

WHEN RECORDED MAIL TO:

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

2009-003960

Klamath County, Oregon



00062819200900039600120128

03/19/2009 02:46:18 PM

Fee: \$76.00

\*1128541-09\* \*ANOSXR\*

T.S. NO.: 1128541-09  
LOAN NO.: 1044533426

AFFIDAVIT OF MAILING NOTICE OF SALE

1st 1157864

STATE OF CALIFORNIA } SS  
COUNTY OF SAN DIEGO }

I, Clifton McBride 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 January 07, 2009. 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.

Clifton McBride  
Affiant

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

SUBSCRIBED AND SWORN to me this 1/15/2009 day of \_\_\_\_\_, 20\_\_\_\_

[Signature]  
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:  
5522 EASTWOOD DRIVE  
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 December 29, 2008 to bring your mortgage loan current was \$26,734.42. 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)500-5022 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:

AARON JONES  
150 ALLEGHENY CENTER, IDC 24-050  
PITTSBURGH PA 15212-5356

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

Date and time: May 07, 2009 at 1:00pm

Place: AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY  
COURTHOUSE 316 MAIN STREET  
KLAMATH FALLS, Oregon

Trustee Sale No.: 1128541-09

**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 AARON JONES at (800)500-5022 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: December 29, 2008

Trustee Sale No.: 1128541-09

Trustee name: CAL-WESTERN RECONVEYANCE CORPORATION

Trustee signature: Michelle Boisvert  
**Michelle Boisvert**

Trustee telephone number: (800) 546-1531

## TRUSTEE'S NOTICE OF SALE

Loan No: XXXXXX3426

T.S. No: 1128541-09

Reference is made to that certain deed made by  
PATRICK M. LEAL, A MARRIED MAN AS HIS SOLE AND SEPARATE  
ESTATE as Grantor to  
AMERITITLE, as Trustee, in favor of

FIRST FRANKLIN A DIVISION OF NAT. CITY BANK OF IN  
as Beneficiary,

dated July 15, 2005, recorded July 22, 2005, in official records of KLAMATH County, OREGON in  
book/reel/volume No. M05 at  
page No. 56779, fee/file/instrument/microfilm/reception No. XX covering the following described real  
property situated in the said County and State, to-wit:

LOT 13, BLOCK 9, TRACT NO. 1064, FIRST ADDITION TO GATEWOOD, ACCORDING TO THE  
OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH  
COUNTY, OREGON.

Commonly known as:

5522 EASTWOOD DRIVE 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 September 1, 2007 of principal and interest 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 \$1,482.93    Monthly Late Charge \$64.38

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 \$156,039.27 together with  
interest thereon at the rate of 6.125 % per annum, from August 01, 2007 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: XXXXXX3426  
T.S. No: 1128541-09

Whereof, notice hereby is given that, CAL-WESTERN RECONVEYANCE CORPORATION the undersigned trustee will on May 07, 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: December 29, 2008

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

CAL-WESTERN RECONVEYANCE CORPORATION

Signature/By: Michelle Boisvert

**Michelle Boisvert**

1/8/2009 9:02:30 AM      Sender:      CalWestern Reconveyance  
525 E Main  
El Cajon CA 92020

Postal Class:      First Class

Type of Mailing:      NOS

Affidavit Attachment: 1128541-09 030 01071327 CWR

Postal Number      Sequence      Recipient Name

Postal Number	Sequence	Recipient Name	Address Line 1/3	Address Line 2/4
11041994141018390871	1	PATRICK M. LEAL	5522 EASTWOOD DRIVE	KLAMATH FALLS OR 97603
11041994141018390888	2	OCCUPANT	5522 EASTWOOD DRIVE	KLAMATH FALLS OR 97603
11041994141018390895	3	PATRICK M. LEAL	318 E 21 ST	TRACY CA 95376
11041994141018390918	4	FIRST FRANKLIN FINANCIAL CORPORATION	2150 NORTH FIRST STREET, SUITE 100	SAN JOSE CA 95131
11041994141018390925	5	PATRICK M LEAL %LEE FERGUSON, ATTORNEY	1204 W. MAIN STREET	MEDFORD OR 97501
11041994141018390932	6	JENNIFER L LEAL % RBECCA WHITNEY-SMITH,	1151 PINE STREET	KLAMATH OR 97601
11041994141018390956	7	LEE FERGUSON	408 S. OAKDALE AVENUE	MEDFORD OR 97501
11041994141018390970	8	UNITED GUARANTY RESIDENTIAL INSURANCE CO	OF NORTH CAROLINA GREENSBORO NC 27401	230 NORTH ELM STREET
11041994141018390987	9	UNITED GUARANTY RESIDENTIAL INS CO OF NC	% UNITED GUARANTY CREDIT INSURANCE CO GREENSBORO NC 27420	PO BOX 20327
11041994141018391007	10	PATRICK M LEAL	5147 GATEWOOD	KLAMATH FALLS OR 97603
11041994141018391014	11	JENNIFER L LEAL	%REBECCA WHITNEY-SMITH, ATTORNEY KLAMATH FALLS OR 97601	1151 PINE STREET

