2009-016228Klamath County, Oregon



RECORDING COVER SHEET Pursuant to ORS 205.234

12/29/2009 03:06:16 PM

Fee: \$102.00

After recording return to:

Northwest Trustee Services, Inc. As successor trustee Attention: Becky Baker P.O. Box 997 Bellevue, WA 98009-0997

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- 1. AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE
- 2. NOTICE OF FORECLOSURE
- 3. AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
- 4. TRUSTEE'S NOTICE OF SALE
- 5. PROOF OF SERVICE
- 6. AFFIDAVIT OF PUBLICATION \checkmark

Original Grantor(s) on Trust Deed: Lorenzo V. Magana and Lizbeth H. Magana, as tenants by the entirety

Beneficiary: Mortgage Electronic Registration Systems, Inc. solely as nominee for Gateway Business Bank, DBA Mission Hills Mortgage Bankers

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 NOTICE OF FORECLOSURE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original Notice of Foreclosure given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached Notice of Foreclosure as required by Section 20 of Chapter 19, Oregon Laws 2008 ("Bill") by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

See Attached Exhibit A

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice and to the occupant residing in the Property.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

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

Dated: U.O.O.

AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

RE: Trust Deed from MAGANA, LORENZO V. and LIZBETH H. Grantor

to Northwest Trustee Services, Inc., Trustee

File No. 7037.00827

After recording return to: Northwest Trustee Services, Inc. Attn: Becky Baker P.O. Box 997 Bellevue, WA 98009-0997 NOTARY PUBLIC in and for the State of Washington, residing at My commission expires

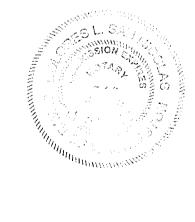


EXHIBIT A

LORENZO V. MAGANA 4832 SAYLER ST KLAMATH FALLS, OR 97603

Occupant(s) 4832 SAYLER ST KLAMATH FALLS, OR 97603 LIZBETH H. MAGANA 4832 SAYLER ST KLAMATH FALLS, OR 97603

7037.00827 Becky Baker

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: 4832 SAYLER ST KLAMATH FALLS, OR 97603

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

The amount you would have had to pay as of 09/09/2009 to bring your mortgage current was \$11169.97. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call (866) 254-5790 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe. You may also get these details by sending a request by certified mail to:

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

THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION: 01/12/2010 at 10:00 AM inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, Klamath Falls OR

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

- 1. You can pay the amount past due or correct any other default, up to five days before the sale.
- 2. You can refinance or otherwise pay off the loan in full anytime before the sale.
- 3. You can call (800) 446-8939 to find out if your lender is willing to give you more time or change the terms of your loan.
- 4. You can sell your home, provided the sale price is enough to pay what you owe.

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

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

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

Date: 09/09/2009

By <u>Becky Baker</u>
Its Assistant Vice President
Trustee Telephone Number: 425-586-1900
7037.00827/MAGANA, LORENZO V. and LIZBETH H.

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

LORENZO V. MAGANA 4832 SAYLER ST KLAMATH FALLS, OR 97603

LIZBETH H. MAGANA 4832 SAYLER ST KLAMATH FALLS, OR 97603

Occupant(s) 4832 SAYLER ST KLAMATH FALLS, OR 97603

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON)		
) ss.	
COLINITY OF KING	1		

I certify that I know or have satisfactory evidence that 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: _____ (\cdot \[\] \]

NOTARY PUBLIC in and for the State of Washington, residing at

Manager Services

My commission expires

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

MAGANA, LORENZO V. and LIZBETH H.

Grantor

to

Northwest Trustee Services, Inc.,

Trustee

File No. 7037.00827

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

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Lorenzo V. Magana and Lizbeth H. Magana, as tenants by the entirety, as grantor, to Chicago Title Insurance Company of Oregon, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nomince for Gateway Business Bank, DBA Mission Hills Mortgage Bankers, as beneficiary, dated 03/15/07, recorded 03/23/07, in the mortgage records of Klamath County, Oregon, as 2007-005352 and subsequently assigned to Chase Home Finance LLC, covering the following described real property situated in said county and state, to wit:

Lot 2 of Evergreen Meadows - Tract 1302, according to the official Plat thereof on file in the office of the county clerk of Klamath County, Oregon.

PROPERTY ADDRESS:

4832 SAYLER ST

KLAMATH FALLS, OR 97603

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,060.67 beginning 01/01/09; plus late charges of \$42.43 each month beginning 01/16/09; plus prior accrued late charges of \$0.00; plus advances of \$14.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$139,447.50 with interest thereon at the rate of 6.125 percent per annum beginning 12/01/08; plus late charges of \$42.43 each month beginning 01/16/09 until paid; plus prior accrued late charges of \$0.00; plus advances of \$14.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on January 12, 2010 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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

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 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 **December 13, 2009**. The name of the trustee and the trustee's mailing address are listed on this notice.

