

2009-008728

Klamath County, Oregon



00068376200900087280120126

06/23/2009 03:25:22 PM

Fee: \$96.00

RECORDING COVER SHEET
Pursuant to ORS 205.234

After recording return to:

ATE 66494

Northwest Trustee Services, Inc.

As successor trustee

Attention: Chris Ashcraft

P.O. Box 997

Bellevue, WA 98009-0997

1. AFFIDAVIT OF MAILING – NOTICE OF FORECLOSURE
2. NOTICE OF FORECLOSURE
3. AFFIDAVIT OF MAILING – TRUSTEE'S NOTICE OF SALE
4. TRUSTEE'S NOTICE OF SALE
5. PROOF OF SERVICE
6. AFFIDAVIT OF PUBLICATION

Original Grantor(s) on Trust Deed: Tracy S. Freetly, a single person

Beneficiary: Mortgage Electronic Registration Systems, Inc. solely as nominee for First Franklin a Division of National City Bank

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.

\$ 91 ATE

AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

STATE OF WASHINGTON, County of KING) 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 Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original Notice of Foreclosure given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached Notice of Foreclosure as required by Section 20 of Chapter 19, Oregon Laws 2008 ("Bill") 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:

Tracy Scott Freetly
1019 Applewood Street
Klamath Falls, OR 97603

Tracy Scott Freetly
2570 Laurel Avenue Northeast
Salem, OR 97301

Susan Rosanne Freetly
1019 Applewood Street
Klamath Falls, OR 97603

Susan Rosanne Freetly
2570 Laurel Avenue Northeast
Salem, OR 97301

Occupant(s)
1019 Applewood Street
Klamath Falls, OR 97603

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 and to the occupant residing in the Property.

Each of the notices so mailed was certified to be a true copy of the original Notice of Foreclosure, 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 Bellevue, Washington, on 3/11/09. 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 was recorded. The form of the notice complies with Sections 20 and 21 of the Bill and a copy is enclosed with this affidavit.

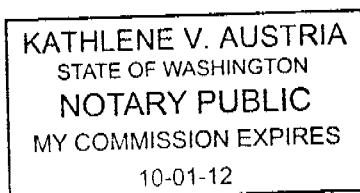
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Wynne Dorkel

I certify that I know or have satisfactory evidence that Wynne Dorkel is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 3/11/09



Kathlene V. Austria
NOTARY PUBLIC in and for the State of
Washington, residing at Bellevue
My commission expires 10/01/12

AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

RE: Trust Deed from

Freetly, Tracy

Grantor

to

Northwest Trustee Services, Inc.,

Trustee

File No. 7236.21649

After recording return to:

Northwest Trustee Services, Inc.

Attn: Chris Ashcraft

P.O. Box 997

Bellevue, WA 98009-0997

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:

1019 Applewood Street
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 03/11/2009 to bring your mortgage current was \$15,846.26. 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 (866) 254-5790 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:

Northwest Trustee Services, Inc.
PO Box 997
Bellevue, WA 98009-0997

THIS IS WHEN AND WHERE YOUR PROPERTY
WILL BE SOLD IF YOU DO NOT TAKE ACTION: 07/22/09 at 10:00 AM inside
the 1st floor lobby of the Klamath County Courthouse, 316 Main Street,
Klamath Falls OR

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 866-254-5790 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 **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 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.

Date: 03/11/2009

By Chris Ashcraft
Its Assistant Vice President
Trustee Telephone Number: 425-586-1900
7236.21649/Freetly, Tracy

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) 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 Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain 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 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:

Mortgage Electronic Reg. Systems, Inc.
3300 SW 34th Avenue, Suite 101
Ocala, FL 34474

First Franklin a Division of National City Bank
2150 North First Street
San Jose, CA 95131

Home Loan Services, Inc.
150 Allegheny Center Mall
Pittsburgh, PA 15212

Tracy Scott Freetly
1019 Applewood Street
Klamath Falls, OR 97603

Tracy Scott Freetly
2570 Laurel Avenue Northeast
Salem, OR 97301

Susan Rosanne Freetly
1019 Applewood Street
Klamath Falls, OR 97603

Susan Rosanne Freetly
2570 Laurel Avenue Northeast
Salem, OR 97301

Occupant(s)
1019 Applewood Street
Klamath Falls, OR 97603

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, 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 Bellevue, Washington, on 3-17-09. 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.

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 WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that Josh Manning is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 03/17/09

Josh Manning

Kathlene V. Austria
NOTARY PUBLIC in and for the State of
Washington, residing at Bellevue
My commission expires 10/01/12

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Freetly, Tracy

Grantor

to

Northwest Trustee Services, Inc.,

Trustee

File No. 7236.21649

After recording return to:

Northwest Trustee Services, Inc.

