

WHEN RECORDED MAIL TO:

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

2009-009316

Klamath County, Oregon



00069078200900093160120128

07/07/2009 02:51:13 PM

Fee: \$76.00

ist 1356307

1197517-09

ANOSXR

T.S. NO.: 1197517-09
LOAN NO.: 1044888742

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA } SS
COUNTY OF SAN DIEGO }

I, Eduardo Silva 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 March 24, 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 on or before the date the notice of sale was served or mailed via first class and certified mail with return receipt requested.


Affiant

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

SUBSCRIBED AND SWORN to me this MAR 26 2009 day of _____, 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:
2173 MADISON ST
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 March 13, 2009 to bring your mortgage loan current was \$9,937.78. 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: July 23, 2009 at 1:00pm

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

Trustee Sale No.: 1197517-09

**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.

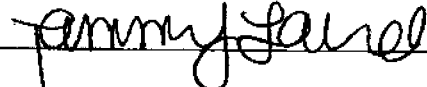
For more information and a directory of legal aid programs, go to **<http://www.oregonlawhelp.org>**.

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: March 13, 2009

Trustee Sale No.: 1197517-09

Trustee name: CAL-WESTERN RECONVEYANCE CORPORATION

Trustee signature: 

Trustee telephone number: (800) 546-1531

TRUSTEE'S NOTICE OF SALE

Loan No: XXXXXX8742
T.S. No: 1197517-09

I CERTIFY THIS TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

by Tammy Land

Reference is made to that certain deed made by
BRIAN G. RUSSELL AND MADONNA M. RUSSELL, HUSBAND AND WIFE
as Grantor to
FIRST AMERICAN, as Trustee, in favor of

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
as Beneficiary,

dated May 22, 2007, recorded May 29, 2007, in official records of KLAMATH County, OREGON in
book/reel/volume No. XX at
page No. XX, fee/file/instrument/microfilm/reception No. 2007-009565 covering the following
described real property situated in the said County and State, to-wit:

PARCEL 2 OF LAND PARTITION NO. 48-98 IN THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE
WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

Commonly known as:

2173 MADISON ST 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 November 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 \$1,397.33 Monthly Late Charge \$63.20

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 \$129,421.10 together with
interest thereon at the rate of 11.550 % per annum, from October 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: XXXXXX8742

T.S. No: 1197517-09

Whereof, notice hereby is given that, CAL-WESTERN RECONVEYANCE CORPORATION the undersigned trustee will on July 23, 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: March 13, 2009

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

3/24/2009 6:38:57 PM Sender: CalWestern Reconveyance
525 E Main
El Cajon CA 92020

Postal Class: First Class

Type of Mailing: NOS

Affidavit Attachment: 1197517-09 030 03180919 CWR

Postal Number Sequence Recipient Name

11041994141021345141 1	BRIAN G RUSSELL	2173 MADISON ST	Address Line 1/3	Address Line 2/4
11041994141021345165 2	MADONNA M RUSSELL	2173 MADISON ST		KLAMATH FALLS OR 97603
11041994141021345172 3	OCCUPANT	2173 MADISON ST		KLAMATH FALLS OR 97603
11041994141021345189 4	BRIAN G. RUSSELL	2173 MADISON ST		KLAMATH FALLS OR 97603
11041994141021345196 5	MADONNA M. RUSSELL	2173 MADISON ST		KLAMATH FALLS OR 97603
11041994141021345219 6	ANGELA R. RUSSELL	5927 S 6TH STREET		KLAMATH FALLS OR 97603
11041994141021345226 7	ANGELA R. RUSSELL	C/O DISTRICT AT KLAMATH FALLS OR 97601		302 MAIN STREET
11041994141021345233 8	BRIAN G. RUSSELL	5529 HOMER DR		KLAMATH FALLS OR 97603-7543
11041994141021345257 9	MADONNA M. RUSSELL	5529 HOMER DR		KLAMATH FALLS OR 97603-7543
11041994141021345264 10	BRIAN G. RUSSELL	2173 MADISON STREET		KLAMATH FALLS OR 97603
11041994141021345271 11	MADONNA M. RUSSELL	2173 MADISON STREET		KLAMATH FALLS OR 97603

3/24/2009 6:38:58 PM Sender: CalWestern Reconveyance
525 E Main
El Cajon CA 92020

Postal Class: Certified - Ret

Type of Mailing: NOS

Affidavit Attachment: 1197517-09 030 03180919 CWR

Postal Number Sequence Recipient Name

71041994141028177273
1

BRIAN G RUSSELL

Address Line 1/3

2173 MADISON ST

Address Line 2/4

KLAMATH FALLS OR 97603

71041994141028177280
2

MADONNA M RUSSELL

2173 MADISON ST

KLAMATH FALLS OR 97603

71041994141028177310
3

OCCUPANT

2173 MADISON ST

KLAMATH FALLS OR 97603

71041994141028177341
4

BRIAN G. RUSSELL

2173 MADISON ST

KLAMATH FALLS OR 97603

71041994141028177358
5

MADONNA M. RUSSELL

2173 MADISON ST

KLAMATH FALLS OR 97603

71041994141028177389
6

ANGELA R. RUSSELL

5927 S 6TH STREET

KLAMATH FALLS OR 97603

71041994141028177396
7

ANGELA R. RUSSELL

C/O DISTRICT AT
KLAMATH FALLS OR 97601

302 MAIN STREET

71041994141028177402
8

BRIAN G. RUSSELL

5529 HOMER DR

KLAMATH FALLS OR 97603-7543

71041994141028177433
9

MADONNA M. RUSSELL

5529 HOMER DR

KLAMATH FALLS OR 97603-7543

71041994141028177440
10

BRIAN G. RUSSELL

2173 MADISON STREET

KLAMATH FALLS OR 97603

71041994141028177471
11

MADONNA M. RUSSELL

2173 MADISON STREET

KLAMATH FALLS OR 97603

Klamath County, Oregon
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, beneficiary
BRIAN G RUSSELL & MADONNA M RUSSELL, grantor
CAL-WESTERN RECONVEYANCE CORPORATION, trustee/successor trustee
TS # 1197517-09
REF # 226317

