

2009-003883

Klamath County, Oregon



00062708200900038830100102

03/17/2009 03:20:44 PM

Fee: \$76.00

1st 130219Z

**RECORDING COVER SHEET
FOR NOTICE OF SALE PROOF
OF COMPLIANCE, PER ORS 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED INSTRUMENT
FOR RECORDING. ANY ERRORS IN THIS COVER SHEET
DO NOT AFFECT THE TRANSACTION(S) CONTAINED
IN THE INSTRUMENT ITSELF.

3902244-de
AFTER RECORDING RETURN TO:
Quality Loan Service Corp.
2141 5th Avenue
San Diego, CA 92101

AFFIDAVIT OF MAILING NOTICE OF SALE

AFFIDAVIT OF PUBLICATION

PROOF OF SERVICE

ORIGINAL GRANTOR: VICTOR T. CATALINA

**BENEFICIARY: FIRST HORIZON HOME LOANS, a division of FIRST TENNESSEE
BANK NATIONAL ASSOCIATION.**

T.S. #: OR-08-208022-SH

Loan #: 0055528251

176-


WHEN RECORDED MAIL TO:
Quality Loan Service Corp.
2141 5th Avenue
San Diego, CA 92101

T.S. NO.: OR-08-208022-SH
LOAN NO.: 0055528251

(Above Space is for Recorder's Use)

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF California } SS
COUNTY OF San Diego }

I, **David Fry** , 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 original or copy of 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 registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

NAME AND ADDRESS

CERTIFIED NO.

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.

"Notice as required by and in accordance with ORS Chapter 646 was provided to Grantor and successor in interest, if any"

Each of the notices so mailed was certified to be a true copy of the original notice of sale by **Hazel Garcia** for **FIRST AMERICAN TITLE INSURANCE 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 mail, **San Diego, California**, on **11/26/2008**. 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.

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 } SS
COUNTY OF San Diego }

On **3/3/09** before me **Michelle Nguyen**, the undersigned, A Notary Public personally appeared **David Fry** who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 
Michelle Nguyen



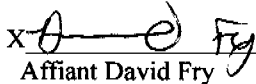
AFFIDAVIT OF MAILING

Date: 11/26/2008
T.S. No.: OR-08-208022-SH
Loan No.: 0055528251
Mailing: Notice of Sale

STATE OF California }
COUNTY OF San Diego }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; and that on 11/26/2008, (s)he personally mailed the Notice of Sale, of which the annexed is a true copy, by causing to be deposited in the United States Mail a copy of such Notice of Sale in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

I declare under penalty of perjury that the foregoing is true and correct.

x 
Affiant David Fry

Occupant
7829 SKYCREST DRIVE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594117317833

Occupant
7829 SKYCREST DRIVE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594117317840

VICTOR T. CATALINA
7829 SKYCREST DRIVE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594117317857

VICTOR T. CATALINA
1362 CHETCO AVE
BROOKINGS, OR 97415
First Class and Cert. No. 71039628594117317864

VICTOR T. CATALINA
96467 OCEAN PARK DR
BROOKINGS, OR 97415
First Class and Cert. No. 71039628594117317871

VICTOR CATALINA
1362 CHETCO AVE
BROOKINGS, OR 97415
First Class and Cert. No. 71039628594117317888

VICTOR T CATALINA
7829 SKYCREST DRIVE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594117317895

VICTOR T CATALINA
96467 OCEAN PARK DR
BROOKINGS, OR 97415
First Class and Cert. No. 71039628594117317918

UNKNOWN
1362 CHETCO AVE
BROOKINGS, OR 97415
First Class and Cert. No. 71039628594117317925

TRUSTEE'S NOTICE OF SALE

Loan No: 0055528251

T.S. No.: OR-08-208022-SH

Reference is made to that certain deed made by, **VICTOR T CATALINA** as Grantor to **ASPEN TITLE & ESCROW, INC.**, as trustee, in favor of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.**, ("**MERS**"), AS **NOMINEE FOR FIRST HORIZON HOME LOAN CORPORATION**, as Beneficiary, dated **9/20/2005**, recorded **9/30/2005**, in official records of **KLAMATH** County, Oregon in book/reel/volume No. **xxx** at page No. **xxx** fee/file/instrument/microfile/reception No **M05-65443**, covering the following described real property situated in said County and State, to-wit:

APN: R71353 LOT 4, 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.

Commonly known as:

7829 SKYCREST DRIVE

KLAMATH FALLS, OR 97601

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:

Installment of principal and interest plus impounds and advances which became due on 7/1/2008 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustees fees, and any attorney fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement.

Monthly Payment **\$1,575.65** Monthly Late Charge **\$78.78**

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 **\$260,275.98** together with interest thereon at the rate of **5.7500** per annum from **6/1/2008** 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 of said deed of trust.

Whereof, notice hereby is given that **FIRST AMERICAN TITLE INSURANCE COMPANY**, the undersigned trustee will on **3/27/2009** at the hour of **10:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR** 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 expenses 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.

For Sale Information Call: 714-573-1965 or Login to: www.priorityposting.com

Loan No: 0055528251
T.S. No.: OR-08-208022-SH

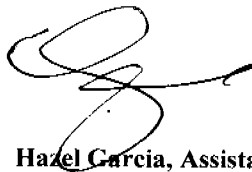
TRUSTEE'S NOTICE OF SALE

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" include their respective successors in interest, if any.

