

2009-016157

Klamath County, Oregon



00077236200900161570100105

12/28/2009 03:25:28 PM

Fee: \$92.00

**RECORDING COVER SHEET
FOR NOTICE OF SALE PROOF
OF COMPLIANCE, PER ORS 205.234**

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED INSTRUMENT
FOR RECORDING. ANY ERRORS IN THIS COVER SHEET
DO NOT AFFECT THE TRANSACTION(S) CONTAINED
IN THE INSTRUMENT ITSELF.

ATE 66227

AFTER RECORDING RETURN TO:

Quality Loan Service Corp.
2141 5th Avenue
San Diego, CA 92101

AFFIDAVIT OF MAILING NOTICE OF SALE

AFFIDAVIT OF PUBLICATION

PROOF OF SERVICE

ORIGINAL GRANTOR: JULIE A MOORE, MARVIN R MOORE

**BENEFICIARY: HSBC Bank USA, National Association, as Trustee for Ownit Mortgage
Loan Trust Mortgage Loan Asset-Backed Certificates, Series 2005-4**

T.S. #: OR-08-198142-SH

Loan #: 16411191

ATE 62

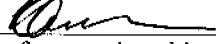
WHEN RECORDED MAIL TO:
Quality Loan Service Corp.
2141 5th Avenue
San Diego, CA 92101

T.S. NO.: OR-08-198142-SH

(Above Space is for Recorder's Use)

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF **California** } SS
COUNTY OF **San Diego** }

I, **Hue Banh** , being first duly sworn, depose, 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 his successor in interest named in the attached original or copy of 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 and provided the notice required under Section 20, Chapter 19, Oregon Law 2008, mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

NAME AND ADDRESS

CERTIFIED NO.

SEE ATTACHED

Said person(s) include the grantor of the trust deed, 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 any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

"Notice as required by and in accordance with ORS Chapter 646 was provided to Grantor and successor in interest, if any"

Each of the notices so mailed was certified to be a true copy of the original notice of sale by **Lisa Appelgate** for **LSI TITLE COMPANY OF OREGON, LLC**, 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 mail, **San Diego, California**, on **9/21/2009**. 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** } SS
COUNTY OF **San Diego** }

On 12-18-09 before me **Michelle Nguyen**, the undersigned, A Notary Public personally appeared **Hue Banh** who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature


Michelle Nguyen



1-25-2010

AFFIDAVIT OF MAILING

Date: 9/21/2009
T.S. No.: OR-08-198142-SH
Loan No.: 16411191
Mailing: Notice of Sale

STATE OF California }
COUNTY OF San Diego }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; and that on 9/21/2009, (s)he personally mailed the Notice of Sale, of which the annexed is a true copy, by causing to be deposited in the United States Mail a copy of such Notice of Sale in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

I declare under penalty of perjury that the foregoing is true and correct.

X



Affiant Hue Banh

Occupant
4261 Douglas Avenue
Klamath Falls, OR 97601
First Class and Cert. No. 71039628594145207212

Occupant
4261 Douglas Avenue
Klamath Falls, OR 97601
First Class and Cert. No. 71039628594145207250

JULIE A. MOORE
4261 DOUGLAS AVENUE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594145207298

CREDIT BUREAU OF KLAMATH COUNTY
839 MAIN STREET
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594145207328

JULIE DOUGLAS
4261 DOUGLAS AVENUE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594145207373

JULIE A MOORE
4261 Douglas Avenue
Klamath Falls, OR 97601
First Class and Cert. No. 71039628594145207434

JULIE A MOORE
4261 DAUGLAS AVENUE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594145207472

MARVIN R MOORE
4261 Douglas Avenue
Klamath Falls, OR 97601
First Class and Cert. No. 71039628594145207519

MARVIN R MOORE
4261 DAUGLAS AVENUE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594145207557

MARVIN MOORE
4261 Douglas Ave
Klamath Falls, OR 976015438
First Class and Cert. No. 71039628594145207601

JULIE MOORE
4261 Douglas Ave
Klamath Falls, OR 976015438
First Class and Cert. No. 71039628594145207656

