2009-012832Klamath County, Oregon



09/28/2009 03:46:12 PM

Fee: \$102.00

RECONTRUST COMPANY, N.A.

ATE 66732

FIDELITY NATIONAL DEFAULT SOLUTION
3220 EL CAMINO REAL
IRVINE, CA 92602
39321176-08-8N0

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

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

TS No.: 09 -0061337

- 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:

TIMOTHY A AYRES

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.

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, 05/29/2009. 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, personally known to me	21 day of Several 2009, by or proved to me on the basis of satisfactory evidence to
be the person(b) who appeared before me.	
(seal)	1
	//
AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SAI	LE Chilon-
RE: Trust Deed from	Notary Public for CALIFORA
Grantor	Residing at

RECONTRUST COMPANY, N.A.

Trustee TS No. 09-0061337

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

and TIMOTHY A AYRES

THELMA MACIAS
Commission # 1852181
Notary Public - California
Ventura County
My Comm. Expires Jun 4, 2013



02 090061337

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

TS No. 09-0061337

TIMOTHY A AYRES

05/29/2009

PO Box 1791

c/o Timothy Ayres

Klamath Falls, OR 97601

7187 7930 3131 4454 9693

TIMOTHY A AYRES

324 N 3RD STREET

KLAMATH FALLS, OR 97601

7187 7930 3131 4454 9709

DOUGLAS AYRES

324 N 3RD STREET

KLAMATH FALLS, OR 97601

7187 7930 3131 4454 9730

Residents/Occupants

324 N 3RD STREET

KLAMATH FALLS, OR 97601

7187 7930 3131 4454 9723

05/29/2009

05/29/2009

05/29/2009

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 05/15/2009. 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

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	on this <u>QU</u> day of <u>September</u> , 20 <u>09</u> , by wn to me or proved to me on the basis of satisfactory evidence to
Martha Casillas	wn to me or proved to me on the basis of satisfactory evidence to
be the person(*) who appeared before me.	with to the of provou to the off the busis of successory evidence to
(seal)	
AFFIDAVIT OF MAILING TRUSTEE'S NOTICE	E OF SALE Oliver
RE: Trust Deed from	Notary Public for California
Grantor	Residing at VENTURA
and TIMOTHY A AYRES	My commission expires: 5004,2013
RECONTRUST COMPANY, N.A. Trustee TS No. 09-0061337	
	\
After Recording return to:	THELMA MACIAS
400 COUNTRYWIDE WAY SV-35	Commission # 1852181 Notary Public - California
RECONTRUST COMPANY, N.A.	Ventura County
SIMI VALLEY, CA 93065	My Comm. Expires Jun 4, 2013



02 090061337

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

TS No. 09-0061337

TIMOTHY A AYRES
PO Box 1791
c/o Timothy Ayres
Klamath Falls, OR 97601
7187 7930 3131 4328 4076

TIMOTHY A AYRES 324 N 3RD STREET KLAMATH FALLS, OR 97601 7187 7930 3131 4328 4083

Residents/Occupants 324 N 3RD STREET KLAMATH FALLS, OR 97601 7187 7930 3131 4328 4090 05/15/2009

05/15/2009

05/15/2009

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 324 N 3RD STREET, KLAMATH FALLS, OR in a conspicuous place.

1st Attempt: Posted Real Property on 5/15/2009 at 17:00 2nd Attempt: Posted Real Property on 05/18/2009 at 19:25

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 Josh Holland D.O.B. 03/14/1980, a person over the age of fourteen (14) years, then residing therein on Monday, May 18, 2009, at 19:25.

Signed in Klamath County, Oregon by:	Durt	5/18/
	Signature	Date
	1006.51670	
State of Oregon County of County of		
On this 18th day of May	in the year of	<u> ১০০৭</u> , before me a Notary
Public, Personally appeared the person whose name is subscribed to the within declared that the statements therein are true.		CD ON THE BUILDING STORY
designed that the statements therein are true, and	acknowledged to	me that he/she executed the
same.		was married excounted tille
	timberl	4 a Dais
	Notary Public for (Residing at	Ofegon Covered to
7	Commission expir	es: 01 187.1 2013
		OFFICIAL SEAL KIMBERLY A DAVIS
		NOTARY PUBLIC-OREGON COMMISSION NO. 434769
,	MY C	OMMISSION EXPIRES FEBRUARY 1, 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
Cother - Describe:		* (X)
		17
		- / A
		4.0
Landscape:	Good	Poor
Other:		
Property Address Discrepancies	Code Enforcement Notic	es
Livestock	厂 For Sale, Sign By:	
		_
Comments:		-
4 4/ 7		

