

2010-001992

Klamath County, Oregon



00079687201000019920160160

02/08/2010 02:08:25 PM

Fee: \$127.00

**RECORDING COVER SHEET FOR NOTICE
OF SALE PROOF OF COMPLIANCE PER
O.R.S. 205.234**

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

WHEN RECORDED MAIL TO

REGIONAL TRUSTEE SERVICES CORPORATION, as Trustee
616 1st Avenue, Suite 500
Seattle, WA 98104

Trustee's Sale No: 09-FMB-85442

ATE 67243



MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.



AFFIDAVIT OF MAILING NOTICE OF SALE (must have trustee's notice of sale attached)



AFFIDAVIT OF PUBLICATION NOTICE OF SALE



PROOF OF SERVICE /AFFIDAVIT OF NON-OCCUPANCY



AFFIDAVIT OF COMPLIANCE (AS REQUIRED BY ORS.750(5))

Original Grantor on Trust Deed

JERRY J SETTELMAYER AND JANICE T SETTELMAYER AS TENANTS BY THE ENTIRETY

Beneficiary

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR INDYMAC BANK,
F.S.B., A FEDERALLY CHARTERED SAVINGS BANK**

ATE 127

REGIONAL TRUSTEE SERVICES CORPORATION
616 1st Avenue, Suite 500
Seattle, WA 98104
Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-FMB-85442



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached original Notice of Sale given under the terms of that certain trust deed described in said Notice.

That 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 addresses, to-wit:

JANICE T. SETTELMAYER, 10168 KESTREL ROAD, KLAMATH FALLS, OR, 97601
JANICE T. SETTELMAYER, 1273 ANTELOPE AVENUE, DAVIS, CA, 95616
JERRY J. SETTELMAYER, 1273 ANTELOPE AVENUE, DAVIS, CA, 95616
JERRY J. SETTELMAYER, 10168 KESTREL ROAD, KLAMATH FALLS, OR, 97601
OCCUPANT, 10168 KESTREL ROAD, KLAMATH FALLS, OR, 97601

TENANT, 10168 KESTREL ROAD, KLAMATH FALLS, OR, 97601

Said persons include (a) the grantor in the trust deed, together with notice required by House Bill 3630 Section 20, (b) successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice together with notice required by House Bill 3630 Section 20, (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 b ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of 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 Seattle, WASHINGTON, on 11/4/09. 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.

Abby Vincent

Abby Vincent

On behalf of Regional Trustee Services Corporation

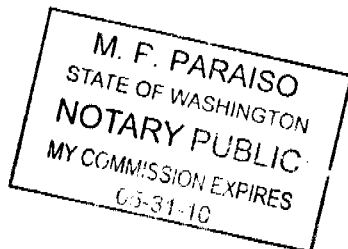
SUBSCRIBED AND SWORN TO before me on

11/4/09

Michael Paraiso

NOTARY PUBLIC for WASHINGTON

My commission expires:



NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.
Trustee's Sale No. 09-FMB-85442



Reference is made to that certain Deed of Trust made by, JERRY J SETTELMAYER AND JANICE T SETTELMAYER AS TENANTS BY THE ENTIRETY, as grantor, to COMMONWEALTH LAND TITLE INSURANCE COMPANY, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR INDYMAC BANK, F.S.B., A FEDERALLY CHARTERED SAVINGS BANK, as beneficiary, dated 8/6/2007, recorded 8/14/2007, under Instrument No. 2007-014297, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by ONEWEST BANK, FSB. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 568 OF RUNNING RESORT, PHASE 5, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

The street address or other common designation, if any, of the real property described above is purported to be:

10168 KESTREL ROAD
KLAMATH FALLS, OR 97601

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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:

	Amount due as of October 26, 2009 -----
Delinquent Payments from July 01, 2009	
4 payments at \$ 1,800.48 each	\$ 7,201.92
(07-01-09 through 10-26-09)	
Late Charges:	\$ 360.08
Beneficiary Advances:	\$ 22.00
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 7,584.00

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following:

UNPAID PRINCIPAL BALANCE OF \$546,720.94, PLUS interest thereon at 7.5% per annum from 06/01/09 to 12/1/2009, 7.5% per annum from 12/1/2009, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on February 26, 2010, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the 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 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.

