

2009-009180

Klamath County, Oregon



00068927200900091800090094

07/06/2009 02:41:16 PM

Fee: \$71.00

1st 1381696

**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.

4071617-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: WILLIAM E LABRECQUE, IRBY J LABRECQUE

BENEFICIARY: Nationstar Mortgage LLC

T.S. #: OR-09-267469-SH

Loan #: 0596505851

171-


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

T.S. NO.: OR-09-267469-SH
LOAN NO.: 0596505851

(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 and provided the notice required by HB3630 (2008) Section 21 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 of 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 **Seth Ott**, 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 **4/8/2009**. 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.

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

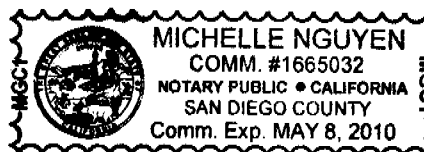
STATE OF California } SS
COUNTY OF San Diego }

On **7/1/09** 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: 4/8/2009
 T.S. No.: OR-09-267469-SH
 Loan No.: 0596505851
 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 4/8/2009, (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
 40202 HIGHWAY 62
 CHILOQUIN, OR 97624
 First Class and Cert. No. 71039628594129681564

WILLIAM E. LABRECQUE
 40202 HIGHWAY 62
 CHILOQUIN, OR 97624-7753
 First Class and Cert. No. 71039628594129681632

WILLIAM E. LABRECQUE
 40202 HIGHWAY 62
 CHILOQUIN, OR 97624
 First Class and Cert. No. 71039628594129681694

IRBY J. LABRECQUE
 40202 HIGHWAY 62
 CHILOQUIN, OR 97624-7753
 First Class and Cert. No. 71039628594129681731

IRBY J. LABRECQUE
 40202 HIGHWAY 62
 CHILOQUIN, OR 97624
 First Class and Cert. No. 71039628594129681793

WILLIAM E LABRECQUE
 40202 HIGHWAY 62
 CHILOQUIN, OR 97624
 First Class and Cert. No. 71039628594129681847

IRBY J LABRECQUE
40202 HIGHWAY 62
CHILOQUIN, OR 97624
First Class and Cert. No. 71039628594129681892

WILLIAM E. LABRECQUE
40202 HIGHWAY 62
CHILOQUIN, OR 97624
First Class and Cert. No. 71039628594129681953

IRBY J. LABRECQUE
40202 HIGHWAY 62
CHILOQUIN, OR 97624
First Class and Cert. No. 71039628594129682011

TRUSTEE'S NOTICE OF SALE

Loan No: **0596505851**

T.S. No.: **OR-09-267469-SH**

Reference is made to that certain deed made by, **WILLIAM E. LABRECQUE AND IRBY J. LABRECQUE, AS TENANTS BY THE ENTIRETY** as Grantor to **FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON**, as trustee, in favor of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS")**, AS NOMINEE FOR **GMAC MORTGAGE CORPORATION DBA DITECH.COM**, as Beneficiary, dated **10/9/2004**, recorded **11/2/2004**, in official records of **KLAMATH** County, Oregon in book/reel/volume No. **M04** at page No. **75109** fee/file/instrument/microfile/reception No **XXX**, covering the following described real property situated in said County and State, to-wit:

APN: R196647

THE PORTION OF THE NW 1/4 SW 1/4 SE 1/4 AND N 1/2 SW 1/4 SE 1/4 OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 7 EAST OF WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, LYING WESTERLY OF HIGHWAY 62.

Commonly known as:

40202 HIGHWAY 62

CHILOQUIN, OR 97624

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 11/1/2008 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 **\$1,426.64**

Monthly Late Charge **\$71.33**

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 **\$172,047.82** together with interest thereon at the rate of **7.0000** per annum from **10/1/2008** 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 **8/7/2009** at the hour of **10:00:00 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: 0596505851
T.S. No.: OR-09-267469-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 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: 4/8/2009

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-09-267469-SH

Signature By 
Seth Ott, 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.

557057
OR 09-267469-
SW

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

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 **40202 Hwy 62 Chiloquin, OR 97624**

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to Irby Labrecque 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: April 14, 2009 7:00 PM Posted

2nd Attempt: April 23, 2009 1:00 PM Served

3rd Attempt:

☐ **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 April 30, 2009, 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

Chelsea Meek

40202 Hwy 62 Chiloquin, OR 97624

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.

April 14, 2009

7:00 PM

DATE OF SERVICE

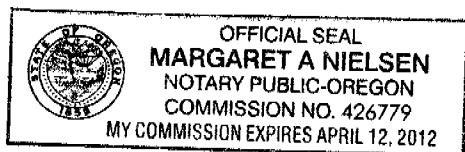
TIME OF SERVICE

☐ or non occupancy

By:

A Thompson

Subscribed and sworn to before on this 30th day of April, 2009.



Margaret A. Nielsen
Notary Public for Oregon

8/07

OR-09-267469-SX

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 # 11107

Notice of Sale/LaBrecque

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

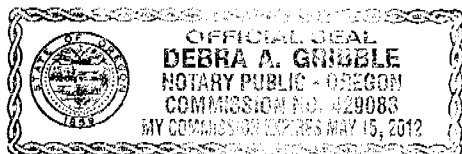
Insertion(s) in the following issues:

April 15, 22, 29, May 6, 2009

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: May 6, 2009

Debra A Grubbe
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE Loan No.: 0596505851 T.S. No.: OR-09-267469-SH

Reference is made to that certain deed made by WILLIAM E. LABRECQUE AND IRBY J. LABRECQUE, AS TENANTS BY THE ENTIRETY as Grantor to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS"), AS NOMINEE FOR GMAC MORTGAGE CORPORATION DBA DITTECH.COM, as Beneficiary, dated 10/9/2004, recorded 11/2/2004, in official records of Klamath County, Oregon, in book/reel/volume No. M04, at page No. 75109 fee/file/instrument/microfile/reception No. XXX covering the following described real property situated in said County and State, to wit: APN: R196647 THE PORTION OF THE NW 1/4 SW 1/4 SE 1/4 AND N 1/2 SW 1/4 SW 1/4 SE 1/4 OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 7 EAST OF WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, LYING WESTERLY OF HIGHWAY 62. Commonly known as: 40202 HIGHWAY 62, CHILOQUIN, OR 97624.

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 11/1/2008 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 \$1,426.64 Monthly Late Charge \$71.33.

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 \$172,047.82 together with interest thereon at the rate of 7.0000 per annum from 10/1/2008 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 8/7/2009, 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.

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(Continued in next column)

(Continued from previous column)

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: 4/8/2009. 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-09-267469-SH Signature By: Seth Ott, 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. P557057 4/15, 4/22, 4/29, 05/06/2009
#11107 April 15, 22, 29, May 6, 2009.