

2009-016051

Klamath County, Oregon



00077115200900160510050053

12/23/2009 03:30:25 PM

Fee: \$57.00

ATE 66955

RECONTRUST COMPANY, N.A.

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

AFTER RECORDING RETURN TO:  
MHA REVIEW - FTW  
RECONTRUST COMPANY, N.A.  
400 COUNTRYWIDE WAY SV-35  
SIMI VALLEY, CA 93065

TS No.: 09 -0114203

090512483 / 00066955

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: SCOTT M. NIEMAN and OLENA NIEMAN

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, 12/15/2009. 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 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 [Signature]

Subscribed and sworn to (or affirmed) before me on this 19 day of December, 2009, by JONATHAN JACKSON, 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

SCOTT M. NIEMAN and OLENA NIEMAN

[Signature]  
Notary Public for California

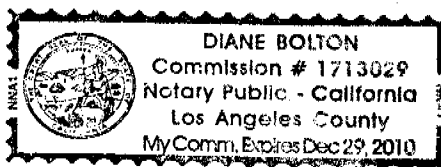
Residing at \_\_\_\_\_

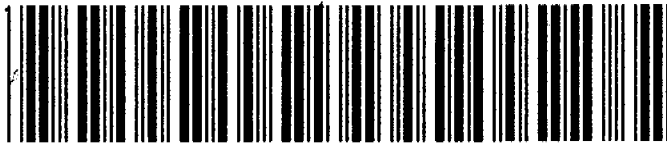
My commission expires: \_\_\_\_\_

RECONTRUST COMPANY, N.A.

Trustee TS No. 09-0114203

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





02 090114203

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

**TS No. 09-0114203**

SCOTT M. NIEMAN 12/15/2009

316 NE Plymouth Cir  
Corvallis, OR 97330-4126  
7187 7930 3131 6066 4875

SCOTT M. NIEMAN 12/15/2009

316 NE Plymouth Cir  
Corvallis, OR 97330-4126  
7187 7930 3131 6066 4899

OLENA NIEMAN 12/15/2009

316 NE Plymouth Cir  
Corvallis, OR 97330-4126  
7187 7930 3131 6066 4929

SCOTT MICHAEL NIEMAN 12/15/2009

316 NE Plymouth Cir  
Corvallis, OR 97330-4126  
7187 7930 3131 6066 4943

SCOTT M. NIEMAN 12/15/2009

6095 Bethel Loop SW  
Albany, OR 97321-3602  
7187 7930 3131 6066 4882

SCOTT M. NIEMAN 12/15/2009

6095 Bethel Loop SW  
Albany, OR 97321-3602  
7187 7930 3131 6066 4905

OLENA NIEMAN 12/15/2009

6095 Bethel Loop SW  
Albany, OR 97321-3602  
7187 7930 3131 6066 4936

MYRON GITNES, P.C. - C/O OLENA NIEMAN 12/15/2009

216 PINE STREET  
KLAMATH FALLS, OR 97601  
7187 7930 3131 6066 4950

### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Scott M. Nieman And Olena Nieman, Husband And Wife, as grantor(s), to First American Title, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 09/14/2005, recorded 09/20/2005, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number M05-64717, covering the following described real property situated in said county and state, to wit:

LOT 5 IN TRACT 1416, THE WOODLANDS-PHASE 1, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 1406 WEST RIDGE 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 \$1,300.23 beginning 04/01/2009; plus late charges of \$50.92 each month beginning with the 04/01/2009 payment plus prior accrued late charges of \$-152.76; 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: \$170,509.94 with interest thereon at the rate of 5.5 percent per annum beginning 03/01/2009 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 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 Aug 20, 2009

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 -0114203**

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.