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

DATED: 10/26/2009

REGIONAL TRUSTEE SERVICES CORPORATION
Trustee

By



MELISSA HJORTEN, ASSISTANT VICE PRESIDENT
616 1st Avenue, Suite 500, Seattle, WA 98104
Phone: (206) 340-2550
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON }
 } ss.
COUNTY OF KING }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

Authorized Representative of Trustee

09-FMB-85442



10/26/2009

**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 10168 KESTREL ROAD , 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 10/26/2009, to bring your mortgage loan current was \$12,007.00. 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 1-800-542-2550 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: Regional Trustee Services, 616 1st Avenue, Suite 500, Seattle, WA, 98104.

**THIS IS WHEN AND WHERE
YOUR PROPERTY WILL BE SOLD
IF YOU DO NOT TAKE ACTION:**

**February 26, 2010, 11:00 AM
ON THE FRONT STEPS OF THE CIRCUIT COURT**

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 request that your lender 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 telephone number of an organization near you, please call the statewide telephone contact number at 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 website 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 the Oregon State Bar Legal Aid at 503-684-3763 or toll free in Oregon at 800-452-7636 or on the web at www.oregonlawhelp.org.

Your lender may be willing to modify your loan to reduce the interest rate, reduce the monthly payments or both. You can get information about possible loan modification programs by contacting your lender at 877-908-4357. If you can't reach your lender, you may contact the trustee at the telephone number at the bottom of this notice. If you have already entered into a loan modification with your lender, it is possible that you will not be able to modify your loan again unless your circumstances have changed. Your lender is not obligated to modify your loan.

You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll-free consumer mortgage foreclosure information number: 800-723-3638. Many lenders participate in new federal loan

modification programs. You can obtain more information about these programs at www.makinghomeaffordable.gov/.

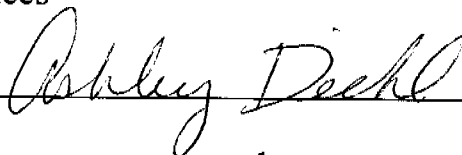
IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "MODIFICATION REQUEST FORM." YOUR LENDER MUST RECEIVE THE FORM BY 11/25/2009 WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW.

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 any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED 10/26/2009

Regional Trustee Services

Trustee signature:

A handwritten signature in cursive script, appearing to read "Ashley Deehl", written over a horizontal line.

Trustee

telephone

number:

800-542-2550

Loan Modification Request Form

Loan Number:				Co-Homeowner Name:	
Homeowner Name:					
Property Address:					
Mailing Address:					
Home Number:				Home Number:	
Cell Number:				Cell Number:	
Employer:				Employer:	
Employer Phone Number:				Employer Phone Number:	
No. of people in Household:					
Have you filed bankruptcy?	Yes <input type="checkbox"/>	If yes: <input type="checkbox"/> Chp 7 <input type="checkbox"/> Chp 13	Filing Date:	Attorney Name:	
	No <input type="checkbox"/>			Attorney Phone:	

Monthly Income Borrower		Monthly Income Co-Borrower	
Wages/Take Home		Wages/Take Home	
Overtime		Overtime	
Commissions/Bonus		Commissions/Bonus	
Unemployment Income		Unemployment Income	
Child Support/Alimony		Child Support/Alimony	
Social Security/Disability		Social Security/Disability	
Other		Other	
Total		Total	