JULIE A. MOORE
4261 Douglas Avenue
Klamath Falls, OR 97601
First Class and Cert. No. 71039628594145207694

MARVIN R. MOORE
4261 Douglas Avenue
Klamath Falls, OR 97601
First Class and Cert. No. 71039628594145207724

JULIE MOORE
4261 DOUGLAS AVENUE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594145207731

CURRENT OCCUPANT
4261 DOUGLAS AVENUE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594145207779

MARVIN R. MOORE
4261 DOUGLAS AVENUE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594145207823

TRUSTEE'S NOTICE OF SALE

T.S. No.: **OR-08-198142-SH**

Reference is made to that certain deed made by, **JULIE A. MOORE AND MARVIN R. MOORE, WIFE AND HUSBAND** as Grantor to **AMERITITLE**, as trustee, in favor of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC AS NOMINEE IN FAVOR OF OWNIT MORTGAGE SOLUTIONS, INC.**, as Beneficiary, dated **6/1/2005**, recorded **6/13/2005**, in official records of **KLAMATH** County, Oregon in book/reel/volume No. **M05** at page No. **44011** fee/file/instrument/microfile/reception No **xxx**, covering the following described real property situated in said County and State, to-wit:

APN: 3909-007CA-01500-000

LOT 2, BLOCK 6, STEWART ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as:
4261 Douglas Avenue
Klamath Falls, OR 97601

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's:

Installment of principal and interest plus impounds and advances which became due on 5/1/2008 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustees fees, and any attorney fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement.

Monthly Payment **\$383.78** Monthly Late Charge **\$19.19**

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of **\$36,274.84** together with interest thereon at the rate of **7.5000** per annum from **4/1/2008** until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that **LSI TITLE COMPANY OF OREGON, LLC**, the undersigned trustee will on **1/25/2010** at the hour of **10:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **OF THE CIRCUIT COURT, 316 MAIN ST, IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR** County of **KLAMATH**, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

For Sale Information Call: 714-730-2727 or Login to: www.fidelityasap.com

Loan No: 16411191
T.S. No.: OR-08-198142-SH

TRUSTEE'S NOTICE OF SALE

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Pursuant to Oregon Law, this sale will not be deemed final until the Trustee's deed has been issued by LSI TITLE COMPANY OF OREGON, LLC. If there are any irregularities discovered within 10 days of the date of this sale, that the trustee will rescind the sale, return the buyer's money and take further action as necessary.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's Attorney.

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 Deed of Trust 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 12/26/2009 the name of the Trustee and the Trustee's mailing address is set forth on this Notice of Sale below.

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 and ask for the lawyer referral service. Contact information for the Oregon State Bar is included below with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included below with this notice.

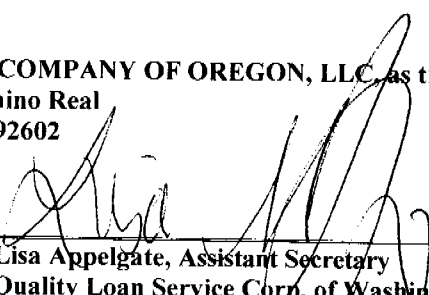
Oregon State Bar: (503) 684-3763; (800) 452-7636

Legal assistance: www.lawhelp.org/or/index.cfm

Dated: 9/21/2009

**LSI TITLE COMPANY OF OREGON, LLC, as trustee
3220 El Camino Real
Irvine, CA 92602**

Signature By _____


**Lisa Appelgate, Assistant Secretary
Quality Loan Service Corp. of Washington as agent for
LSI TITLE COMPANY OF OREGON, LLC
2141 5th Avenue
San Diego, CA 92101
619-645-7711**

For Non-Sale Information:

**Quality Loan Service Corp. of Washington
2141 5th Avenue
San Diego, CA 92101
619-645-7711
Fax: 619-645-7716**

If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only.

**THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE.**

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations.

1/25

OR08198142SH / MOORE
ASAP# 3286509

QLOAN**AFFIDAVIT OF SERVICE**

STATE OF OREGON
County of Klamath

ss.

