2010-000025 Klamath County, Oregon



RECORDING COVER SHEET Pursuant to ORS 205.234

01/04/2010 03:03:33 PM

Fee: \$102.00

After recording return to:

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

131 1455635

- 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

Original Grantor(s) on Trust Deed: Debra A. Gisriel and Thomas L. Gisriel

Beneficiary: Bank of America, N.A.

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>Session Hormston</u> 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: 12/31/09

AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

RE: Trust Deed from Gisriel, Debra A. and Thomas L. Grantor

to

Northwest Trustee Services, Inc., Trustee

File No. 7530.22005

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

My commission expires 9/22/2013

TRISTAN Y. CHOI STATE OF WASHINGTON NOTARY PUBLIC MY COMMISSION EXPIRES 09-22-13

### EXHIBIT A

Debra A. Gisriel Lot 284 Running Y Resort, Phase 3 Klamath Falls, OR 97601

Debra A. Gisriel 5977 Coopers Hawk Road Klamath Falls, OR 97601 Thomas L. Gisriel Lot 284 Running Y Resort, Phase 3 Klamath Falls, OR 97601

Thomas L. Gisriel 5977 Coopers Hawk Road Klamath Falls, OR 97601

7530.22005 Winston Khan

# NOTICE: YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY

This notice is about your mortgage loan on your property at:

Lot 284 Running Y Resort, Phase 3 Klamath Falls, OR 97601

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

The amount you would have had to pay as of 09/17/2009 to bring your mortgage current was \$6942.00. 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: 01/22/2010 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 (877) 744-7691 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: <a href="www.osbar.org">www.osbar.org</a>. 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 <a href="http://www.oregonlawhelp.org">http://www.oregonlawhelp.org</a>.

**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: 09/17/2009

By Winston Khan
Its Assistant Vice President
Trustee Telephone Number: 425-586-1900
7530,22005/Gisriel, Debra A. and Thomas L.

#### 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 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.

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:

Running Y Ranch Resort Owners Assoc. 5115 Running Y Road Klamath Falls, OR 97601

Running Y Ranch Resort Owners Assoc. c/o Ed Onimus P.O. Box 1215 Redmond, OR 97756

Running Y Ranch Resort Owners Assoc. c/o Karen Smith, Sccretary P.O. Box 1466 Bend, OR 97709

Thomas L. Gisriel Lot 284 Running Y Resort, Phase 3 Klamath Falls, OR 97601

Thomas L. Gisriel 5977 Coopers Hawk Road Klamath Falls, OR 97601 Running Y Ranch Resort Owners Assoc. c/o Todd Andres, Reg. Agent 5115 Running Y Road Klamath Falls, OR 97601

Running Y Ranch Resort Owners Assoc. c/o John Anhorn, President 503 Airport Road, Suite 101 Medford, OR 97501

Debra A. Gisriel Lot 284 Running Y Resort, Phase 3 Klamath Falls, OR 97601

Debra A. Gisriel 5977 Coopers Hawk Road Klamath Falls, OR 97601

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, 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 Bellevue, Washington, on 21-09 With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

STATE OF WASHINGTON ) ss. COUNTY OF KING )

I certify that I know or have satisfactory evidence that Winston Khan is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged "" be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 12/31/109

NOTARY PUBLISH in and for the State of Washington, residing at Bellevice My commission expires 9/22/2012

TRISTAN Y. CHOL

STATE OF WASHINGTON

**NOTARY PUBLIC** 

B-3/ Pz

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from Gisriel, Debra A. and Thomas L.

to

Northwest Trustee Services, Inc.,

Trustee

Grantor

File No. 7530.22005

MY COMMISSION EXPIRES 09-22-13

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

#### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Debra A. Gisriel and Thomas L. Gisriel, as grantor, to First American Title Insurance Company, as trustee, in favor of Bank of America, N.A., as beneficiary, dated 05/23/05, recorded 06/01/05, in the mortgage records of Klamath County, Oregon, as Volume M05, Page 40778, covering the following described real property situated in said county and state, to wit:

Lot 284, Running Y Resort, Phase 3, According to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: Lot 284 Running Y Resort, Phase 3

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 \$560.00 beginning 12/01/08; plus late charges of \$23.00 each month beginning 12/16/08; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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: \$112,000.00 with interest thereon at the rate of 6 percent per annum beginning 11/01/08; plus late charges of \$23.00 each month beginning 12/16/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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 22, 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 a 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 <b>December 23</b> , <b>2009</b> . 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 eligible for free legal assistance; a county-by-county listing of legal aid resources may be found on the Internet at <a href="http://www.osbar.org/public/ris/l&lt;/th&gt;&lt;/tr&gt;&lt;tr&gt;&lt;th&gt;The trustee's rules of auction may be accessed at &lt;a href=" https:="" www.northwesttrustee.com"="">www.northwesttrustee.com</a> and are incorporated by this reference. You may also access sale status at <a href="https://www.northwesttrustee.com">www.northwesttrustee.com</a> and <a href="https://wwww.northwesttrustee.com">www.northwesttrustee.com</a> and

By Authorized Signer

# 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 Lot 284 Running Y Resort, Phase 3, Klamath Falls, OR in a conspicuous place.

1st Attempt: Posted Real Property on 09/21/2009 at 18:30

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 Debra A. Gisriel, a person over the age of fourteen (14) years, then residing therein on Monday, September 21, 2009, at 18:30.

Signed in Klamath County, Oregon by:

Signature

1002.133053

State of Oregon
County of Klamath

Notary Public for Oregon
Residing at Klamath Courty
Commission expires: OFEB 2013

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

## **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 # 11714
Trustee's Notice of Sale
Gisriel
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 27, November 3, 10, 17, 2009
•
Total Cost: \$1,536.77
Janine 1 19
Subscribed and sworn by Jeanine P Day
pefore me on: November 18, 2009
MhVI A Cakhta
_IXVIU V C/MIV

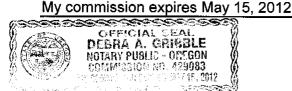
#### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Debra A. Gisriel and Thomas L. Gisriel, as grantor, to First American Title Insurance Company, as trustee, in favor of Bank of America, N.A., as beneficiary, dated 05/23/05, recorded 06/01/05, in the mortgage records of Klamath County, Oregon, as Volume M05, Page 40778, covering the following described real property situated in said county and state, to wit: Lot 284, Running Y Resort, Phase 3, According to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon. PROPERTY ADDRESS: Lot 284 Running Y Resort, Phase 3 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 \$560.00 beginning 12/01/08; plus late charges of \$23.00 each month beginning 12/16/08; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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: \$112,000.00 with interest thereon at the rate of 6 percent per annum beginning 11/01/08; plus late charges of \$23,00 each month beginning 12/16/08 until paid; plus prior accrued late charges of \$0.00; plus advances of \$0.00; 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 22, 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



Notary Public of Oregon



by curing any other detault complained or nerein 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 hondays 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.

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#11714 October 27, November 3, 10, 17, 2009