

2010-002537

Klamath County, Oregon



00080339201000025370200208

02/22/2010 02:42:12 PM

Fee: \$147.00

Recording Requested By:  
Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

When Recorded Return To:

Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

ATE 67191

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

## COVER SHEET

### DOCUMENT:

Affidavit of Mailing /Copy of Trustees Notice of Sale

Affidavit of Service/Posting

Affidavit of Publication

Affidavit of Compliance

### ORIGINAL GRANTOR ON TRUST DEED:

Mary Martinez

### ORIGINAL BENEFICIARY ON TRUST DEED:

Mortgage Electronic Registration Systems, Inc.

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

ATE 147

WHEN RECORDED MAIL TO:

Cal-Western Reconveyance Corporation  
P.O. Box 22004  
525 East Main Street  
El Cajon, CA 92022-9004

\*1242977-09\*      \*ANOSXR\*

T.S. NO.: 1242977-09  
LOAN NO.: 2002822835

## AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA                      }SS  
COUNTY OF SAN DIEGO                }

I, Clifton McBride 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 Notice of Sale given under the terms of that certain trust 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 registered or certified mail and regular mail to each of the following named persons at their last known address, to-wit:

### SEE ATTACHED

Said person(s) include the grantor in 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.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by TAMMY LAIRD, for CAL-WESTERN RECONVEYANCE CORPORATION, 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 in San Diego County, California, on October 16, 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. The additional notice required under HB3630 was mailed to grantors on or before the date the notice of sale was served or mailed via first class and certified mail with return receipt requested.

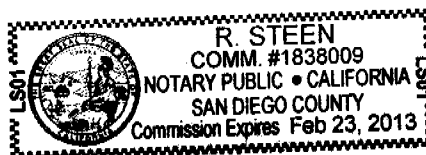
Clifton McBride  
Affiant

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

SUBSCRIBED AND SWORN to me this \_\_\_\_\_ day of \_\_\_\_\_, 20

OCT 20 2009

[Signature]  
Notary Public



## TRUSTEE'S NOTICE OF SALE

Loan No: XXXXXX2835  
T.S. No: 1242977-09

I CERTIFY THIS TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL.  
BY Tammy Land

Reference is made to that certain deed made by  
MARY MARTINEZ as Grantor to  
FIRST AMERICAN TITLE, as Trustee, in favor of

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR GATEWAY  
FINANCIAL SERVICES as Beneficiary,

dated May 18, 2005, recorded May 26, 2005, in official records of KLAMATH County, OREGON in  
book/reel/volume No. M05 at  
page No. 39062-75, fee/file/instrument/microfilm/reception No. XX covering the following described  
real property situated in the said County and State, to-wit:

LOT 8, SUMMERS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE  
OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as:

3950 BRISTOL AVENUE KLAMATH FALLS OR 97603

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:  
Failure to pay the monthly payment due April 1, 2009 of principal and interest and subsequent  
installments due thereafter; plus late charges; together with all subsequent sums advanced by beneficiary  
pursuant to the terms and conditions of said deed of trust.

Monthly payment \$924.37      Monthly Late Charge \$36.49

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 following, to-wit; The sum of \$108,850.67 together with  
interest thereon at the rate of 6.625% per annum, from March 01, 2009 until paid; plus all accrued late  
charges thereon; and all trustee's fees, foreclosure costs and any sums advance by the beneficiary  
pursuant to the terms and conditions of the said deed of trust.

## TRUSTEE'S NOTICE OF SALE

Loan No: XXXXXX2835

T.S. No: 1242977-09

Whereof, notice hereby is given that, CAL-WESTERN RECONVEYANCE CORPORATION the undersigned trustee will on February 17, 2010 at the hour of 1:00pm, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, at

AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY COURTHOUSE  
316 MAIN STREET

City of KLAMATH FALLS, 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 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 expense 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.

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" includes their respective successors in interest, if any.

Dated: October 09, 2009

CAL-WESTERN RECONVEYANCE CORPORATION  
525 EAST MAIN STREET  
P.O. BOX 22004  
EL CAJON CA 92022-9004

CAL-WESTERN RECONVEYANCE CORPORATION

Signature/By: \_\_\_\_\_

*Tammy Laird*

Loan No: XXXXXX2835  
T.S. No: 1242977-09

### 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 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 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 January 18, 2010, 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 you 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 with this notice: If you have a low income and meet federal poverty guide-lines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

OREGON STATE BAR  
16037 SW Upper Boones Ferry Road  
Tigard, Oregon 97224  
(503) 620-0222  
(800) 452-8260  
<http://www.osbar.org>

