

2009-011803  
Klamath County, Oregon

**RECORDING COVER SHEET FOR NOTICE  
OF SALE PROOF OF COMPLIANCE PER  
O.R.S. 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.



00072087200900118030110117

09/02/2009 03:33:00 PM

Fee: \$81.00

WHEN RECORDED MAIL TO

ATE 66757

REGIONAL TRUSTEE SERVICES CORPORATION, as Trustee  
616 1st Avenue, Suite 500  
Seattle, WA 98104

Trustee's Sale No: 09-FMB-75233



**MARK NAME(S) OF ALL THE TRANSACTION(S)** described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.



**AFFIDAVIT OF MAILING NOTICE OF SALE** (must have trustee's notice of sale attached)



**AFFIDAVIT OF PUBLICATION NOTICE OF SALE**



**PROOF OF SERVICE /AFFIDAVIT OF NON-OCCUPANCY**

**Original Grantor on Trust Deed**

**RICK WITT AND GAYLE N. WITT, HUSBAND AND WIFE**

**Beneficiary**

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS AS NOMINEE FOR ITS SUCCESSORS AND  
ASSIGNS**

\$ 81 ATE

REGIONAL TRUSTEE SERVICES CORPORATION  
616 1st Avenue, Suite 500  
Seattle, WA 98104  
Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-FMB-75233



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON     )  
                                  ) ss.  
COUNTY OF KING         )

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached original Notice of Sale given under the terms of that certain trust deed described in said Notice.

That 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 addresses, to-wit:

GAYLE N. WITT, 2311 WHITE AVENUE, KLAMMATH FALLS, OR, 97601  
GAYLE N. WITT, 25393 KENNEFICK ROAD, GALT, CA, 95632  
OCCUPANT, 2311 WHITE AVENUE, KLAMMATH FALLS, OR, 97601  
RICK WITT, 25393 KENNEFICK ROAD, GALT, CA, 95632  
RICK WITT, 2311 WHITE AVENUE, KLAMMATH FALLS, OR, 97601

INDYMAC BANK, 7700 W. PARMER LANE, AUSTIN, TX, 78729I  
INDYMAC BANK, F.S.B., A FEDERALLY CHARTERED SAVINGS BANK, C/O SR. LIEN MONITORING,  
155 NORTH LAKE AVENUE, PASADENA, CA, 91101  
INDYMAC BANK, FSB AND INDYMAC FEDERAL BANK, FSB, C/O PAUL T. HORNBERGER,  
FEDERAL DEPOSIT INSURANCE CORPORATION, 5400 MEADOWS ROAD, SUITE 240, LAKE  
OSWEGO, OR, 97035-2223

Said persons include (a) the grantor in the trust deed, together with notice required by House Bill 3630 Section 20, (b) successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice together with notice required by House Bill 3630 Section 20, (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 b ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of 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 Seattle, WASHINGTON, on 5/26/09. 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.

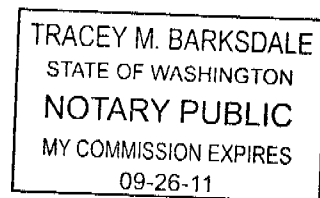
Christian Cafilisch

Christian Cafilisch  
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on

5/26/2009

Tracey Barksdale  
NOTARY PUBLIC for WASHINGTON  
My commission expires: 9/26/11



**NOTICE TO BORROWER:** YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**TRUSTEE'S NOTICE OF SALE**

*Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.*  
Trustee's Sale No. 09-FMB-75233



Reference is made to that certain Deed of Trust made by, RICK WITT AND GAYLE N. WITT, HUSBAND AND WIFE, as grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS, as beneficiary, dated 1/10/2007, recorded 1/17/2007, under Instrument No. 2007-000864, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by ONEWEST BANK, FSB SUCCESSOR IN INTEREST TO INDYMAC FEDERAL BANK, FSB F/K/A INDYMAC BANK, FSB. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 10, BLOCK 304, DARROW ADDITION, ACCORDING TO THE OFFICIAL PLAT  
THEREOF ON FILE IN THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

