

WHEN RECORDED MAIL TO:

Cal-Western Reconveyance Corporation  
P.O. Box 22004  
525 East Main Street  
El Cajon, CA 92022-9004

2009-002949  
Klamath County, Oregon



02/26/2009 03:11:33 PM

Fee: \$61.00

1st 1296603

\*1172281-09\* \*ANOSXR\*

T.S. NO.: 1172281-09  
LOAN NO.: 1044830636

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA }SS  
COUNTY OF SAN DIEGO }

I, Oscar Fernandez being first duly sworn, depose, say and certify that:

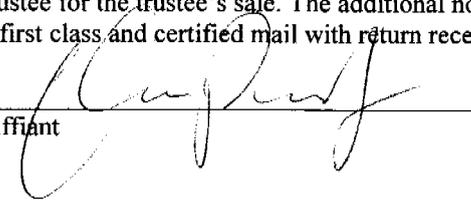
At all times hereinafter mentioned I was and now am a resident of the State of California, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached Notice of Sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the attached Notice of Sale by mailing a copy thereof by registered or certified mail and regular mail to each of the following named persons at their last known address, to-wit:

SEE ATTACHED

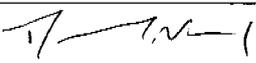
Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by TAMMY LAIRD, for CAL-WESTERN RECONVEYANCE CORPORATION, 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 mail in San Diego County, California, on October 22, 2008. 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. The additional notice required under HB3630 was mailed to grantors at least 25 days prior to sale via first class and certified mail with return receipt requested.

  
Affiant

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

SUBSCRIBED AND SWORN to me this OCT 23 day of 2008, 20

  
Notary Public



**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:  
5839 FERNDALE PL  
KLAMATH FALLS OR 97603

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 October 13, 2008 to bring your mortgage loan current was \$5,488.10. 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 the details about the amount you owe, if you ask. You may call (800)622-5035 EXT. 11818 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:

LISA DONOVAN  
150 ALLEGHENY CENTER, IDC 24-120  
PITTSBURGH PA 15212-5356

**THIS IS WHEN AND WHERE  
YOUR PROPERTY WILL BE SOLD  
IF YOU DO NOT TAKE ACTION:**

Date and time: February 20, 2009 at 1:00pm  
Place: AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY  
COURTHOUSE 316 MAIN STREET  
KLAMATH FALLS, Oregon

Trustee Sale No.: 1172281-09

**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 LISA DONOVAN at (800)622-5035 EXT. 11818 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.

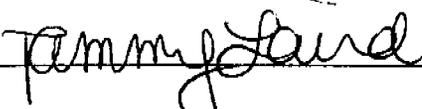
There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at **800-SAFENET (800-723-3638)**. You may also wish 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 **800-452-7636** or you may visit its website at: **<http://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 any questions, talk to a lawyer or one of the organizations mentioned above before signing.

Dated: October 13, 2008  
Trustee Sale No.: 1172281-09

Trustee name: CAL-WESTERN RECONVEYANCE CORPORATION

Trustee signature: 

Trustee telephone number: (800) 546-1531

## TRUSTEE'S NOTICE OF SALE

Loan No: XXXXXX0636

T.S. No: 1172281-09

Reference is made to that certain deed made by  
KYLE RAY MICHAELIS, A MARRIED MAN AS HIS SOLE & SEPARATE  
PROPERTY, as Grantor to  
FIRST AMERICAN TITLE, as Trustee, in favor of

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.  
as Beneficiary,

dated December 22, 2006, recorded December 29, 2006, in official records of KLAMATH County,  
OREGON in book/reel/volume No. XX at  
page No. XX, fee/file/instrument/microfilm/reception No. 2006-025581 covering the following  
described real property situated in the said County and State, to-wit:

LOT 40 IN BLOCK 4 OF TRACT 1299-SECOND ADDITION TO FERNDALE, ACCORDING TO  
THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF  
KLAMATH COUNTY, OREGON.

Commonly known as:

5839 FERNDALE PL KLAMATH FALLS OR 97603

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations  
secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised  
Statutes: the default for which the foreclosure is made is the grantor's:  
Failure to pay the monthly payment due July 1, 2008 of principal, interest and impounds and subsequent  
installments due thereafter; plus late charges; together with all subsequent sums advanced by beneficiary  
pursuant to the terms and conditions of said deed of trust.