Directory of Legal Aid Programs:  
<http://www.oregonlawhelp.org>

Date \_\_\_\_\_

**FINANCIAL STATEMENT**

Loan # \_\_\_\_\_

**Borrower 1** - NAME \_\_\_\_\_ SSN # \_\_\_\_\_ # of people living in house? \_\_\_\_\_

Currently Employed? (Y/N) \_\_\_\_\_ If no, date of last employment \_\_\_\_/\_\_\_\_/\_\_\_\_ Drawing Unemployment income? (Y/N) \_\_\_\_\_

If yes, date started receiving unemployment income \_\_\_\_/\_\_\_\_/\_\_\_\_ Self-employed? (Y/N) \_\_\_\_\_

If yes, is borrower combining business and personal income? (Y/N) **Name of Employer** \_\_\_\_\_

Disabled? Temporary/Permanent? (T/P) \_\_\_\_\_ If temp. Est. End date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Work Phone #** \_\_\_\_\_ **Home Phone Number** \_\_\_\_\_ **E-mail** \_\_\_\_\_**Borrower 2** - NAME \_\_\_\_\_ SSN# \_\_\_\_\_

Currently Employed? (Y/N) \_\_\_\_\_ If no, date of last employment \_\_\_\_/\_\_\_\_/\_\_\_\_ Drawing Unemployment income? (Y/N) \_\_\_\_\_

If yes, date started receiving unemployment income \_\_\_\_/\_\_\_\_/\_\_\_\_ Self-employed? (Y/N) \_\_\_\_\_

If yes, is borrower combining business and personal income? (Y/N) **Name of Employer** \_\_\_\_\_

Disabled? Temporary/Permanent? (T/P) \_\_\_\_\_ If temp. Est. End date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Work Phone #** \_\_\_\_\_ **Home Phone Number** \_\_\_\_\_ **E-mail** \_\_\_\_\_**FINANCIALS**

Monthly Gross Employment Income \_\_\_\_\_

Less taxes \_\_\_\_\_

Less medical insurance \_\_\_\_\_

Retirement/401K/etc \_\_\_\_\_

Unemployment Data

Former Monthly Gross \_\_\_\_\_

Total Severance Pkg Value \_\_\_\_\_

Monthly Unemployment Income \_\_\_\_\_

Profit Sharing \_\_\_\_\_

Rental Income \_\_\_\_\_

Disability/Social Security Income \_\_\_\_\_

Other deductions \_\_\_\_\_ (explain) \_\_\_\_\_

Other Income \_\_\_\_\_ (explain) \_\_\_\_\_

**Expenses****Monthly****Balance****Past Due? (Y/N)****Assets**

Mortgage Payment \_\_\_\_\_

Taxes &amp; Insurance if non escrowed \_\_\_\_\_

HOA Dues \_\_\_\_\_

Food (including meals outside home) \_\_\_\_\_

Utilities: Electric &amp; heat \_\_\_\_\_

Water &amp; Sewer \_\_\_\_\_

Telephone \_\_\_\_\_

Cable TV \_\_\_\_\_

Auto expenses: Gas \_\_\_\_\_

Insurance \_\_\_\_\_

Child Care \_\_\_\_\_

Auto loan payments(s) \_\_\_\_\_

Credit card payment(s) (#) \_\_\_\_\_

Other lien payment(s) (#) \_\_\_\_\_

Other property payment(s) \_\_\_\_\_

Student loans payment(s) \_\_\_\_\_

Medical &amp; Dental \_\_\_\_\_

Rents Paid \_\_\_\_\_

Chapter 13 Trustee \_\_\_\_\_

Alimony &amp; support paid to others \_\_\_\_\_

Other: \_\_\_\_\_

Balance: \_\_\_\_\_

Checking \_\_\_\_\_

Savings \_\_\_\_\_

401K/IRA \_\_\_\_\_

Vehicles: \_\_\_\_\_

# owned \_\_\_\_\_

Value \_\_\_\_\_

Other Property: \_\_\_\_\_

# owned \_\_\_\_\_

Value \_\_\_\_\_

of properties \_\_\_\_\_

Expires \_\_\_\_/\_\_\_\_/\_\_\_\_

How much money do you have available to contribute as a down payment towards a workout \$ \_\_\_\_\_

**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:**

**3950 BRISTOL AVENUE**

**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 October 08, 2009 to bring your mortgage loan current was \$9,603.59. 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)272-4749 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:

**CMi WORKOUT DEPARTMENT**

**1000 TECHNOLOGY DRIVE, MS 314**

**O FALLON MO 63368-2240**

**THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD**

**IF YOU DO NOT TAKE ACTION:**

**Date and time: February 17, 2010 1:00pm**

**Place: AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY  
COURTHOUSE 316 MAIN STREET**

**KLAMATH FALLS, