

2009-012713

Klamath County, Oregon



00073171200900127130120129

09/25/2009 11:57:57 AM

Fee: \$91.00

ATE 66728

RECONTRUST COMPANY, N.A.

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

*Klamath
66728*

AFTER RECORDING RETURN TO:
ALAN SIMON 98-7305
RECONTRUST COMPANY, N.A.
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

TS No.: 09-0083049 / 090309347

1. AFFIDAVIT OF MAILING 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: RICK RAYBURN and KRISTEN RAYBURN

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.

ATE
#66

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, 06/19/2009. 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 **Ventura**
County of _____

Signature _____

Subscribed and sworn to (or affirmed) before me on this 23 day of September, 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

RICK RAYBURN and KRISTEN RAYBURN

Notary Public for California

Residing at

VENTURA

My commission expires: June 4, 2013

RECONTRUST COMPANY, N.A.

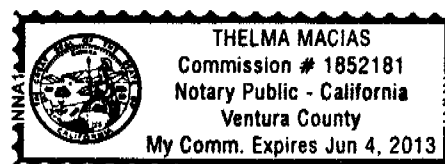
Trustee TS No. 09-0083049

After Recording return to:

400 COUNTRYWIDE WAY SV-35

RECONTRUST COMPANY, N.A.

SIMI VALLEY, CA 93065





02 090083049

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

TS No. 09-0083049

RICK RAYBURN

06/19/2009

PO Box 3342

La Pine, OR 97739

7187 7930 3131 4657 8790

RICK RAYBURN

06/19/2009

145006 HIGHWAY 31

LA PINE, OR 97739-9050

7187 7930 3131 4657 8806

KRISTEN RAYBURN

06/19/2009

145006 HIGHWAY 31

LA PINE, OR 97739-9050

7187 7930 3131 4657 8844

Residents/Occupants

06/19/2009

145006 HIGHWAY 31

LA PINE, OR 97739-9050

7187 7930 3131 4657 8837

RICK RAYBURN

06/19/2009

1810 POMMEL CT

LA PINE, OR 97739

7187 7930 3131 4657 8820

KRISTEN RAYBURN

06/19/2009

1810 POMMEL CT

LA PINE, OR 97739

7187 7930 3131 4657 8851

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 06/18/2009. 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 23 day of September, 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

RICK RAYBURN and KRISTEN RAYBURN

RECONTRUST COMPANY, N.A.

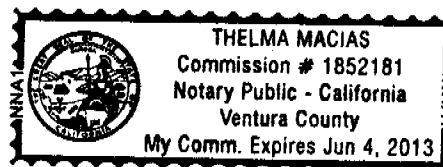
Trustee TS No. 09-0083049

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

Notary Public for California

Residing at **VENTURA**

My commission expires: June 4, 2013





02 090083049

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

TS No. 09-0083049

KRISTEN RAYBURN
145006 HIGHWAY 31
LA PINE, OR 97739-9050
7187 7930 3131 4653 3539

06/18/2009

RICK RAYBURN
1810 POMMEL CT
LA PINE, OR 97739
7187 7930 3131 4653 3522

06/18/2009

KRISTEN RAYBURN
1810 POMMEL CT
LA PINE, OR 97739
7187 7930 3131 4653 3546

06/18/2009

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 06/17/2009. 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
County of Ventura

Subscribed and sworn to (or affirmed) before me on this 23 day of September, 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

and RICK RAYBURN

RECONTRUST COMPANY, N.A.

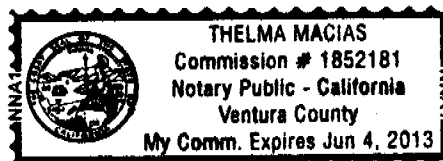
Trustee TS No. 09-0083049

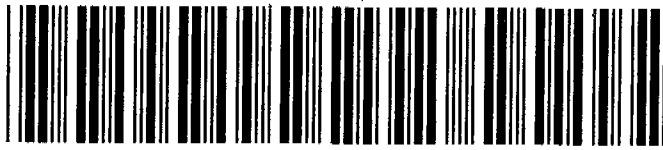
After Recording return to:
400 COUNTRYWIDE WAY SV-35
RECONTRUST COMPANY, N.A.
SIMI VALLEY, CA 93065

Notary Public for California

Residing at VENTURA

My commission expires: June 4, 2013





02 090083049

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

TS No. 09-0083049

RICK RAYBURN
PO Box 3342
La Pine, OR 97739
7187 7930 3131 4645 5572

06/17/2009

RICK RAYBURN
145006 HIGHWAY 31
LA PINE, OR 97739-9050
7187 7930 3131 4645 5589

06/17/2009

Residents/Occupants
145006 HIGHWAY 31
LA PINE, OR 97739-9050
7187 7930 3131 4645 5596

06/17/2009

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 # 11479

Notice of Sale/Rick & Kristen Rayburn

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:

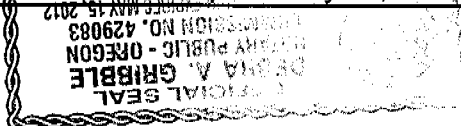
August 4, 11, 18, 25, 2009

Total Cost: \$983.03

Subscribed and sworn by Jeanine P Day
before me on: August 25, 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 RICK RAYBURN, AND KRISTEN RAYBURN, AS TENANTS BY ENTIRETY, as grantor(s), to FIDELITY NATIONAL TITLE INSURANCE CO, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 07/10/07, recorded 08/08/07, in the mortgage records of Klamath County, OR, as Recorder's fee/file/instrument/microfilm/reception Number 2007-013970, covering the following described real property situated in said county and state, to wit: THE LAND REFERRED TO IN THIS POLICY IS SITUATED IN THE STATE OF OREGON, COUNTY OF KLAMATH, CITY OF LA PINE, AND DESCRIBED AS FOLLOWS: THE PORTION OF GOVERNMENT LOT 5 IN SECTION 31, TOWNSHIP 23 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, LYING WEST OF OREGON STATE HIGHWAY NO. 31. PROPERTY ADDRESS: 145006 HIGHWAY 31 LA PINE, OR 97739-9050.

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 \$1,285.78 beginning 01/01/2009; plus late charges of \$51.06 each month beginning with the 01/01/2009 payment plus prior accrued late charges of \$153.18; plus advances of \$ 0.00; 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: \$114,887.76 with interest thereon at the rate of 5.875 percent per annum beginning 12/01/2008 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 Friday, October 23, 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 amount then due as would 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. Dated: June 18, 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# 09-0083049) 1006.54771-FEI #11479 August 4, 11, 18, 25, 2009.

FEI, LLC

Affidavit of Posting and Service

State of Oregon
County of Klamath

Eric Mathews, 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 145006 HIGHWAY 31, LA PINE, OR in a conspicuous place.

1st Attempt: Posted Real Property on 06/22/2009 at 17:58

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 Rick Rayburn, a person over the age of fourteen (14) years, then residing therein on Monday, June 22, 2009, at 17:58.

Signed in Klamath County, Oregon by:

E. M.

Signature
1006.54771

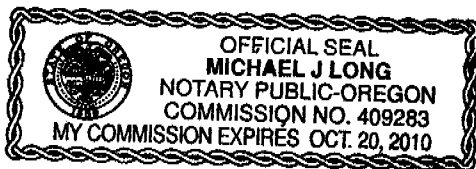
6/24/09

Date

State of Oregon

County of Deschutes

On this 24th day of June in the year of 2009, before me a Notary Public, Personally appeared ERIC MATHEWS, 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.



Michael J. Long

Notary Public for Oregon

Residing at Bend Oregon

Commission expires: 10/20/10

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: None

Landscape:

☒ Good

☐ Poor

Other:

☐ Property Address Discrepancies

☐ Code Enforcement Notices

☐ Livestock

☒ For Sale, Sign By: Jon L. Scott

Comments: _____

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.

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Rick Rayburn, And Kristen Rayburn, As Tenants By Entirety, as grantor(s), to Fidelity National Title Insurance Co, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 07/10/2007, recorded 08/08/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-013970, covering the following described real property situated in said county and state, to wit:

THE LAND REFERRED TO IN THIS POLICY IS SITUATED IN THE STATE OF OREGON, COUNTY OF KLAMATH, CITY OF LA PINE, AND DESCRIBED AS FOLLOWS: THE PORTION OF OF GOVERNMENT LOT 5 IN SECTION 31, TOWNSHIP 23 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, LYING WEST OF OREGON STATE HIGHWAY NO. 31.

PROPERTY ADDRESS: 145006 HIGHWAY 31
LA PINE, OR 97739-9050

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 \$1,285.78 beginning 01/01/2009; plus late charges of \$51.06 each month beginning with the 01/01/2009 payment plus prior accrued late charges of \$153.18; plus advances of \$0.00; 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.

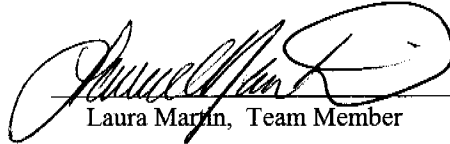
By reason of said default the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, said sums being the following to wit: \$114,887.76 with interest thereon at the rate of 5.875 percent per annum beginning 12/01/2008 until paid, plus all accrued 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 Friday, October 23, 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 June 18, 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 -0083049

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.