

2009-015361

Klamath County, Oregon



00076303200900153610190196

12/04/2009 11:36:58 AM

Fee: \$137.00

ATE 66874

RECONTRUST COMPANY, N.A.

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 -0116604

- 1090452845 / 66874
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: ARTHUR D WARREN and JULIET FRANKLIN

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  
137

# 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, 08/25/2009. 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  
County of Ventura

Signature

Subscribed and sworn to (or affirmed) before me on this 2nd day of December, 2009, by Bertha Quezada, 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

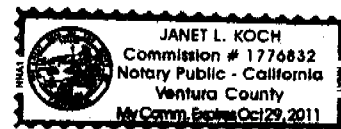
ARTHUR D WARREN and JULIET FRANKLIN

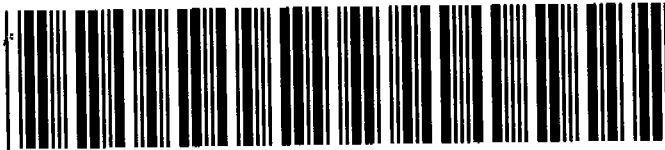
Janet L Koch  
Notary Public for California  
Residing at Ventura  
My commission expires: Oct. 29, 2011

RECONTRUST COMPANY, N.A.

Trustee TS No. 09-0116604

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





02 090116604

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

**TS No. 09-0116604**

ARTHUR D WARREN

08/25/2009

2806 Harborview Dr Apt B

Gig Harbor, WA 98335

7187 7930 3131 5170 7697

JULIET FRANKLIN

08/25/2009

2806 Harborview Dr Apt B

Gig Harbor, WA 98335

7187 7930 3131 5170 7741

ARTHUR D WARREN

08/25/2009

4656 HARRIER DRIVE

KLAMATH FALLS, OR 97601

7187 7930 3131 5170 7703

JULIET FRANKLIN

08/25/2009

4656 HARRIER DRIVE

KLAMATH FALLS, OR 97601

7187 7930 3131 5170 7758

Residents/Occupants

08/25/2009

4656 HARRIER DRIVE

KLAMATH FALLS, OR 97601

7187 7930 3131 5170 7789

ARTHUR D WARREN

08/25/2009

333 SO. STATE STREET #V127

LAKE OSWEGO, OR 97034

7187 7930 3131 5170 7727

JULIET FRANKLIN

08/25/2009

333 SO. STATE STREET #V127

LAKE OSWEGO, OR 97034

7187 7930 3131 5170 7765

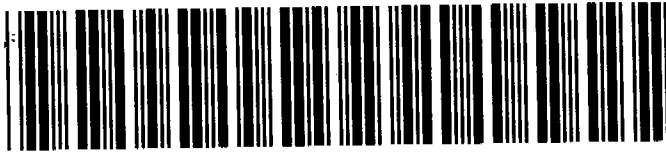
ARTHUR D WARREN

08/25/2009

2806-B HARBORVIEW DRIVE APT. B

GIG HARBOR, WA 98335

7187 7930 3131 5170 7734



02 090116604

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

**TS No. 09-0116604**

JULIET FRANKLIN

08/25/2009

2806-B HARBORVIEW DRIVE APT. B

GIG HARBOR, WA 98335

7187 7930 3131 5170 7772

COMMUNITY FINANCIALE CORPORATION

08/25/2009

PO BOX 1969

LAKE OSWEGO, OR 97035

7187 7930 3131 5170 7796

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

08/25/2009

PO BOX 2026

FLINT, MI 48501-2026

7187 7930 3131 5170 7840

RUNNING Y RANCH RESORT OWNERS ASSOCIATION

08/25/2009

PO BOX 1215

C/O JELD-WEN COMMUNITIES

REDMOND, OR 97756

7187 7930 3131 5170 7857

COMMUNITY FINANCIALE CORPORATION

08/25/2009

PO BOX 2026

C/O MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

FLINT, MI 48501-2026

7187 7930 3131 5170 7802

COMMUNITY FINANCIALE CORPORATION

08/25/2009

2 CENTERPOINTE DR 6TH FLOOR

C/O EDWARD H TROMPKE, JORDAN SCHRADER PC

LAKE OSWEGO, OR 97035

7187 7930 3131 5170 7826

COMMUNITY FINANCIALE CORPORATION

08/25/2009

15540 BONNES FERRY RD

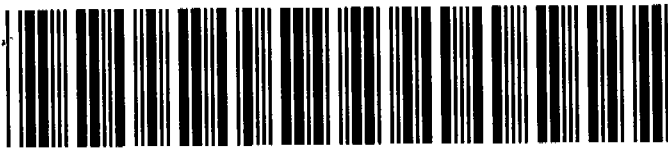
LAKE OSWEGO, OR 97035

7187 7930 3131 5170 7833

RUNNING Y RANCH RESORT OWNERS ASSOCIATION

08/25/2009

5115 RUNNING Y RD



02 090116604

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

**TS No. 09-0116604**

RUNNING Y RANCH RESORT OWNERS ASSOCIATION

08/25/2009

C/O TODD ANDREW

KLAMATH FALLS, OR 97601

7187 7930 3131 5170 7864

RUNNING Y RANCH RESORT OWNERS ASSOCIATION

08/25/2009

5115 RUNNING Y RD

KLAMATH FALLS, OR 97601

7187 7930 3131 5170 7871

# 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 08/20/2009. 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 2nd day of December, 2009, by Bertha Quezada, 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

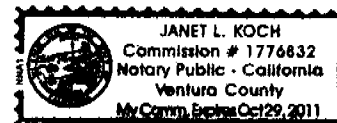