The street address or other common designation, if any, of the real property described above is purported to be:

2311 WHITE AVENUE  
KLAMATH FALLS, OR 97601

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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 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:

	Amount due as of May 22, 2009
Delinquent Payments from February 01, 2009	
4 payments at \$ 354.48 each	\$ 1,417.92
(02-01-09 through 05-22-09)	
Late Charges:	\$ 59.12
Beneficiary Advances:	\$ 22.00
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 1,499.04

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in

order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following:

UNPAID PRINCIPAL BALANCE OF \$44,058.50, PLUS interest thereon at 6.875% per annum from 1/1/2009, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on September 24, 2009, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the 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 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.

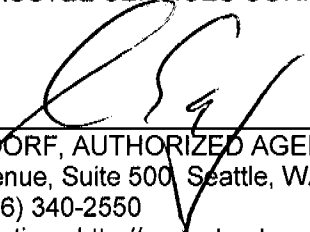
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the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

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

DATED: 5/22/2009

REGIONAL TRUSTEE SERVICES CORPORATION  
Trustee

By

  
ANNA EGDORF, AUTHORIZED AGENT  
616 1st Avenue, Suite 500, Seattle, WA 98104  
Phone: (206) 340-2550  
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON     }  
                                      } ss.  
COUNTY OF KING         }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Authorized Representative of Trustee

09-FMB-75233



5/22/2009

**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 2311 WHITE AVENUE , KLAMATH FALLS, OR 97601.

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 5/22/2009, to bring your mortgage loan current was \$4,603.29. 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 1-800-542-2550 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: Regional Trustee Services, 616 1<sup>st</sup> Avenue, Suite 500, Seattle, WA, 98104.

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

**September 24, 2009, 11:00 AM  
ON THE FRONT STEPS OF THE CIRCUIT COURT**

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 Regional Trustee Services at 800-542-2550 to find out if your lender is willing to give you more time or change the terms of the 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 800-723-3638. 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: [www.osbar.org](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 the Oregon State Bar Legal Aid at 503-684-3763 or toll free in Oregon at 800-452-7636 or on the web at [www.oregonlawhelp.org](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 5/22/2009

Regional Trustee Services

Trustee signature: \_\_\_\_\_

Trustee                      telephone                      number:                      800-542-2550



**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 **2311 White Ave Klamath Falls, OR 97601**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to \_\_\_ 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.

1<sup>st</sup> Attempt: May 27, 2009 11:59 AM Posted

2<sup>nd</sup> Attempt: May 29, 2009 2:15 PM Posted

3<sup>rd</sup> Attempt: June 01, 2009 4:00 PM Posted

☐ **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 June 2, 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

**2311 White Ave Klamath Falls, OR 97601**

**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.

May 27, 2009 11:59 AM  
**DATE OF SERVICE TIME OF SERVICE**

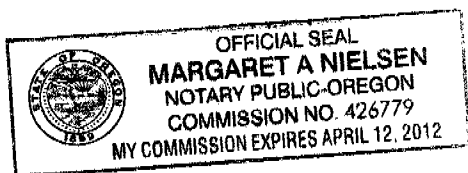
☐ or non occupancy

By:

Jake Doalyn

Subscribed and sworn to before on this \_\_\_ day of June, 2009.