Monthly Expenses		Assets	
Mortgage		Type	Estimated Value
2nd Mortgage		Home	
Rent/Other Mortgage		Other Real Estate	
HOA/Fees/Dues		All Checking/Savings Accts.	
Alimony/Child Support		Stock/Bonds/Mutual Funds	
Child/Dependent/Elderly Care		IRA/Keogh Accounts	
Entertainment		Retirement, 401(k)s, etc.	
Insurance (auto, health, life)		Total	
Pet Expenses			
Groceries/Toiletries			
Car Expense (gas, maint, etc.)			
Automobile Loan(s), List All:			
Credit Card 1			
Credit Card 2			
Doctor/Medical Bills			
Student Loans			
Personal Loans			
Utilities			
Cable TV/Satellite			
Electricity			
Natural Gas/Oil			
Telephone/Cell Phone			
Water/Sewer			
Internet			
Other (please list all examples: Spending Money, Lunch Money, Tuition, Tithing, etc.)			
Total			

Please remember to:

1. Sign and date this form.
2. Include a copy of the most recent pay stub for each borrower, the most recent Bank Statement, and a copy of your last year's Federal Tax Return with all attachments if self-employed, copies of your W-2's.
3. Include a hardship letter of why you fell behind and what you would like to do to get caught up.
4. Return Completed and SIGNED

Income/Expense Summary	
Borrower Income	+
Co-Borrower Income	+
Expenses	-
Net	=

Each of the undersigned by signing below states: I certify that the financial information stated above is a true and accurate statement of my financial condition. I understand and acknowledge that any action taken by the lender with regard to my mortgage loan will be made in strict reliance upon the financial information provided. By signing below, I grant the holder of my mortgage loan or its servicer the authority to obtain a credit report to verify the accuracy of the financial information.

Signature

Date

Signature

Date

65442

Affidavit of Publication

Regional Trustee Services Corp.

DEC 14 2009

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 # 11750

Trustee's Notice of Sale

Settelmeyer

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:

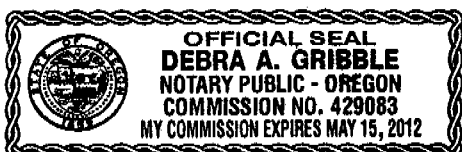
November 5, 12, 19, 26, 2009.

Total Cost: \$1,187.66

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: December 2, 2009

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq. Trustee's Sale No. 09-FMB-85442

NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. Reference is made to that certain Deed of Trust made by, JERRY J SETTELMAYER AND JANICE T SETTELMAYER AS TENANTS BY THE ENTIRETY, as grantor, to COMMONWEALTH LAND TITLE INSURANCE COMPANY, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR INDYMAC BANK, F.S.B., A FEDERALLY CHARTERED SAVINGS BANK, as beneficiary, dated 8/6/2007, recorded 8/14/2007, under Instrument No. 2007-014297, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by ONEWEST BANK, FSB. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: LOT 568 OF RUNNING Y RESORT, PHASE 5, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. The street address or other common designation, if any, of the real property described above is purported to be: 10168 KESTREL ROAD KLAMATH FALLS, OR 97601.

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation. Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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: Amount due as of October 26, 2009 Delinquent Payments from July 01, 2009 4 payments at \$1,800.48 each \$7,201.92 (07-01-09 through 10-26-09) Late Charges: \$360.08 Beneficiary Advances: \$22.00 Suspense Credit: \$0.00 TOTAL: \$7,584.00 ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following: UNPAID PRINCIPAL BALANCE OF \$546,720.94, PLUS interest thereon at 7.5% per annum from 08/01/09 to 12/1/2009, 7.5% per annum from 12/1/2009, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE notice hereby is given that the undersigned trustee, will on February 26, 2010, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the 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 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.

In construing this notice, the masculine gender includes the feminine and the neuter, 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. Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same. DATED: 10/26/2009 REGIONAL TRUSTEE SERVICES CORPORATION Trustee BY MELISSA HJORTEN, ASSISTANT VICE PRESIDENT 616 1st Avenue, Suite 500, Seattle, WA 98104 Phone: (206) 340-2550 Sale Information: <http://www.rtrustee.com> ASAP# 3322120 11/05/2009, 11/12/2009, 11/19/2009, 11/26/2009 #11750 November 5, 12, 19, 26, 2009.