Disclaimer:

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 Timothy A Ayres, An Unmarried Man, as grantor(s), to Amerititle, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 09/21/2007, recorded 09/28/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-017006, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED FOR LEGAL DESCRIPTION

PROPERTY ADDRESS: 324 N 3RD STREET

KLAMATH FALLS, OR 97601

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 \$1,173.46 beginning 12/01/2008; plus late charges of \$47.71 each month beginning with the 12/01/2008 payment plus prior accrued late charges of \$-95.42; plus advances of \$45.00; 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: \$131,878.12 with interest thereon at the rate of 7.75 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 21, 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.

Dated May 15____, 2009_

Laura Martin, Team Member

RECONTRUST COMPANY,

Page 1 of 2 ORNOS (07/07)

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 -0061337

STATE OF)	_	
COUNTY OF) ss.)	~~	·/>
On	, before me,	, n	otary public, personally appeared
	, personally know	n to me (or proved to m	e on the basis of satisfactory
evidence) to be the per	son(s) whose name(s) is/are subscrib	ed to the within instrum	ent and acknowledged to me that
he/she/they executed th	ne same in his/her/their authorized ca	pacity(ies), and that by	his/her/their signature(s) on the
instrument the person(s	s), or the entity upon behalf of which	the person(s) acted, exe	cuted the instrument.
WITNESS my hand an	d official seal.		4
Notary Public for		(SEAL)	
My commission expir			

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.

TS#: 09-0061337

LEGAL DESCRIPTION

BEGINNING AT THE MOST SOUTHEASTERLY CORNER OF LOT 10, BLOCK 6 OF EWALNA HEIGHTS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF LOTS 10 AND 9 OF SAID BLOCK 6, 106 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 9, 55 FEET; THENCE NORTHWESTERLY PARALLEL WITH WASHINGTON STREET, 106 FEET, MORE OR LESS, TO THE WESTERLY LINE OF THIRD STREET; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF THIRD STREET, 55 FEET TO THE POINT OF BEGINNING, BEING A STRIP OF LAND 55 FEET IN WIDTH MEASURED OFF THE SOUTHEASTERLY SIDE OF LOT 9 AND 10, BLOCK 6 OF EWALNA HEIGHTS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILLE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. PLUS THE NORTHWESTERLY 10 FEET OF VACATED ALLEY, A.P.N.: R3809032BD-00900-000



Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

11200

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 #_ 11300
Notice of Sale/Timothy A. Ayres
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:
most deni(e) in the
June 30, July 7, 14, 21, 2009
30.10 30, 50, 1, 1, 1, 1, 1
4 4 4
Total Cost: \$1,182.52
1000100000
A_{λ}
- Jennine Plaj
Subscribed and sworn by Jeanine P Day
before me on: September 21, 2009
/ Delote the oil. September 21, 2000

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by TIMOTHY A AYRES, AN UNMARRIED MAN, as grantor(s), to AMERITITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 09/21/07, recorded 09/28/07, in the mortgage records of Klamath County, OR, as Recorder's fee/file/instrument/microfilm/reception Number 2007-017006, covering the following described real property situated in said county and state, to wit: **LEGAL DESCRIPTION: BEGINNING AT THE MOST SOUTHEASTERLY CORNER OF LOT 10, BLOCK 6 OF EWAUNA HEIGHTS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF LOTS 10 AND 9 OF SAID BLOCK 6, 106 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 9, 55 FEET; THENCE NORTHEASTERLY PARALLEL WITH WASHINGTON STREET, 106 FEET, MORE OR LESS, TO THE SOUTHEASTERLY LINE OF THIRD STREET; THENCE SOUTHEASTERLY SIDE OF LOT 9 AND 10, BLOCK 6 OF EWAUNA HEIGHTS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. PLUS THE NORTHWESTERLY 10 FEET OF VACATED ALLEY. A.P.N.: R3809032BD-00900-000** PROPERTY ADDRESS: 324 N 3RD STREET, KLAMATH FALLS, OR 97601.

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 suant 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 \$1,173.46 beginning 12/01/2008; plus late charges of \$47.71 each month beginning with the 12/01/2008 payment plus prior accrued late charges of \$95.42; plus advances of \$45.00; 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 Repeticiary for the 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 follow-ing to wit: \$131,878.12 with interest thereon at the rate of 7.75 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 21, 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 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 Tis 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 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 15, 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# 09-0061337) 1006.51670-FEI #11388 June 30, July 7, 14, 21, 2009.