

2009-013687

Klamath County, Oregon



00074339200900136870120121

10/21/2009 12:02:40 PM

Fee: \$97.00

**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  
INTRUMENT FOR RECORDING. ANY ERRORS IN  
THIS COVER SHEET DO NOT AFFECT THE  
TRANSACTION(S) CONTAINED IN THE  
INSTRUMENT ITSELF.

ATE 66854

WHEN RECORDED MAIL TO

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

Trustee's Sale No: 09-FMB-77574



**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**

**WILLIAM R MCMAHAN A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY**

**Beneficiary**

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

8102 ATE

OR\_AffRecCover

REGIONAL TRUSTEE SERVICES CORPORATION

616 1st Avenue, Suite 500

Seattle, WA 98104

Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-FMB-77574



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:

OCCUPANT, LOT 2 MINESOTA STREET, KLAMATH FALLS, OR, 97601  
SPOUSE OF WILLIAM R MCMAHAN, LOT 2 MINESOTA STREET, KLAMATH FALLS, OR, 97601  
SPOUSE OF WILLIAM R MCMAHAN, 1213 SEAL WAY, SEAL BEACH, CA, 90740  
WILLIAM R MCMAHAN, 1213 SEAL WAY, SEAL BEACH, CA, 90740  
WILLIAM R MCMAHAN, LOT 2 MINESOTA STREET, KLAMATH FALLS, OR, 97601

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 7/2/09. 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.

MIKE TURNESS

On behalf of Regional Trustee Services Corporation

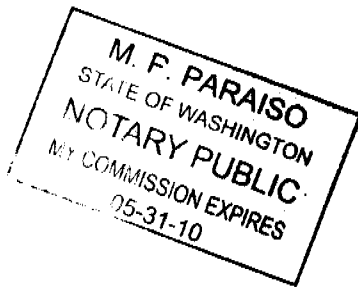
SUBSCRIBED AND SWORN TO before me on

7/2/09

My/line

NOTARY PUBLIC for WASHINGTON

My commission expires: 5/31/10



**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-77574



Reference is made to that certain Deed of Trust made by, WILLIAM R MCMAHAN A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, as grantor, to CHICAGO TITLE INSURANCE COMPANY OF OREGON, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS, as beneficiary, dated 7/13/2007, recorded 7/19/2007, under Instrument No. 2007-012842, 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:

ATTACHED HERETO AS EXHIBIT 'A' AND INCORPORATED HEREIN AS THOUGH FULLY SET FORTH.

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

LOT 2 MINESOTA STREET  
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 July 1, 2009
Delinquent Payments from February 01, 2009	
6 payments at \$ 2,072.75 each	\$ 12,436.50
(02-01-09 through 07-01-09)	
Late Charges:	\$ 518.20
Beneficiary Advances:	\$ 0.75
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 12,955.45

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 \$239,739.99, PLUS interest thereon at 10.375% 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 November 2, 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.

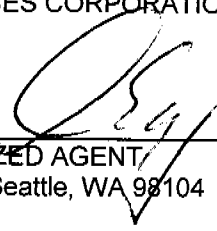
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the 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: 7/1/2009

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

## EXHIBIT FOR LEGAL DESCRIPTION

Trustee's Sale No. 09-FMB-77574

### EXHIBIT 'A'

All that portion of the following described property which lies North of a line running East and West parallel to the North and South lines of Lot 2 (SW1/4 SW1/4) of Section 32, Township 38 South, Range 9 East of the Willamette Meridian, said line being midway between said North and South lines.

Beginning at the Northwest corner of Lot 2 (SW1/4 SW1/4) of Section 32; thence East along the North lot line to the most Westerly line of Block 9 of LAKESIDE ADDITION to the City of Klamath Falls; thence Southeasterly along said Westerly line to the Southwest corner of Lot 4 in said Block 9; thence Northeasterly along the South line of said Lot 4 and of South Georgia Street 150 feet, more or less, to the Southwest corner of Lot 4 in Block 8 of Lakeside Addition; thence Southeasterly along the Easterly line of South Georgia Street extended 250 feet; thence Northeasterly at right angles to said Georgia Street 100 feet, more or less, to the Westerly line of South Rogers Street; thence Southeasterly along Rogers Street 50 feet; thence Southwesterly at right angles to said street 100 feet; thence Southeasterly parallel to and 100 feet from said Rogers Street 420 feet; thence Northeasterly at right angles 100 feet to the Westerly line of South Rogers Street extended; thence Northwesterly along said line 60 feet; thence Northeasterly 50 feet, more or less, to the Southwest corner of Lot 22 in Block 7 of Lakeside Addition; thence Southeasterly along the Easterly line of said South Rogers Street extended to the South line of Section 32; thence Westerly along said section line to the Southwest corner of Section 32; thence North along the section line between Sections 31 and 32 to the point of beginning.

SAVING AND EXCEPTING all that portion of Lot 13 of Block 9 of vacated Lakeside Addition to the City of Klamath Falls, Oregon.

09-FMB-77574



7/1/2009

**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 LOT 2 MINESOTA STREET , 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 7/1/2009, to bring your mortgage loan current was \$16,552.20. 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:**

**November 2, 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.

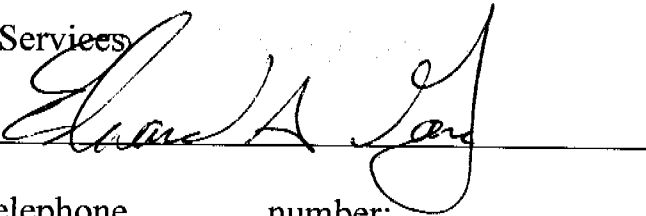
There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 800-723-3638. You may also wish to talk to a lawyer. 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 7/1/2009

Regional Trustee Services

Trustee signature:

A handwritten signature in black ink, appearing to be "Lance A. Jones", written over a horizontal line.