RS-105

PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS

NOV 11 2009

STATE OF: Oregon
COUNTY OF: Klamath

85442

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **10168 Kestrel Rd. Klamath Falls, OR 97601**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to ___ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to ___, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1st Attempt: **October 28, 2009** **8:22 AM** **Posted**

2nd Attempt: **October 30, 2009** **8:55 AM** **Posted**

3rd Attempt: **November 01, 2009** **3:37 PM** **Posted**

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on ___ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of **November 5, 2009**, I mailed a copy of the Trustee's Notice of Sale addressed to **All Known Occupants** at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed

Chelsea Meek

10168 Kestrel Rd. Klamath Falls, OR 97601

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

October 28, 2009

8:22 AM

DATE OF SERVICE

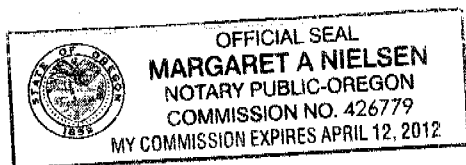
TIME OF SERVICE

☐ or non occupancy

By:

[Signature]

Subscribed and sworn to before on this ___ day of November, 2009.



Margaret A. Nielsen
Notary Public for Oregon

When recorded mail to:

Trustee Sale No: 09-FMB-85442

AFFIDAVIT OF COMPLIANCE
(As Required by ORS 86.750)

STATE OF Texas)
) SS.
COUNTY OF Travis)

I, Erica A. Johnson-Seck, being first duly sworn, depose and say the following:

Section 1: Modification Request Form

- ☒ The grantor **did not** return the modification request form provided by the Trustee.
- ☐ The grantor **did not** return the modification request form provided by the Trustee within the requisite time frame pursuant to ORS 86.750(6).
- ☐ The grantor **did** return the form requesting a loan modification within the time frame required under ORS 87.750(6). Upon receipt of the modification request form, the beneficiary or an authorized agent of the beneficiary, reviewed the information the grantor provided and, in good faith, processed the grantor's request. After considering the information the grantor provided, it was determined that: (**If selecting this option, choose only one of the following**)
- ☐ The grantor **was not eligible** for a loan modification and the grantor was notified of this decision within **45 days** of the receipt of the loan modification request form, or
- ☐ The grantor **was eligible** for a loan modification and the grantor was notified of this decision within **45 days** of the receipt of the loan modification request form.

Section II: Request for Meeting

- ☐ The grantor **did not request a meeting** with the beneficiary.
- ☐ The grantor **made a timely request for a meeting** with the beneficiary and following such request:
 - ☐ The beneficiary or the authorized agent of the beneficiary, who had or was able to obtain authority to modify the loan, either met with the grantor in person or spoke with the grantor by telephone and said meeting was prior to the beneficiary's response to the grantor's request to modify the loan, or
 - ☐ The beneficiary or the authorized agent of the beneficiary attempted to contact the grantor by either contacting the grantor at the grantor's last known address or telephone number or at the grantor's electronic mail address, if the grantor indicated on the loan modification request form that the beneficiary or the beneficiary's agent could contact that grantor at the electronic mail address but the **grantor did not respond** within seven business days of the attempt(s) to contact the grantor.

DATED this 2 day of February, 2010.

By: ONEWEST BANK, FSB
Beneficiary or Authorized Agent

Erica A. Johnson-Seck
Name (printed)
Its: Vice President

SUBSCRIBED AND SWORN TO before me this 2 day of February, 2010.

Alex McBride
NOTARY PUBLIC in and for
the State of TEXAS,
residing at _____

Alex McBride

(printed or typed name)

My appointment expires: 11-10-10

