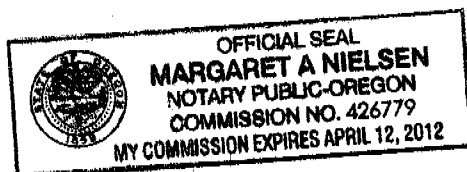
Commonly known as: 7710 SKYVIEW CIRCLE
KLAMATH FALLS, OR 97601

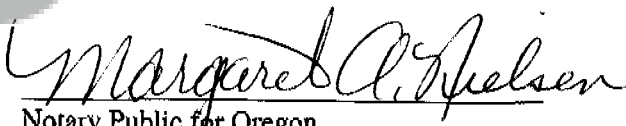
I declare under the penalty of perjury that the above statements are true and correct.


Robert Bolenbaugh

1162.175393

SUBSCRIBED AND SWORN to before me this 11th day of June, 2008.




Notary Public for Oregon

AFTER RECORDING RETURN TO:

GREENE & MARKLEY, P.C.
Attn. Debra M. Johnson
1515 SW 5th Avenue, Suite 600
Portland, OR 97201

TRUSTEE'S NOTICE OF SALE

The trust deed to be foreclosed pursuant to Oregon law is referred to as follows (the "Trust Deed"):

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Trustee: LAWYERS TITLE INSURANCE CORPORATION, a
Nebraska Corporation
Beneficiary: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC.
Date: March 27, 2007
Recording Date: March 30, 2007
Recording Reference: 2007-005982
County of Recording: Klamath

Golf Savings Bank is the Beneficiary by assignment from Mortgage Electronic Registration Systems, Inc.

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NO. 1, according to the official plat thereof on file in the office of the
Clerk of Klamath County, Oregon.

CODE 008 MAP 3805-005B0 T: 03200 KEY #71549
More commonly known as: 7710 Skyview Circle, Klamath Falls, Oregon

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By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable as follows:

\$550,000.00 together with interest thereon at the rate of 7.375 percent per annum from November 1, 2007 until paid, late charges of \$811.83 as of May 9, 2008, a loan fee of \$125.00, and a Non-Modification Fee of \$11,000.00, together with Trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the Trust Deed.

NOTICE

The Trustee will on October 17, 2008 at the hour of 11:00 o'clock, A.M., at the Main Entrance 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 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 acquired after the execution of the Trust Deed, to satisfy the debt thereby secured and the costs, attorney fees and expenses of sale, including a reasonable charge by the Trustee.

NOTICE OF RIGHT TO CURE

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 doing all of the following:


1. Paying the Beneficiary the entire amount then due (other than such portion of the principal as would not then be due had no default occurred);

2. Curing any other default complained of herein that is capable of being cured by tendering the performance required under the debt or Trust Deed; and

3. Paying all costs and expenses actually incurred in enforcing the debt and Trust Deed, together with Trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

DATED: June 9, 2008



Gary L. Blacklidge
Successor Trustee
1515 SW 5th Ave., Suite 600
Portland, OR 97201
Telephone: (503) 295-2668
Facsimile: (503) 224-8434

\\G:\6460\002\O Notice of Sale.wpd