226317

1197517-09

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 **2173 MADISON ST, Klamath Falls, OR 97603**, with copy(ies), as follows:

1st attempt: (date) March 20, 2009 (time) 1:40 pm ☒ Posted () Served

2nd attempt: (date) March 23, 2009 (time) 9:45 am ☒ Posted () Served

3rd attempt: (date) March 25, 2009 (time) 10:30 am ☒ 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.

Jake Doolin
(signature)

Jake Doolin
(print name)

JEFFERSON STATE ADJUSTERS

STATE OF OREGON, County of Klamath

Signed and affirmed before me on March 26, 2009

Margaret A. Nielsen
NOTARY PUBLIC - OREGON

(SEAL)



CLIENT: RELIABLE POSTING & PUBLISHING REF # 226317
IPS# 51223

INTERSTATE PROCESS SERVING, INC. *PO Box 80815, Portland OR 97280* 503/452-7179

member of

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

226317

Klamath County, Oregon
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, beneficiary
BRIAN G RUSSELL & MADONNA M RUSSELL, grantor
CAL-WESTERN RECONVEYANCE CORPORATION, trustee/successor trustee
TS # 1197517-09
REF # 226317

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 **May 02, 2009**, addressed as follows:

OCCUPANT
2173 MADISON ST
Klamath Falls OR 97603.

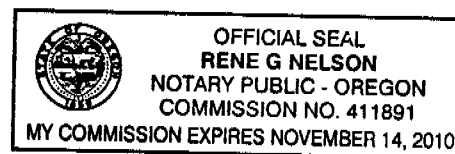
Gloria Carter

STATE OF OREGON, County of Multnomah.

Signed and attested before me on May 02, 2009 by Gloria Carter.

Rene G Nelson (SEAL)

NOTARY PUBLIC - OREGON



CLIENT: RELIABLE POSTING & PUBLISHING REF # 226317
IPS# 51223

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

226317

TRUSTEE'S NOTICE OF SALE

Loan No: XXXXXX8742

T.S. No: 1197517-09

I CERTIFY THIS TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

by Tammy Land

Reference is made to that certain deed made by
BRIAN G. RUSSELL AND MADONNA M. RUSSELL, HUSBAND AND WIFE
as Grantor to
FIRST AMERICAN, as Trustee, in favor of

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
as Beneficiary,

dated May 22, 2007, recorded May 29, 2007, in official records of KLAMATH County, OREGON in
book/reel/volume No. XX at
page No. XX, fee/file/instrument/microfilm/reception No. 2007-009565 covering the following
described real property situated in the said County and State, to-wit:

PARCEL 2 OF LAND PARTITION NO. 48-98 IN THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE
WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

Commonly known as:

2173 MADISON ST 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 November 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 \$1,397.33 Monthly Late Charge \$63.20

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 \$129,421.10 together with
interest thereon at the rate of 11.550 % per annum, from October 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: XXXXXX8742

T.S. No: 1197517-09

Whereof, notice hereby is given that, CAL-WESTERN RECONVEYANCE CORPORATION the undersigned trustee will on July 23, 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: March 13, 2009

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

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Heidi Wright, Publisher,
being first duly sworn, depose and say
that I am 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 # 11032

Notice of Sale/Brian G & Madonna M Russell

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:

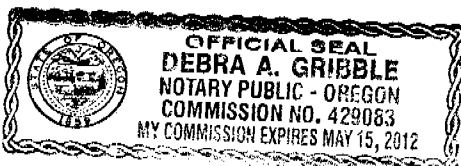
March 24, 31, April 7, 14, 2009

Total Cost: \$908.22

Subscribed and sworn by Heidi Wright
before me on: April 14, 2009

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE Loan No: xxxxxx8742 T.S. No.: 1197517-09.

I certify this to be a true and direct copy of the original by Tammy Laird. Reference is made to that certain deed made by Brian G. Russell and Madonna M. Russell, Husband And Wife, as First American, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated May 22, 2007, recorded May 29, 2007, in official records of Klamath, Oregon in book/reel/volume No. xx, at page No. xx, fee/file/instrument/microfilm/reception No. 2007-009565 covering the following described real property situated in ~~said County and State~~, to-wit: Parcel 2 of land partition no. 48-98 in the southwest quarter of the northwest quarter of section 1, township 39 south, range 9 east of the Willamette Meridian, Klamath County, Oregon. Commonly known as: 2173 Madison St, 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 November 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 \$1,397.33 Monthly Late Charge \$63.20.

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 \$129,421.10 together with interest thereon at 11.550% per annum from October 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.

Whereof, notice hereby is given that, Cal-Western Reconveyance Corporation the ~~trustee~~ on ~~the~~ ~~date of~~ ~~the~~ ~~sale~~ ~~of~~ ~~the~~ ~~property~~ ~~located~~ ~~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: March 13, 2009. Cal-Western Reconveyance Corporation 525 East Main Street P.O. Box 22004 El Centro, CA 92022-9004 Cal-Western Reconveyance Corporation Signature/By: R-226317 03/24, 03/31, 04/07, 04/14
#11032 March 24, 31, April 7, 14, 2009.