Monthly payment \$1,329.23    Monthly Late Charge \$66.46

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust  
immediately due and payable, said sums being following, to-wit; The sum of \$161,783.54 together with  
interest thereon at the rate of 7.450 % per annum, from June 01, 2008 until paid; plus all accrued late  
charges thereon; and all trustee's fees, foreclosure costs and any sums advance by the beneficiary  
pursuant to the terms and conditions of the said deed of trust.

## TRUSTEE'S NOTICE OF SALE

Loan No: XXXXXX0636

T.S. No: 1172281-09

Whereof, notice hereby is given that, CAL-WESTERN RECONVEYANCE CORPORATION the undersigned trustee will on February 20, 2009 at the hour of 1:00pm, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, at  
AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY COURTHOUSE  
316 MAIN STREET

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 grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expense of sale, including a reasonable charge by the trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" includes their respective successors in interest, if any.

Dated: October 13, 2008

CAL-WESTERN RECONVEYANCE CORPORATION  
525 EAST MAIN STREET  
P.O. BOX 22004  
EL CAJON CA 92022-9004

CAL-WESTERN RECONVEYANCE CORPORATION

Signature/By:

  
Tammy Laird

10/22/2008 10:02:09 PM Sender: CalWestern Reconveyance  
525 E Main  
El Cajon CA 92020

Postal Class: First Class  
Type of Mailing: NOS

Affidavit Attachment: 1172281-09 030 10220454 CWR

Postal Number	Sequence	Recipient Name	Address Line 1/3	Address Line 2/4
11041994141015855588	1	KYLE RAY MICHAELIS	5839 FERNDAL PL	KLAMATH FALLS OR 97603
11041994141015855595	2	OCCUPANT	5839 FERNDAL PL	KLAMATH FALLS OR 97603
11041994141015855601	3	KYLE RAY MICHAELIS	690 MOUNTAIN AVE	CENTRAL POINT OR 97502
11041994141015855618	4	KYLE RAY, MICHAELIS	5839 FERNDAL PL	KLAMATH FALLS OR 97603
11041994141015855625	5	MORTGAGE ELECTRONIC REGISTRATIONS SYSTEM	C/O FIRST FRANKLIN SAN JOSE CA 95131	2150 NORTH FIRST STREET
11041994141015855632	6	MORTGAGE ELECTRONIC REGISTRATIONS SYSTEM	C/O SECURITY CONNECTIONS IDAHO FALLS ID 83402	1935 INTERNATIONAL WAY

10/22/2008 10:02:10 PM Sender: CalWestern Reconveyance  
525 E Main  
El Cajon CA 92020

Postal Class: Certified - Ret

Type of Mailing: NOS

Affidavit Attachment: 1172281-09 030 10220454 CWR

Postal Number Sequence Recipient Name

71041994141021052058

1 KYLE RAY MICHAELIS

Address Line 1/3

5839 FERNDAL PL

Address Line 2/4

KLAMATH FALLS OR 97603

71041994141021052065

2 OCCUPANT

5839 FERNDAL PL

KLAMATH FALLS OR 97603

71041994141021052072

3 KYLE RAY MICHAELIS

690 MOUNTAIN AVE

CENTRAL POINT OR 97502

71041994141021052089

4 KYLE RAY, MICHAELIS

5839 FERNDAL PLACE

KLAMATH FALLS OR 97603

71041994141021052096

5

MORTGAGE ELECTRONIC REGISTRATIONS SYSTEM C/O FIRST FRANKLIN  
SAN JOSE CA 95131

2150 NORTH FIRST STREET

71041994141021052102

6

MORTGAGE ELECTRONIC REGISTRATIONS SYSTEM C/O SECURITY CONNECTIONS  
IDAHO FALLS ID 83402

1935 INTERNATIONAL WAY

Klamath County, Oregon  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, beneficiary  
KYLE RAY MICHAELIS, grantor  
CAL-WESTERN RECONVEYANCE CORPORATION, trustee/successor trustee  
TS # 1172281-09  
REF # 198624

AFFIDAVIT OF NON-OCCUPANCY

I hereby certify that I am a competent person 18 years of age or older and meet the requirements in the state of service, am not the beneficiary of the trustee named in the original trustee's Notice of Sale, nor the successor of either, nor an officer, director, employee of or attorney for the beneficiary or trustee, or successor of either, corporate or otherwise.

