

2009-011173

Klamath County, Oregon



00071329200900111730100108

08/19/2009 03:37:19 PM

Fee: \$76.00

FIDELITY NATIONAL DEFAULT SOLUTION  
15661 REDHILL AVE, STE. 201  
TUSTIN, CA 92780

RECORDING COVER SHEET FOR  
NOTICE OF SALE PROOF OF COMPLIANCE  
Per ORS 205.234

AFTER RECORDING RETURN TO:  
MICHELLE COWLES  
RECONTRUST COMPANY, N.A.  
400 COUNTRYWIDE WAY SV-35  
SIMI VALLEY, CA 93065

TS No.: 09 -0057326

1. AFFIDAVIT OF MAILING NOTICE OF SALE / *Copy of Notice of Sale*
2. AFFIDAVIT OF PUBLICATION NOTICE OF SALE
3. AFFIDAVIT OF SERVICE
4. ~~COPY OF NOTICE OF SALE~~

Original Grantor on Trust Deed: RACHAEL L SPOON, ELTON D SPOON and ELTON D SPOON, JR

Beneficiary: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

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.

*\$76 FTE*

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) 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 California, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of sale of the real property described in the attached notice of sale by mailing a copy thereof by 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:

See attached Exhibit A for all the mailing address(es).

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 by RECONTRUST COMPANY, N.A., 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 post office at VENTURA, CALIFORNIA, 05/12/2009. 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 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  
County of Ventura

Signature [Signature]

Subscribed and sworn to (or affirmed) before me on this 17 day of Aug, 2009, by Martha Casillas, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

RACHAEL L SPOON, ELTON D SPOON and ELTON D SPOON, JR

[Signature]  
Notary Public for California  
Residing at Ventura  
My commission expires: 06-15-10

RECONTRUST COMPANY, N.A.

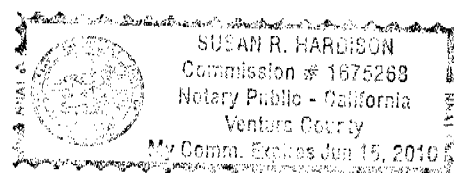
Trustee TS No. 09-0057326

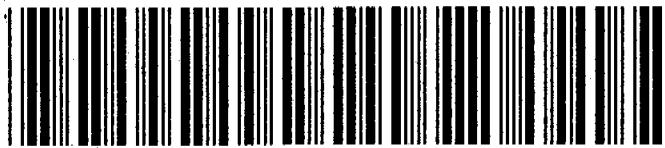
After Recording return to:

400 COUNTRYWIDE WAY SV-35

RECONTRUST COMPANY, N.A.

SIMI VALLEY, CA 93065





02 090057326

## **AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE "EXHIBIT A"**

**TS No. 09-0057326**

RACHAEL L SPOON

05/12/2009

2611 Madison St

Klamath Falls, OR 97603

7187 7930 3131 4274 4274

ELTON D SPOON

05/12/2009

2611 Madison St

Klamath Falls, OR 97603

7187 7930 3131 4274 4298

RACHAEL L SPOON

05/12/2009

2611 MADISON STREET

KLAMATH FALLS, OR 97603

7187 7930 3131 4274 4281

ELTON D SPOON

05/12/2009

2611 MADISON STREET

KLAMATH FALLS, OR 97603

7187 7930 3131 4274 4304

ELTON D SPOON, JR

05/12/2009

2611 MADISON STREET

KLAMATH FALLS, OR 97603

7187 7930 3131 4274 4335

Residents/Occupants

05/12/2009

2611 MADISON STREET

KLAMATH FALLS, OR 97603

7187 7930 3131 4274 4328

# AFFIDAVIT OF MAILING NOTICE TO GRANTOR

STATE OF CALIFORNIA, COUNTY OF VENTURA) 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 California, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice given pursuant to the requirements of sections 20 & 21 of Chapter 19, Oregon Laws 2008 (Amending and/or supplementing ORS 86.705 to ORS 86.795).

I gave notice to grantor(s) and occupant(s) of the real property described in the attached notice 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:

See attached Exhibit A for all the mailing address(es).

Said persons include (a) the grantor(s) in the trust deed and (b) occupant(s) of the subject property.