1/8/2009 9:02:30 AM Sender: CalWestern Reconveyance  
525 E Main  
El Cajon CA 92020

Postal Class: Certified - Ret

Type of Mailing: NOS

Affidavit Attachment: 1128541-09 030 01071327 CWR

Postal Number Sequence Recipient Name

	Address Line 1/3	Address Line 2/4
71041994141024464223 1	PATRICK M. LEAL 5522 EASTWOOD DRIVE	KLAMATH FALLS OR 97603
71041994141024464230 2	OCCUPANT 5522 EASTWOOD DRIVE	KLAMATH FALLS OR 97603
71041994141024464247 3	PATRICK M. LEAL 318 E 21 ST	TRACY CA 95376
71041994141024464254 4	FIRST FRANKLIN FINANCIAL CORPORATION 2150 NORTH FIRST STREET, SUITE 100	SAN JOSE CA 95131
71041994141024464261 5	PATRICK M LEAL %LEE FERGUSON, ATTORNEY 1204 W. MAIN STREET	MEDFORD OR 97501
71041994141024464285 6	JENNIFER L LEAL % RBECCA WHITNEY-SMITH, 1151 PINE STREET	KLAMATH OR 97601
71041994141024464292 7	LEE FERGUSON 408 S. OAKDALE AVENUE	MEDFORD OR 97501
71041994141024464315 8	UNITED GUARANTY RESIDENIAL INSURANCE CO OF NORTH CAROLINA GREENSBORO NC 27401	230 NORTH ELM STREET
71041994141024464322 9	UNITED GUARANTY RESIDENTIAL INS CO OF NC % UNITED GUARANTY CREDIT INSURANCE CO GREENSBORO NC 27420	PO BOX 20327
71041994141024464346 10	PATRICK M LEAL 5147 GATEWOOD	KLAMATH FALLS OR 97603
71041994141024464360 11	JENNIFER L LEAL %REBECCA WHITNEY-SMITH, ATTORNEY KLAMATH FALLS OR 97601	1151 PINE STREET

Klamath County, Oregon  
FIRST FRANKLIN, beneficiary  
PATRICK M LEAL, grantor  
CAL-WESTERN RECONVEYANCE CORPORATION, trustee/successor trustee  
TS # 1128541-09  
REF # 214881

## AFFIDAVIT OF SERVICE

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 service was made of the foregoing TRUSTEE'S NOTICE OF SALE upon an OCCUPANT of **5522 EASTWOOD DR, Klamath Falls, OR 97603**, with copy(ies), as follows:

1st attempt: (date) January 3, 2009 (time) 9:30 am ☒ Posted ( ) Served  
2nd attempt: (date) January 5, 2009 (time) 1:28 pm ☒ Posted ( ) Served  
3rd attempt: (date) January 8, 2009 (time) 12:49 pm ☒ Posted ( ) Served ( ) Attempted

Posted on the property in a secure manner, in a conspicuous place, to wit: Posted to the front door

Served upon an adult occupant (name) \_\_\_\_\_  
by delivering a copy  
( ) Personally to him/her  
( ) Substituted to him/her to (name) \_\_\_\_\_  
a person 14 years of age or older residing in the dwelling house or usual place of abode.

(signature)

ROBERT W. BOLENBAUGH

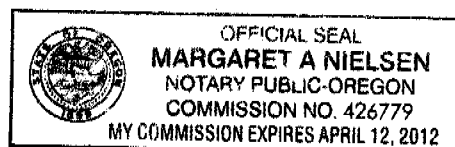
(print name)

JEFFERSON STATE ADJUSTERS

STATE OF OREGON, County of KlamathSigned and affirmed before me on 1-9-09

NOTARY PUBLIC - OREGON

(SEAL)



CLIENT: RELIABLE POSTING & PUBLISHING REF # 214881  
IPG# 49795

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

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

214881



Klamath County, Oregon  
FIRST FRANKLIN, beneficiary  
PATRICK M LEAL, grantor  
CAL-WESTERN RECONVEYANCE CORPORATION, trustee/successor trustee  
TS # 1128541-09  
REF # 214881

AFFIDAVIT OF MAILING

I certify that:

I mailed a copy of the TRUSTEE'S NOTICE OF SALE in a sealed envelope with first class postage thereon fully prepaid and deposited with the United States Post Office on **January 20, 2009**, addressed as follows:

OCCUPANT  
5522 EASTWOOD DR  
Klamath Falls OR 97603.