I further certify that according to the records maintained in this office, service of the foregoing TRUSTEE'S NOTICE OF SALE upon the OCCUPANTS of 5839 FERNDAL PL , Klamath Falls, OR 97603, was attempted as follows:

NON-OCCUPANCY

On October 16, 2008, the property at 5839 FERNDAL PL , Klamath Falls, OR 97603, was found to be unoccupied.

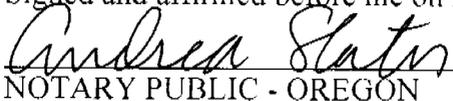


(signature)

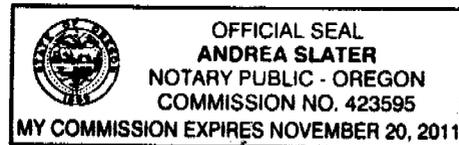
Gloria Carter

STATE OF OREGON, County of Multnomah.  
Signed and affirmed before me on November 13, 2008.

(SEAL)

  
NOTARY PUBLIC - OREGON

CLIENT: RELIABLE POSTING & PUBLISHING REF # 198624  
IPS# 48384



INTERSTATE PROCESS SERVING, INC.\* PO Box 156, Beaverton OR 97075 \*  
503/452-7179

members of  
Oregon Association of Process Servers  
National Association of Professional Process Servers  
Washington State Process Servers Association

198624

3/6

1172281

# 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 # 10612

Notice of Sale/Kyle Ray Michaelis

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:

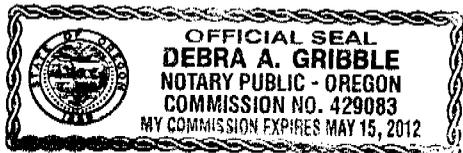
November 10, 17, 24, December 1, 2008

Total Cost: \$775.20

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: February 19, 2009

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



**TRUSTEE'S NOTICE OF SALE**  
Loan No: xxxxxx0636 T.S. No.: 1172281-09

Reference is made to that certain deed made by Kyle Ray Michaelis, A Married Man As His Sole & Separate Property, as First American Title, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated December 22, 2006, recorded December 29, 2006; in official records of Klamath, Oregon in book/reel/volume No. xx at page No. xx, fee/file/instrument/microfilm/reception No. 2006-025581 covering the following described real property situated in said County and State, to-wit: Lot 40 in block 4 of tract 1299-second addition to Ferndale, according to the official plat thereof on file in the office of the county clerk of Klamath county, Oregon. Commonly known as: 5839 Ferndale Pl, Klamath Falls, OR 97603.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's: Failure to pay the monthly payment due July 1, 2008 of principal, interest and impounds and subsequent installments due thereafter; plus late charges; together with all subsequent sums advanced by beneficiary pursuant to the terms and conditions of said deed of trust. Monthly payment \$1,329.23 Monthly Late Charge \$66.46.

By this reason of said default the beneficiary has declared all obligations secured by said Deed of Trust immediately due and payable, said sums being the following, to-wit: The sum of \$161,783.54 together with interest thereon at 7.450% per annum from June 01, 2008 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms and conditions of the said deed of trust.

Whereof, notice hereby is given that, Cal-Western Reconveyance Corporation the undersigned trustee will on February 20, 2009 at the hour of 1:00pm, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, At the main street entrance to Klamath county courthouse 316 Main Street 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 him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expense of sale, including a reasonable charge by the trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" includes their respective successors in interest, if any. Dated: October 13, 2008. Cal-Western Reconveyance Corporation, 525 East Main Street, P.O. Box 22004, El Cajon, CA 92022-9004 Signature/By: Cal-Western Reconveyance Corporation. R-198624 11/10/08, 11/17, 11/24, 12/01

#10612 November 10, 17, 24, December 1, 2008.