Margaret A. Nielsen  
Notary Public for Oregon



# 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 # 11287

Notice of Sale/Rick & Gayle N. Witt

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:

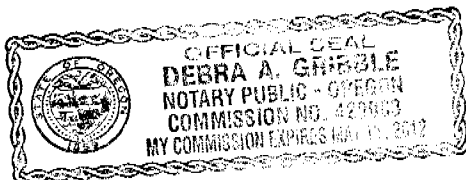
June 3, 10, 17, 24, 2009

Total Cost: \$1,282.27

Subscribed and sworn by Jeanine P Day  
before me on: June 24, 2009

Notary Public of Oregon

My commission expires May 15, 2012



**TRUSTEE'S NOTICE OF SALE**  
Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.  
Trustee's Sale No. 09-FMB-75233

**NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

Reference is made to that certain Deed of Trust made by,  
(Continued in next column)

(Continued from previous column)

RICK WITT AND GAYLE N. WITT, HUSBAND AND WIFE, as grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS, as beneficiary, dated 1/10/2007, recorded 1/17/2007, under Instrument No. 2007-000864, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by ONEWEST BANK, FSB SUCCESSOR IN INTEREST TO INDYMAC FEDERAL BANK, FSB F/K/A INDYMAC BANK, FSB. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: LOT 10, BLOCK 304, DARROW ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. The street address or other common designation, if any, of the real property described above is purported to be: 2311 WHITE AVENUE, KLAMATH FALLS, OR 97601. The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

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 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: Amount due as of May 22, 2009 Delinquent Payments from February 01, 2009 4 payments at \$354.48 each \$1,417.92 (02-01-09 through 05-22-09) Late Charges: \$59.12 Beneficiary Advances: \$22.00 Suspense Credit: \$0.00 TOTAL: \$1,499.04.

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following: UNPAID PRINCIPAL BALANCE OF \$44,058.50, PLUS interest thereon at 6.875% per annum from 1/1/2009, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

# 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 # 11287

Notice of Sale/Rick & Gayle N. Witt

a printed copy of which is hereto annexed,  
was published in the entire issue of said  
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Four

Insertion(s) in the following issues:

June 3, 10, 17, 24, 2009

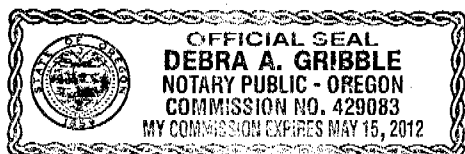
Total Cost: \$1,282.27

Subscribed and sworn by Jeanine P Day

before me on: June 24, 2009

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



WHEREFORE, notice hereby is given that the under-  
signed trustee, will on September 24, 2009, at the hour of  
11:00 AM, in accord with the standard of time established  
by ORS 187.110, at ON THE FRONT STEPS OF THE CIR-  
CUIT COURT, 316 MAIN STREET, KLAMATH FALLS,  
County of KLAMATH, State of OREGON, sell at public  
auction to the highest bidder for cash, the interest in the  
said described property which the grantor had, or had the  
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 ex-  
ecution of said trust deed, to satisfy the foregoing obliga-  
tions 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 dis-  
missed 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 com-  
plained of herein that is capable of being cured by tender-  
ing 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 obli-  
gation and trust deed, together with trustee's and attor-  
ney's fees not exceeding the amounts provided by said  
ORS 86.753.

In construing this notice, the masculine gender includes  
the feminine and the neuter, the singular includes the plu-  
ral, the word "grantor" includes any successor in interest  
to the grantor as well as any other person, owing an obliga-  
tion, the performance of which is secured by said trust  
deed, and the words "trustee" and "beneficiary" include  
their respective successors in interest, if any. Anyone hav-  
ing any objection to the sale on any grounds whatsoever  
will be afforded an opportunity to be heard as to those ob-  
jections if they bring a lawsuit to restrain the same. DAT-  
ED: 5/22/2009. REGIONAL TRUSTEE SERVICES COR-  
PORATION Trustee By ANNA EGDORF, AUTHORIZED  
AGENT 616 1st Avenue, Suite 500, Seattle, WA 98104  
Phone: (206) 340-2550 Sale Information:  
<http://www.rtrustee.com> ASAP# 3122247 06/03/2009,  
06/10/2009, 06/17/2009, 06/24/2009  
#11287 June 3, 10, 17, 24, 2009.