Pursuant to Oregon Law, this sale will not be deemed final until the Trustee's deed has been issued by Quality Loan Service. If there are any irregularities are discovered within 10 days of the date of this sale, that the trustee will rescind the sale, return the buyer's money and take further action as necessary.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

Dated: 11/26/2008 FIRST AMERICAN TITLE INSURANCE COMPANY, as trustee
By: Quality Loan Service Corp. of Washington, as agent
Quality Loan Service Corp. of Washington
2141 5th Avenue
San Diego, CA 92101 619-645-7711
OR-08-208022-SH



Hazel Garcia, Assistant Secretary

For Non-Sale Information:
Quality Loan Service Corp. of Washington
2141 5th Avenue San Diego, CA 92101

619-645-7711 Fax:
619-645-7716

If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only.

**THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE.**

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations.

OR-08-208022 SW

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

500738

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **7829 Skycrest Dr. Klamath Falls, OR 97601**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to __ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to __, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1st Attempt: **December 2, 2008 2:00 PM Posted**

2nd Attempt: **December 4, 2008 2:01 PM Posted**

3rd Attempt: **December 8, 2008 1:41 PM Posted**

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on __ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of **December 23 2008**, 2008 I mailed a copy of the Trustee's Notice of Sale addressed to **All Known Occupants** at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed

Chelsa Meach

7829 Skycrest Dr. Klamath Falls, OR 97601

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

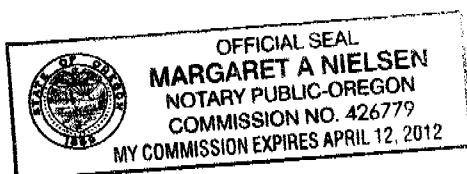
DATE OF SERVICE **TIME OF SERVICE**

☐ or non occupancy

By:

Robert W. Bolenbaugh
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 23rd day of December, 2008.



Margaret A. Nielsen
Notary Public for Oregon

3/27

Affidavit of Publication

OR-08-208022-SAL

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 # 10714

Notice of Sale/Victor T. Catalina

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: (4)
Four

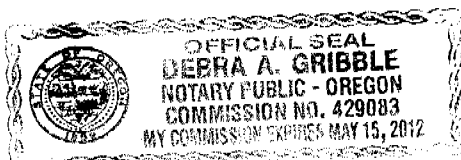
Insertion(s) in the following issues:

December 10, 17, 24, 31, 2008

Subscribed and sworn by Jeanine P Day
before me on: December 31, 2008

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Loan No.: 0055528251 T.S. No.: OR-08-208022-SH

Reference is made to that certain deed made by VICTOR T CATALINA as Grantor to ASPEN TITLE & ESCROW, INC., as Trustee, in favor of MORTGAGE ELECTRONIC REGIS-

(Continued on top of next column)

(Continued from below)

TRATION SYSTEMS, INC., ("MERS"), AS NOMINEE FOR FIRST HORIZON HOME LOAN CORPORATION, as Beneficiary, dated 9/20/2005, recorded 9/30/2005, in official records of Klamath County, Oregon, in book/reel/volume No. xxx, at page No. xxx fee/file/instrument/microfile/reception No. 65443 covering the following described real property situated in said County and State, to wit: APN: R71353 LOT 4, 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. Commonly known as: 7829 SKYCREST DRIVE, KLAMATH FALLS, OR 97601.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a 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: Installment of principal and interest plus impounds and/or advances which became due on 7/1/2008 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustee's fees, and any attorney fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement. Monthly Payment \$1,575.65 Monthly Late Charge \$78.78.

By this reason of said default the beneficiary has declared all obligations secured by said trust deed immediately due and payable, said sums being the following, to wit: The sum of \$260,275.98 together with interest thereon at the rate of 5.7500 per annum from 6/1/2008 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 of said deed of trust.

Whereof, notice hereby is given that, FIRST AMERICAN TITLE INSURANCE COMPANY, the undersigned trustee will, on 3/27/2009, at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR 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 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 expenses 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. For Sale Information Call: 714-573-1965 or Login to www.priorityposting.com.

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" include their respective successors in interest, if any. Pursuant to Oregon Law, this sale will not be deemed final until the Trustee's deed has been issued by Quality Loan Service. If there are any irregularities discovered within 10 days of the date of this sale, that the trustee will rescind the sale, return the buyer's money and ~~take further action as necessary~~. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse. Dated: 11/24/2008. FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee By: Quality Loan Service Corp. of Washington, as agent Quality Loan Service Corp. of Washington, 2141 5th Avenue San Diego, CA 92101 619-645-7711 OR-08-208022-SH Signature By: Hazel Garcia, Assistant Secretary. For Non-Sale Information: Quality Loan Service Corp. of Washington, 2141 5th Avenue, San Diego, CA 92101. 619-645-7711 Fax: 619-645-7716 If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only. This Office is attempting to collect a debt and any information obtained will be used for that purpose. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations. P500738 12/10, 12/17, 12/24, 12/31/2008 #10714 December 10, 17, 24, 31, 2008.