ARTHUR D WARREN and JULIET FRANKLIN

RECONTRUST COMPANY, N.A.

Trustee TS No. 09-0116604

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

Janet L Koch  
Notary Public for California  
Residing at Ventura  
My commission expires: Oct. 29, 2011





02 090116604

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

**TS No. 09-0116604**

ARTHUR D WARREN  
2806 Harborview Dr Apt B  
Gig Harbor, WA 98335  
7187 7930 3131 5130 0003

08/20/2009

JULIET FRANKLIN  
2806 Harborview Dr Apt B  
Gig Harbor, WA 98335  
7187 7930 3131 5130 0034

08/20/2009

ARTHUR D WARREN  
4656 HARRIER DRIVE  
KLAMATH FALLS, OR 97601  
7187 7930 3131 5130 0027

08/20/2009

JULIET FRANKLIN  
4656 HARRIER DRIVE  
KLAMATH FALLS, OR 97601  
7187 7930 3131 5130 0041

08/20/2009

Residents/Occupants  
4656 HARRIER DRIVE  
KLAMATH FALLS, OR 97601  
7187 7930 3131 5130 0058

08/20/2009

# FEI, LLC

## Affidavit of Posting and Service

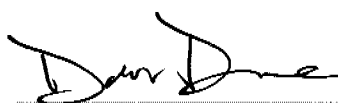
State of Oregon  
County of Klamath

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.

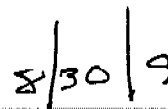
That I posted a copy of the attached Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 4656 HARRIER DRIVE, KLAMATH FALLS, OR in a conspicuous place.

1st Attempt: Posted Real Property on 8/24/2009 at 19:10  
2nd Attempt: Posted Real Property on 8/27/2009 at 09:30  
3rd Attempt: Posted Real Property on 08/30/2009 at 10:10

Signed in Klamath County, Oregon by:



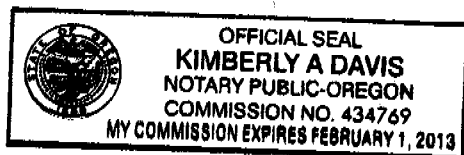
Signature  
1006.63211



Date

State of Oregon  
County of Klamath

On this 30<sup>th</sup> day of August 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:

Townhouse**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 MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT**  
(In Lieu of Personal Service)

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.

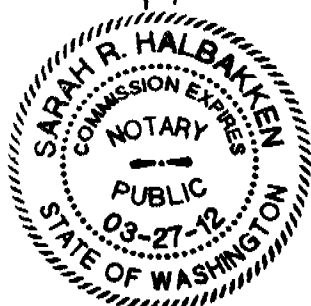
On August 31, 2009 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 4656 HARRIER DRIVE, KLAMATH FALLS, OR, 97601 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.

Theresa Redulla

STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF KING                )

I certify that I know or have satisfactory evidence that Theresa Redulla 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: 9/1/09



Sarah R. Halbakken  
NOTARY PUBLIC in and for the State of  
Washington, residing at King  
My commission expires 3/27/2012

09-0116604 / WARREN, ARTHUR D and FRANKLIN, JULIET  
Sales Group-OR

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Arthur D Warren And Juliet Franklin, As Tenants By The Entirety, as grantor(s), to Amerititle, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 08/01/2006, recorded 08/18/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-016694, covering the following described real property situated in said county and state, to wit:

LOT 1248, TRACT 1446, RUNNING Y RESORT, PHASE 6, 3RD ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 4656 HARRIER DRIVE  
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 \$2,139.74 beginning 10/01/2008; plus late charges of \$95.98 each month beginning with the 10/01/2008 payment plus prior accrued late charges of \$287.94; plus advances of \$967.50; 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: \$285,903.33 with interest thereon at the rate of 6.875 percent per annum beginning 09/01/2008 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, December 28, 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 Aug 20, 2009

RECONTRUST COMPANY, N.A.