I, Andrew Thompson, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale; Notice to Tenants upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "**Property Address**":

**4261 Douglas Avenue
Klamath Falls, OR 97601**

By delivering such copy, personally and in person to **Julie Moore and Marvin Moore**, at the above Property Address on October 02, 2009 at 1:27 PM.

I declare under the penalty of perjury that the above statement is true and correct.

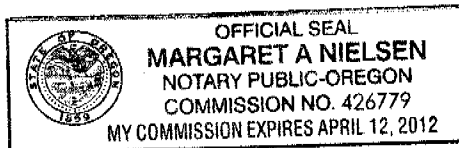
SUBSCRIBED AND SWORN BEFORE ME
this 12 day of October, 2009
by Andrew Thompson.

Margaret A. Nielsen
Notary Public for Oregon

X *Andrew Thompson*
Andrew Thompson
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636
3286509



208491



Affidavit of Publication

1-25-10

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 # 11680

Trustee's notice of Sale

Moore

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:

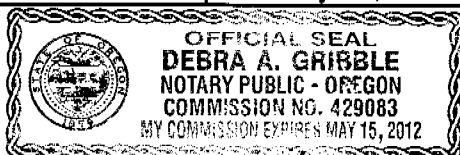
October 16, 23, 30, November 6, 2009

Total Cost: \$1,606.44

Subscribed and sworn by Jeanine P Day
before me on: November 12, 2009

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE T.S. No.: OR-08-198142-SH

Reference is made to that certain deed made by, JULIE A. MOORE AND MARVIN R. MOORE, WIFE AND HUSBAND as Grantor to AMERITITLE, as trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC AS NOMINEE IN FAVOR OF OWNIT MORTGAGE SOLUTIONS, INC., as Beneficiary, dated 6/1/2005, recorded 6/13/2005, in official records of KLAMATH County, Oregon in book/reel/volume No. M05 at page No. 44011 fee/file/instrument/microfile/reception No. -, covering the following described real property situated in said County and State, to-wit: APN: 3909-007CA-01500-000 LOT 2, BLOCK 6, STEWART ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. Commonly known as: 4261 Douglas Avenue, Klamath Falls, OR 97601.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's: Installment of principal and interest plus impounds and advances which became due on 5/1/2008 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustees fees, and any attorney fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement. Monthly Payment \$383.78 Monthly Late Charge \$19.19.

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$36,274.84 together with interest thereon at the rate of 7.5000 per annum from 4/1/2008 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that LSI TITLE COMPANY OF OREGON, LLC, the undersigned trustee will on 1/25/2010 at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at OF THE CIRCUIT COURT, 316 MAIN ST. IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR County of KLAMATH, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due for the principal of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale. For Sale Information Call: 714-730-2727 or Login to: www.fidelityasap.com.

W010

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Pursuant to Oregon Law, this sale will not be deemed final until the Trustee's deed has been issued by LSI TITLE COMPANY OF OREGON, LLC. If there are any irregularities discovered within 10 days of the date of this sale, that the trustee will rescind the sale, return the buyer's money and take further action as necessary. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's Attorney. 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 Deed of Trust 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 12/26/2009 the name of the Trustee and the Trustee's mailing address is set forth on this Notice of Sale below. 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 and ask for the lawyer referral service. Contact information for the Oregon State Bar is included below with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included below with this notice. Oregon State Bar: (503) 477-3763, (800) 452-7636 Legal assistance: www.lawhelp.org/or/index.cfm Dated: 9/21/2009 LSI TITLE COMPANY OF OREGON, LLC, 3220 El Camino Real Irvine, CA 92602 Lisa Appelgate, Assistant Secretary Quality Loan Service Corp. of Washington as agent for LSI TITLE COMPANY OF OREGON, LLC 2141 5th Avenue San Diego, CA 92101 619-645-7711 For Non-Sale Information: Quality Loan Service Corp. of Washington 2141 5th Avenue San Diego, CA 92101 619-645-7711 Fax: 619-645-7716 If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only. THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations. ASAP# 3286509 10/16/2009, 10/23/2009, 10/30/2009, 11/06/2009 #11680 October 16, 23, 30, November 6, 2009.