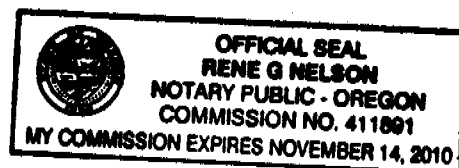
Gloria Carter

STATE OF OREGON, County of Multnomah.

Signed and attested before me on February 24, 2009 by Gloria Carter.

Rene G Nelson (SEAL)

NOTARY PUBLIC - OREGON



CLIENT: RELIABLE POSTING & PUBLISHING REF # 214881  
IPS# 49795

INTERSTATE PROCESS SERVING, INC \* P.O. Box 156, Beaverton OR 97075 \* (503)452-7179

214881

## TRUSTEE'S NOTICE OF SALE

Loan No: XXXXXX3426

T.S. No: 1128541-09

Reference is made to that certain deed made by  
PATRICK M. LEAL, A MARRIED MAN AS HIS SOLE AND SEPARATE  
ESTATE as Grantor to  
AMERITITLE, as Trustee, in favor of

FIRST FRANKLIN A DIVISION OF NAT. CITY BANK OF IN  
as Beneficiary.

dated July 15, 2005, recorded July 22, 2005, in official records of KLAMATH County, OREGON in  
book/reel/volume No. M05 at  
page No. 56779, fee/file/instrument/microfilm/reception No. XX covering the following described real  
property situated in the said County and State, to-wit:

LOT 13, BLOCK 9, TRACT NO. 1064, FIRST ADDITION TO GATEWOOD, ACCORDING TO THE  
OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH  
COUNTY, OREGON.

Commonly known as:

5522 EASTWOOD DRIVE 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 September 1, 2007 of principal and interest 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 \$1,482.93    Monthly Late Charge \$64.38

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 \$156,039.27 together with  
interest thereon at the rate of 6.125 % per annum, from August 01, 2007 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: XXXXXX3426

T.S. No: 1128541-09

Whereof, notice hereby is given that, CAL-WESTERN RECONVEYANCE CORPORATION the undersigned trustee will on May 07, 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: December 29, 2008

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

CAL-WESTERN RECONVEYANCE CORPORATION

Signature/By: Michelle Boisvert

**Michelle Boisvert**

1128541

# 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 # 10806

Notice of Sale/Patrick M. Leal

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:

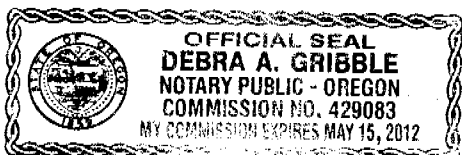
January 16, 23, 30, February 6, 2009

Total Cost: \$883.28

*Jeanine P. Day*  
Subscribed and sworn by Jeanine P Day  
before me on: February 6, 2009

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE Loan No: xxxxxxxx2426 T.S. No.: 1128541-09

Reference is made to that certain deed made by Patrick M. Leal, A Married Man As His Sole and Separate Estate, as Amerititle, as Trustee, in favor of First Franklin A Division of Nat. City Bank Of In, as Beneficiary, dated July 15, 2005, recorded July 22, 2005, in official records of Klamath, Oregon in book/reel/volume No. m05 at page No. 56779, fee/file/instrument/microfilm/reception No. xx covering the following described real property situated in said County and State, to-wit: Lot 13, block 9, tract no. 1064, first addition to gatewood, according to the official plat thereof on file in the office of the county clerk of Klamath count, 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 86.733(3) of Oregon Revised Statutes, the default for which the foreclosure is made is the grantor's failure to pay the monthly payment due September 1, 2007 of principal and interest 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 \$1,482.93 Monthly Late Charge \$64.38.

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 \$156,039.27 together with interest thereon at 6.125% per annum from August 01, 2007 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.

Whereof, notice hereby is given that, Cal-Western Reconveyance Corporation the undersigned trustee will on May 07, 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: December 29, 2008. Cal-Western Reconveyance Corporation 525 East Main Street P.O. Box 22004 El Cajon Ca 92022-9004 Cal-Western Reconveyance Corporation Signature/By: R-214881 01/16, 01/23, 01/30, 02/06  
#10806 January 16, 23, 30, February 6, 2009.