

2009-012935

Klamath County, Oregon



00073445200900129350120128

RECORDING COVER SHEET

Pursuant to ORS 205.234

10/01/2009 11:04:11 AM

Fee: \$107.00

After recording return to:

Northwest Trustee Services, Inc.

As successor trustee

Attention: Kathy Taggart

P.O. Box 997

Bellevue, WA 98009-0997

1st 1136012

1. AFFIDAVIT OF MAILING – NOTICE OF FORECLOSURE
2. NOTICE OF FORECLOSURE
3. AFFIDAVIT OF MAILING – TRUSTEE'S NOTICE OF SALE ✓
4. TRUSTEE'S NOTICE OF SALE
5. PROOF OF SERVICE ✓
6. AFFIDAVIT OF PUBLICATION ✓

Original Grantor(s) on Trust Deed: Claude P Carey and Minni J Carey

Beneficiary: The CIT Group / Consumer Fianance, Inc. (a Delaware corporation)

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.

F107

AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

STATE OF WASHINGTON, County of KING) 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 Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original Notice of Foreclosure given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached Notice of Foreclosure as required by Section 20 of Chapter 19, Oregon Laws 2008 ("Bill") 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

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 and to the occupant residing in the Property.

Each of the notices so mailed was certified to be a true copy of the original Notice of Foreclosure, 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 Bellevue, Washington, on 6-12-09. 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 was recorded. The form of the notice complies with Sections 20 and 21 of the Bill and a copy is enclosed with this affidavit.

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 WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Elina Veremova is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 6-12-09

**AFFIDAVIT OF MAILING NOTICE OF
FORECLOSURE**
RE: Trust Deed from
CAREY, ESTATE OF MINNIE J. and
CLAUDE P.

Grantor
to
Northwest Trustee Services, Inc.,
Trustee
File No. 7777.24984

After recording return to:
Northwest Trustee Services, Inc.
Attn: Kathy Taggart
P.O. Box 997
Bellevue, WA 98009-0997

Paula M. Modes
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires 10-30-12

PAULA M. MODES
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
10-30-12

EXHIBIT A

THE ESTATE OF MINNIE CAREY, DECEASED
3530 HOPE STREET
KLAMATH FALLS, OR 97603

OCCUPANT(S)
3530 HOPE STREET
KLAMATH FALLS, OR 97603

CLAUDE P. CAREY
3530 HOPE STREET
KLAMATH FALLS, OR 97603

Claudia Danette Carey
3530 HOPE STREET
KLAMATH FALLS, OR 97603

777.24984
Kathy Taggart

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:
3530 HOPE STREET
KLAMATH FALLS, OR 97603

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called 'foreclosure.'

The amount you would have had to pay as of 06/12/2009 to bring your mortgage current was \$12215.10. 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 (866) 254-5790 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:

Northwest Trustee Services, Inc.
PO Box 997
Bellevue, WA 98009-0997

THIS IS WHEN AND WHERE YOUR PROPERTY
WILL BE SOLD IF YOU DO NOT TAKE ACTION: 10/19/2009 at 10:00 AM inside
the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, Klamath Falls
OR

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 866-254-5790 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and phone number of an organization near you, please call the statewide phone contact number at **800-SAFENET (800-723-3638)**.

You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or you may visit its Web site at: www.osbar.org. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have questions, talk to a lawyer or one of the organizations mentioned above before signing.

Date: 06/12/2009

By Kathy Taggart

Its Assistant Vice President

Trustee Telephone Number: 425-586-1900

7777.24984/CAREY, ESTATE OF MINNIE J. and CLAUDE P.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

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

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

LVNV FUNDING, LLC
P.O. BOX 10584
GREENVILLE, SC 29603

LVNV FUNDING, LLC
C/O DERRICK E. MCGAVIC, ATTY
P.O. BOX 10163
EUGENE, OR 97440

THE ESTATE OF MINNIE CAREY, DECEASED
3530 HOPE STREET
KLAMATH FALLS, OR 97603

CLAUDE P. CAREY
3530 HOPE STREET
KLAMATH FALLS, OR 97603

OCCUPANT(S)
3530 HOPE STREET
KLAMATH FALLS, OR 97603

Claudia Danette Carey
3530 HOPE STREET
KLAMATH FALLS, OR 97603

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, 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 Bellevue, Washington, on 6/15/09. 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.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Man Pinkworth is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 6/15/09

[Signature]

[Signature]
NOTARY PUBLIC in and for the State of
Washington, residing at Kent
My commission expires 9/30/12

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
RE: Trust Deed from
CAREY, ESTATE OF MINNIE J. and CLAUDE P.
Grantor
to
Northwest Trustee Services, Inc.,
Trustee **File No. 7777.24984**