Successor by merger to Northwest Trustee Services, PLLC

(formerly known as Northwest Trustee Services, LLC)

Attn: Chris Ashcraft

P.O. Box 997

Bellevue, WA 98009-0997

KATHLENE V. AUSTRIA

STATE OF WASHINGTON

NOTARY PUBLIC

MY COMMISSION EXPIRES

10-01-12

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Tracy S. Freetly, a single person, as grantor, to Amerititle, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for First Franklin a Division of National City Bank, as beneficiary, dated 11/08/06, recorded 11/20/06, in the mortgage records of Klamath County, Oregon, as 2006-023252 and subsequently assigned to DIJ Mortgage Capital, Inc. by Assignment, covering the following described real property situated in said county and state, to wit:

Lot 83 of Merryman's replat of vacated portion of Old Orchard Manor, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 1019 Applewood Street
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 \$1,041.70 beginning 03/01/08; plus late charges of \$44.96 each month beginning 03/15/08; plus prior accrued late charges of \$0.00; plus advances of \$566.14; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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: \$126,628.12 with interest thereon at the rate of 7.55 percent per annum beginning 02/01/08; plus late charges of \$44.96 each month beginning 03/15/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$566.14; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on **July 22, 2009** at the hour of 10:00 o'clock, A.M. 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. 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 trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

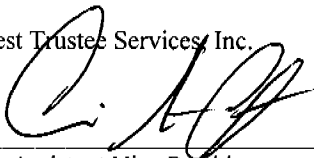
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective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

The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Dated: MARCH 10TH, 20 09

Northwest Trustee Services, Inc.

By


Assistant Vice President,
Northwest Trustee Services, Inc.

For further information, please contact:

Chris Ashcraft
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900
File No. 7236.21649/Freetly, Tracy

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

By Authorized Signer

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

723621649 / FREETLY
ASAP# 3029808

NTSERV

AFFIDAVIT OF POSTING

STATE OF OREGON
County of Klamath

ss.

I, Robert Bolenbaugh, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale; Notice Pursuant to the Fair Debt Collection Practices Act 15 U.S.C. 1692 upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "Property Address":

**1019 Applewood Street
Klamath Falls, OR 97603**

As follows:

On 03/26/2009 at 9:45 AM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

On 03/30/2009 at 9:41 AM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

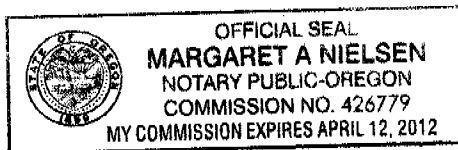
On 04/01/2009 at 10:55 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

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

SUBSCRIBED AND SWORN BEFORE ME
this 3rd day of April, 2009
by Robert Bolenbaugh.

Margaret A. Nielsen
Notary Public for Oregon

X *[Signature]*
Robert Bolenbaugh
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



192878

723621649 / FREETLY
ASAP# 3029808

NTSERV

AFFIDAVIT OF MAILING

STATE OF OREGON

County of Multnomah

ss.

I, Lisa Paolo, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On April 02, 2009, I mailed a copy of the Trustee's Notice of Sale; Notice Pursuant to the Fair Debt Collection Practices Act 15 U.S.C. 1692, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.750(1)(b)(C).

The envelope was addressed as follows:

OCCUPANT
1019 Applewood Street
Klamath Falls, OR 97603

This mailing completes service upon an occupant at the above address with an effective date of 03/26/2009 as calculated pursuant to ORS 86.750 (1)(c).

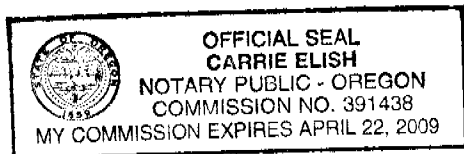
I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 2nd day of April, 2009
by Lisa Paolo.

Carrie Elish
Notary Public for Oregon

X

[Signature]
Lisa Paolo
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



192878

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 # 11084

Notice of Sale/Tracy S. Freetly

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:

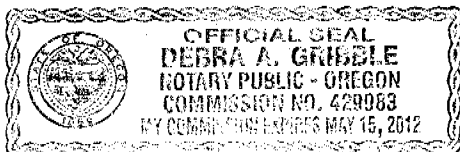
April 8, 15, 22, 29, 2009

Total Cost: \$1,307.20

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: April 29, 2009

Debra A Grubbe
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 TRACY S. FREETLY, A SINGLE PERSON, as grantor, to AMERITITLE, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. as solely as nominee for FIRST FRANKLIN A DIVISION OF NATIONAL CITY BANK, as beneficiary, dated 11/08/06, recorded 11/20/06, in the mortgage records of KLAMATH County, Oregon, as 2006-023252 and subsequently assigned to DLJ MORTGAGE CAPITAL, INC. BY ASSIGNMENT, covering the following described real property situated in said county and state, to wit: LOT 83 OF MERRYMAN'S REPLAT OF VACATED PORTION OF OLD ORCHARD MANOR, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. PROPERTY ADDRESS: 1019 APPLEWOOD STREET, 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 \$1,041.70 beginning 03/01/08; plus late charges of \$44.96 each month beginning 03/15/08; plus prior accrued late charges of \$0.00; plus advances of \$566.14; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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: \$126,628.12 with interest thereon at the rate of 7.55 percent per annum beginning 02/01/08; plus late charges of \$44.96 each month beginning 03/15/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$566.14; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on 7/22/2009 at the hour of 10:00 o'clock A.M. 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. 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

NOTES

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 trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from person named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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. The trustee's rules of auction may be accessed at www.northwest-trustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com. Northwest Trustee Services, Inc. Dated: 3/10/2009 By Chris Ashcraft, Assistant Vice President Northwest Trustee Services, Inc. For further information, please contact: Chris Ashcraft Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 (425) 586-1900 File No. 7236.21649/Freetly, Tracy This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose. ASAP# 3029808 04/08/2009, 04/15/2009, 04/22/2009, 04/29/2009 #11084 April 8, 15, 22, 29, 2009.