Trustee

telephone

number:

800-542-2550

**JEFFERSON STATE ADJUSTERS  
RECOVERY IS OUR BUSINESS**

1135 Pine Street  
Klamath Falls, Oregon 97601  
Phone: (541) 882-8036 Fax: (541) 883-2129

**AFFIDAVIT OF  
VACANT LAND**

STATE OF OREGON  
COUNTY OF KLAMATH

I, ROBERT W. BOLENBAUGH, being first duly sworn, depose and say: That I am and have been at all material times hereto, a competent person over the age of eighteen years and a resident of the county of Klamath, State of Oregon. I am not a party to, an attorney for, or interested in any suit or action involving the property described below.

That on the 9<sup>TH</sup> day of July, 2009, after personal inspection, I found the following described real property to be vacant land.

Commonly described as (Lot 2 Minesota St. Klamath Falls, OR 97601)

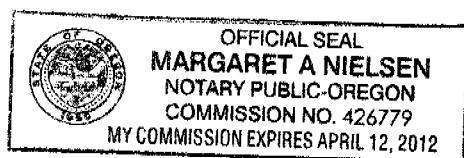
Comments: There are no structures on this piece of land. Posted Trustees Notice of Sale to a tree on the property


7/2/09	9:05 AM	Posted
7/6/09	9:10 AM	Posted
7/9/09	9:32 AM	Posted

I declare under the penalty of perjury that the above statements are true and correct.

  
\_\_\_\_\_  
ROBERT W. BOLENBAUGH (Signed and Dated)

Subscribed and Sworn to before me this 14<sup>th</sup> day of October, 2009.



  
\_\_\_\_\_  
MARGARET A. NIELSEN  
NOTARY PUBLIC OF OREGON  
MY COMMISSION EXPIRES:

# 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 # 11414

Notice of Sale/William R. McMahan

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:

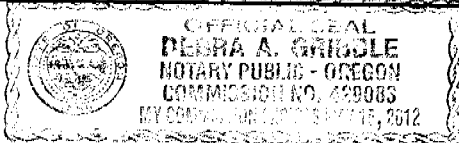
July 17, 24, 31, August 7, 2009

Total Cost: \$1,556.57

Subscribed and sworn by Jeanine P Day  
before me on: August 7, 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-77574

**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 WILLIAM R. MCMAHAN A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, as grantor, to CHICAGO TITLE INSURANCE COMPANY OF OREGON, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS, as beneficiary, dated 7/13/2007, recorded 7/19/2007, under Instrument No. 2007-012842, 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: All that portion of the following described property which lies North of a line running East and West parallel to the North and South lines of Lot 2 (SW1/4 SW1/4) of Section 32, Township 38 South, Range 9 East of the Willamette Meridian, said line being midway between said North and South lines. Beginning at the Northwest corner of Lot 2 (SW1/4 SW1/4) of Section 32; thence East along the North lot line to the most Westerly line of Block 9 of LAKESIDE ADDITION to the City of Klamath Falls; thence Southeasterly along said Westerly line to the Southwest corner of Lot 4 in said Block 9; thence Northeasterly along the South line of said Lot 4 and of South Georgia Street 150 feet, more or less, to the Southwest corner of Lot 4 in Block 8 of Lakeside Addition; thence Southeasterly along the Easterly line of South Georgia Street extended 250 feet; thence Northeasterly at right angles to said Georgia Street 100 feet, more or less, to the Westerly line of South Rogers Street; thence Southeasterly along Rogers Street 50 feet; thence Southwesterly at right angles to said street 100 feet; thence Southeasterly parallel to and 100 feet from said Rogers Street 420 feet; thence Northeasterly at right angles 100 feet to the Westerly line of South Rogers Street extended; thence Northwesterly along said line 60 feet; thence Northeasterly 50 feet, more or less, to the Southwest corner of Lot 22 in Block 7 of Lakeside Addition; thence Southeasterly along the Easterly line of said South Rogers Street extended to the South line of Section 32; thence Westerly along said section line to the Southwest corner of Section 32; thence North along the section line between Sections 31 and 32 to the point of beginning. SAVING AND EXCEPTING all that portion of Lot 13 of Block 9 of vacated Lakeside Addition to the City of Klamath Falls, Oregon. The street address or other common designation, if any, of the real property described above is purported to be: LOT 2 MINNESOTA STREET, 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 July 1, 2009 Delinquent Payments from February 01, 2009 6 payments at \$2,072.75 each \$12,436.50 (02-01-09 through 07-01-09) Late Charges: \$518.20 Beneficiary Advances: \$0.75 Suspense Credit: \$0.00 TOTAL: \$12,955.45. 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:

# Affidavit of Publication

## STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, Business Manager,  
being first duly sworn, depose and say  
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Legal # 11414

Notice of Sale/William R. McMahan

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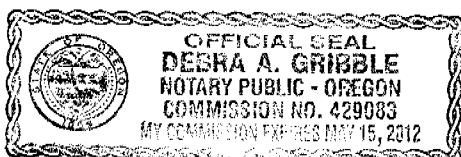
July 17, 24, 31, August 7, 2009

Total Cost: \$1,556.57

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: August 7, 2009

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



UNPAID PRINCIPAL BALANCE OF \$239,739.99, PLUS interest thereon at 10.375% 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 November 2, 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,

(Continued in next column)

(Continued from previous column)

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: 7/1/2009 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> ASAP# 3169862 07/17/2009, 07/24/2009, 07/31/2009, 08/07/2009 #11414 July 17, 24, 31, August 7, 2009.