Each of the notices so mailed was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at VENTURA, CALIFORNIA, on 05/08/2009. 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 and on or before the date of the Notice of Trustee's Sale was mailed, served and/or posted.

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

Signature \_\_\_\_\_

State of California **Ventura**  
County of \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me on this 17 day of Aug, 2009, by  
Martha Casillas, personally known to me or proved to me on the basis of satisfactory evidence to  
be the person(s) who appeared before me.  
(seal)

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

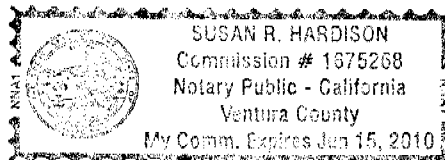
RACHAEL L SPOON and ELTON D SPOON

RECONTRUST COMPANY, N.A.

Trustee TS No. 09-0057326

After Recording return to:  
400 COUNTRYWIDE WAY SV-35  
RECONTRUST COMPANY, N.A.  
SIMI VALLEY, CA 93065

Susan R. Hardison  
Notary Public for California  
Residing at Ventura  
My commission expires: 06-15-10





02 090057326

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE TO GRANTOR  
"EXHIBIT A"**

**TS No. 09-0057326**

RACHAEL L SPOON  
2611 Madison St  
Klamath Falls, OR 97603  
7187 7930 3131 4260 7753

05/08/2009

ELTON D SPOON  
2611 Madison St  
Klamath Falls, OR 97603  
7187 7930 3131 4260 7777

05/08/2009

RACHAEL L SPOON  
2611 MADISON STREET  
KLAMATH FALLS, OR 97603  
7187 7930 3131 4260 7760

05/08/2009

ELTON D SPOON  
2611 MADISON STREET  
KLAMATH FALLS, OR 97603  
7187 7930 3131 4260 7784

05/08/2009

Residents/Occupants  
2611 MADISON STREET  
KLAMATH FALLS, OR 97603  
7187 7930 3131 4260 7791

05/08/2009

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Elton D. Spoon, Jr. And Rachael L. Spoon, As Tenants By The Entirety, as grantor(s), to First American Title Insurance, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 08/19/2008, recorded 08/25/2008, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2008-011941, covering the following described real property situated in said county and state, to wit:

THE WEST 230 FEET OF LOT 12 BLOCK 2 HOMELAND TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 2611 MADISON 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 \$1,468.85 beginning 12/01/2008; plus late charges of \$58.75 each month beginning with the 12/01/2008 payment plus prior accrued late charges of \$-351.35; plus advances of \$15.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

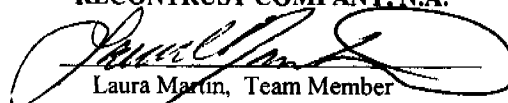
By reason of said default the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, said sums being the following to wit: \$201,608.68 with interest thereon at the rate of 6.25 percent per annum beginning 11/01/2008 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Monday, September 14, 2009 at the hour of 10:00 AM 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 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 the Trustee's and attorney's fees not exceeding the amounts provided by ORS 86.753.

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.

RECONTRUST COMPANY, N.A.

Dated May 11, 2009

  
Laura Martin, Team Member

For further information, please contact:

**RECONTRUST COMPANY, N.A.**  
**RECONTRUST COMPANY, N.A.**  
**1800 Tapo Canyon Rd., CA6-914-01-94**  
**SIMI VALLEY, CA 93063**  
**(800)-281-8219**  
**TS No. 09 -0057326**

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, notary public, personally appeared \_\_\_\_\_, personally known to me (or 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.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My commission expires: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
**THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.**

# 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 # 11370

Notice of Sale/Elton D & Rachael L Spoon

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:

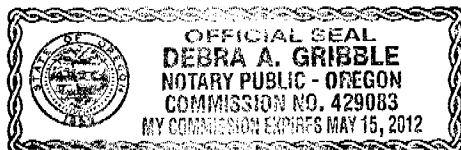
June 23, 30, July 7, 14, 2009

Total Cost: \$983.03

Subscribed and sworn by Jeanine P Day  
before me on: July 14, 2009

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 ELTON D. SPOON, JR. AND RACHAEL L. SPOON, AS TENANTS BY THE ENTIRETY, as grantor(s), to FIRST AMERICAN TITLE INSURANCE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 08/19/08, recorded 08/25/08, in the mortgage records of Klamath County, OR, as Recorder's fee/file/instrument/microfilm/reception Number 2008-011941, covering the following described real property situated in said county and state, to wit: THE WEST 230 FEET OF LOT 12 BLOCK 2 HOMELAND TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. PROPERTY ADDRESS:

(Continued in next column)

(Continued from previous column)

2611 MADISON 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 \$1,468.85 beginning 12/01/2008; plus late charges of \$58.75 each month beginning with the 12/01/2008 payment plus prior accrued late charges of \$-351.35; plus advances of \$ 15.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

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: \$201,608.68 with interest thereon at the rate of 6.25 percent per annum beginning 11/01/2008 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Monday, September 14, 2009 at the hour of 10:00AM 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 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 of 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 the Trustee's and attorney's fees not exceeding the amounts provided by OSRS 86.753.

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. Dated: May 11, 2009. RECONTRUST COMPANY, N.A. For further information, please contact: RECONTRUST COMPANY, N.A. 1800 Tapo Canyon Rd., CA6-914-01-94 SIMI VALLEY, CA. 93063 (800) 281-8219 (TS# 09-0057326) 1006.51199-FEI #11370 June 23, 30, July 7, 14, 2009.



# FEI, LLC

## Affidavit of Posting and Service

State of Oregon  
County of Klamath

Dave Davis, being sworn, says: That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale: That my business address is 422 N 6th St, Klamath Falls, OR.

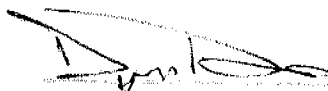
That I posted a copy of the attached Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 2611 MADISON STREET, KLAMATH FALLS, OR in a conspicuous place.

1st Attempt: Posted Real Property on 5/12/2009 at 19:20  
2nd Attempt: Posted Real Property on 05/15/2009 at 18:08

AND: / OR:

That I personally served a copy of the attached Notice of Trustee's Sale upon an adult occupant of the real property in the manner in which a summons is served by delivering to or leaving with Elton D. Spoon, a person over the age of fourteen (14) years, then residing therein on Friday, May 15, 2009, at 18:08.

Signed in Klamath County, Oregon by:



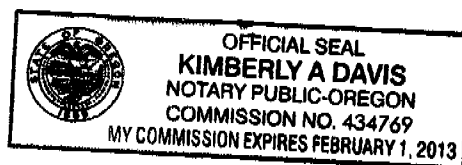
Signature  
1006.51199

5-16-9  
Date

State of Oregon  
County of Klamath

On this 16<sup>th</sup> day of May in the year of 2009, before me a Notary Public, Personally appeared Dave Davis, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Kimberly A Davis  
Notary Public for Oregon  
Residing at Klamath County  
Commission expires: 01 Feb 2013



**Statement of Property Condition****Occupancy:**☒ Occupied☐ Vacant**Type of Dwelling:**☒ Single Family☐ Condominium☐ Apartment Bldg☐ Commercial Bldg☐ Mobil Home☐ Vacant Land☐ Multi-Family: Number of Units \_\_\_\_\_**Property Condition:**

Damage:

☐ Fire☐ Vandalism☐ Other - Describe: \_\_\_\_\_**Landscape:**☒ Good☐ Poor**Other:**☐ Property Address Discrepancies☐ Code Enforcement Notices☐ Livestock☐ For Sale, Sign By: \_\_\_\_\_Comments: VERY VERY NICE**Disclaimer:**

Foreclosure Expeditors/Initiators, LLC provides the information herein as a courtesy. That information is obtained from field service representatives possessing varying degrees of knowledge and sophistication in the observance and reporting of real property conditions and should not be relied upon in lieu of the lender's or servicer's regular property inspections for the property. No guaranty, warranty or representation of any kind, expressed or implied, is made concerning the accuracy, completeness or correctness of the matters reported upon by FEI's representatives herein. Foreclosure Expeditors/Initiators, LLC, its affiliates, officers, directors, employees, or agents are neither responsible nor liable for any direct, indirect, incidental, consequential special, punitive, exemplary or other damages arising out of or relating in any way to the content or information contained in this Statement of Property Condition.