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 so so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar Association (16037 Upper Boones Ferry Road, Tigard, Oregon 97224, (503)620-0222, toll-free in Oregon (800)452-8260) and ask for lawyer referral service. If you have a low income and meet federal poverty guidelines, you may be cligible for free legal assistance; a county-by-county listing of legal aid resources may be found on the Internet at http://www.osbar.org/public/ris/lowcostlegalhelp/legalaid.html.

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

By Assistant Vice President,
Northwest Trustee Services, Inc.

Northwest Trustee Services, Inc.

For further information, please contact:

Dated: Schember 10, 2009

Becky Baker Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 (425) 586-1900 File No.7037.00827/MAGANA, LORENZO V. and LIZBETH H.

State of Washington, County of King) ss:

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

By Authorized Signer

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

FEI, LLC Affidavit of Posting and Service

State of Oregon County of Klamath

Dave Davis, being sworn, says: That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale: That my business address is 422 N 6th St, Klamath Falls, OR.

That I posted a copy of the attached Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 4832 SAYLER ST, KLAMATH FALLS, OR in a conspicuous place.

1st Attempt: Posted Real Property on 09/10/2009 at 17:45

Signed in Klamath County, Oregon by:

AND: / OR:

That I personally served a copy of the attached Notice of Trustee's Sale upon an adult occupant of the real property in the manner in which a summons is served by delivering to or leaving with Lorenzo V. & Lizzbeth H. Magana, a person over the age of fourteen (14) years, then residing therein on Thursday, September 10, 2009, at 17:45.

Signature Date

1002.132511

State of Oregon County of Kamary

On this 10th day of September in the year of 200 Pefore me a Notary Public, Personally appeared 1000 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.

OFFICIAL SEAL
KIMBERLY A DAVIS
NOTARY PUBLIC-OREGON
COMMISSION NO. 434769
MY COMMISSION EXPIRES FEBRUARY 1, 2013

Residing at Klamas
Commission expires: (1)

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 # 11672
Trustee's Notice of Sale
Magana
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 13, 20, 27, November 3, 2009
Total Cost: \$1,556.57
()
Jeanne Play
Subscribed and sworn by Jeanine P Day
béfore me on: November 11, 2009
V
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TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Lorenzo V. Magana and Lizbeth H. Magana, as tenants by the entirety, as grantor, to Chicago Title Insurance Company of Oregon, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for Gateway Business Bank, DBA Mission Hills Mortgage Bankers, as beneficiary, dated 03/15/07, recorded 03/23/07, in the mortgage records of Klamath County, Oregon, as 2007-005352 and subsequentity assigned to Chase Home Finance LLC, covering the following described real property situated in said county and state, to wit: Lot 2 of Evergreen Meadows - Tract 1302, according to the official Plat thereof on file in the office of the county clerk of Klamath County, Oregon. PROPERTY ADDRESS: 4832 SAYLER ST, KLAMATH FALLS, OR 97603.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,060.67 beginning 01/01/09; plus late charges of \$42.43 each month beginning 01/16/09; plus prior accrued late charges of \$0.00; plus advances of \$14.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$139,447.50 with interest thereon at the rate of 6.125 percent per annum beginning 12/01/08; plus late charges of \$42.43 each month beginning 01/16/09 until paid; plus prior, accrued late charges of \$0.00; plus advances of \$14.00; the gether with title expense, costs, trustee's fees and attorneys less incurred arein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE notice hereby is alven that the undersigner

Notary Public of Oregon

My commission expires May 15, 2012



WHEREFORE, notice hereby is given that the undersigned trustee will on January 12, 2010 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon; sell at the highest hidder for each the interest in of Klamath Falls, County of Klamath, State of Oregon; sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default by saving all costs and expenses actually incurred in default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be hon-ored only at the discretion of the beneficiary or if required by the terms of the loan documents.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest; if any. 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 sale. It after giving you a 30-day notice on or after the date of sale. It 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 80-day notice. You must give the trustee of the property 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 December 13, 2009. The name of the trustee and the trustee and the trustee and the sale is December 13, 2009. sale is December 13, 2009. The name of the trustee and the trustee's mailing address are listed on this notice. 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 appear to the register density and any test you prepaid toward. ply 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 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 Association (16037 Upper Boones Ferry Road, Tigard, Oregon 97224, (503)620-0222, toll-free in Oregon (800)452-8260) and ask for lawyer referral service. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance; a county-by-county listing of legal aid resources may be found on the Internet at listing of legal aid resources may be found on the Internet at http://www.osbar.org/public/ris/lowcostlegalhelp/legalaid.html
The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this ref

www.northwestrustee.com and are incorporated by this rererence. You may also access sale status at www.northwest-trustee.com and www.USA-Foreclosure.com. Northwest Trustee Services, Inc. For further information, please contact: Becky Baker Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 586-1900 File No.7037.00827/MAGANA, LORENZO V. and LIZBETH H.

(TS# 7037.00827) 1002.182511-FE1 #11672 October 13, 20, 27, November 3, 2009.