After recording return to:
Northwest Trustee Services, Inc.
Successor by merger to Northwest Trustee Services, PLLC
(formerly known as Northwest Trustee Services, LLC)
Attn: Kathy Taggart
P.O. Box 997
Bellevue, WA 98009-0997

ASHLEY ANN HOGAN
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
9-30-12

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Claude P Carey and Minni J Carey, as grantor, to First American Title, as trustee, in favor of The CIT Group / Consumer Finance, Inc. (a Delaware corporation), as beneficiary, dated 09/24/99, recorded 09/28/99, in the mortgage records of Klamath County, Oregon, as Vol M99 Page 38462 and subsequently assigned to HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 by Assignment recorded as 2008-9760, covering the following described real property situated in said county and state, to wit:

Lot 6 in Block 2 Cascade Park, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 3530 HOPE 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 \$1,168.07 beginning 09/29/08; plus late charges of \$50.93 each month beginning 10/14/08; plus prior accrued late charges of (\$266.62); plus advances of \$2,332.72 that represent paid attorney fees and costs, brok bpo and property inspections; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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: \$123,572.52 with interest thereon at the rate of 8 percent per annum beginning 08/29/08; plus late charges of \$50.93 each month beginning 10/14/08 until paid; plus prior accrued late charges of (\$266.62); plus advances of \$2,332.72 that represent paid attorney fees and costs, brok bpo and property inspections; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on **October 19, 2009** at the hour of 10:00 o'clock, A.M. 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. 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. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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.

The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Dated: June 11, 2009

Northwest Trustee Services, Inc.

By 
Assistant Vice President,
Northwest Trustee Services, Inc.

For further information, please contact:

Kathy Taggart
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900
File No.7777.24984/CAREY, ESTATE OF MINNIE J. and CLAUDE P.

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

By Authorized Signer

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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 3530 HOPE STREET, KLAMATH FALLS, OR in a conspicuous place.

1st Attempt: Posted Real Property on 06/15/2009 at 17:15

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 Claudia Carey, a person over the age of fourteen (14) years, then residing therein on Monday, June 15, 2009, at 17:15.

Signed in Klamath County, Oregon by:



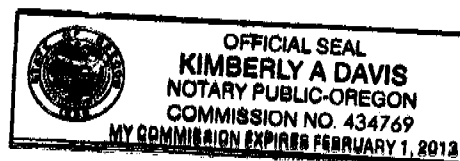
Signature
1002.94158

6-15-9
Date

State of Oregon
County of Klamath

On this 15th day of June 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 PROPERTY

_____**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.

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 # 11448

Notice of Sale/Claude P & Minni J Carey

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:

July 23, 30, August 6, 13, 2009

Total Cost: \$1,307.20

Jeanine P Day

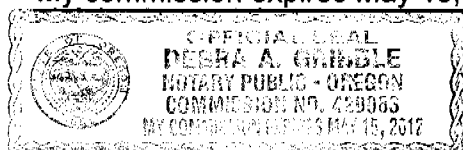
Subscribed and sworn by Jeanine P Day

before me on: August 13, 2009

Debra A Gubble

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 Claude P Carey and Minni J Carey, as grantor, to First American Title, as trustee, in favor of The CIT Group / Consumer Finance, Inc. (a Delaware corporation), as beneficiary, dated 09/24/99, recorded 09/28/99, in the mortgage records of Klamath County, Oregon, as Vol M99 Page 38462 and subsequently assigned to HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 by Assignment recorded as 2008-9760, covering the following described real property situated in said county and state, to wit: Lot 6 in Block 2 Cascade Park, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. PROPERTY ADDRESS: 3530 HOPE 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 \$1,168.07 beginning 09/29/08; plus late charges of \$50.93 each month beginning 10/14/08; plus prior accrued late charges of (\$266.62); plus advances of \$2,332.72 that represent paid attorney fees and costs, brok bpo and property inspections; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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: \$123,572.52 with interest thereon at the rate of 8 percent per annum beginning 08/29/08; plus late charges of \$50.93 each month beginning 10/14/08 until paid; plus prior accrued late charges of (\$266.62); plus advances of \$2,332.72 that represent paid attorney fees and costs, brok bpo and property inspections; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 19, 2009 at the hour of 10:00 o'clock, A.M. 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

(Continued in next column)

(Continued from previous column)

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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject

property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwest-trustee.com. 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. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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. The trustee's rules of auction may be accessed at www.northwest-trustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com. Northwest Trustee Services, Inc. For further information, please contact: Kathy Taggart Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 586-1900 File No. 7777.24984/CAREY, ESTATE OF MINNIE J. and CLAUDE P. (TS# 7777.24984) 1002.94158-FEI #11448 July 23, 30, August 6, 13, 2009.