Page 1 of 2

ORNOS (07/07)

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 -0116604**

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.**

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Arthur D Warren And Juliet Franklin, As Tenants By The Entirety, as grantor(s), to Amerititle, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 08/01/2006, recorded 08/18/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-016694, covering the following described real property situated in said county and state, to wit:

LOT 1248, TRACT 1446, RUNNING Y RESORT, PHASE 6, 3RD ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 4656 HARRIER DRIVE  
KLAMATH FALLS, OR 97601

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures 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 \$2,139.74 beginning 10/01/2008; plus late charges of \$95.98 each month beginning with the 10/01/2008 payment plus prior accrued late charges of \$287.94; plus advances of \$967.50; together with title expense, costs, trustee's fees and attorney 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 that the Trust Deed secures are immediately due and payable, said sums being the following to wit: \$285,903.33 with interest thereon at the rate of 6.875 percent per annum beginning 09/01/2008 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney 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, December 28, 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 that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by paying the Beneficiary 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 notice of default that is capable of being cured by tendering the performance required under the obligation that the Trust Deed secures, 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 that the Trust Deed secures, together with the Trustee's and attorney 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 that the Trust Deed secures, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

### **NOTICE TO TENANTS**

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is 11/28/2009.

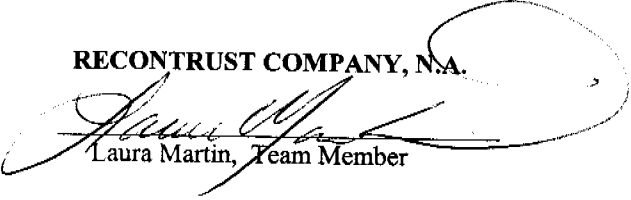
Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar's lawyer referral service at 503-684-3763 or toll-free in Oregon at 800-452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to <http://oregonlawhelp.org> or contact the Oregon State Bar's lawyer referral service at the phone numbers referenced above.

Dated Aug 25, 20\_\_

**RECONTRUST COMPANY, N.A.**

  
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 -0116604**

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.**

**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:**

Street address: 4656 HARRIER DRIVE

City: KLAMATH FALLS State: OR ZIP: 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 a 'foreclosure.'

The amount you would have had to pay as of August 20, 2009 to bring your mortgage current was \$25,695.42.

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 888-219-7773 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:

BAC Home Loans Servicing, LP  
400 COUNTRYWIDE WAY SV-35  
SIMI VALLEY, CA 93065

**THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION:** December 28, 2009 at 10:00 AM 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.

**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 Jill Balentine at 888-219-7773, 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](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 <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.

TS No.: 09 -116604

Trustee name: RECONTRUST COMPANY, N.A.

Trustee phone number: (800) 281-8219

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

Date: August 20, 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 # 11652

Trustees Notice of Sale

Arthur D. Warren and

Juliet Franklin

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:

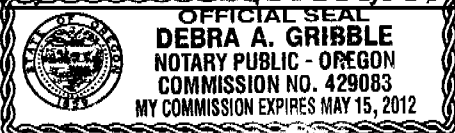
October 6, 13, 20, 27, 2009

Total Cost: \$983.03

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: October 30, 2009

*Debra A Gribble*  
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 ARTHUR D WARREN AND JULIET FRANKLIN, AS TENANTS BY THE ENTIRETY, as grantor(s), to AMERITITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 08/01/06, recorded 08/18/06, in the mortgage records of Klamath County, OR, as Recorder's fee/file/instrument/microfilm/reception Number 2006-016694, and subsequently assigned to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. by Assignment recorded 08/19/2009 as Recorder's fee/file/instrument/microfilm/reception No. 2009-11175, covering the following described real property situated in said county and state, to wit: LOT 1248, TRACT 1446, RUNNING Y RESORT, PHASE 6, 3RD ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. PROPERTY ADDRESS: 4656 HARRIER DRIVE, 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 \$2,139.74 beginning 10/01/2008; plus late charges of \$95.98 each month beginning with the 10/01/2008 payment plus prior accrued late charges of \$287.94; plus advances of \$967.50; 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: \$285,903.33 with interest thereon at the rate of 6.875 percent per annum beginning 09/01/2008 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, December 28, 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 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 curing said sums at foreclosure the

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: August 20, 2009 RE-CONTRUST 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# 09-0116604) 1006.63211-FEI  
#11652 October 6, 13, 20, 27, 2009.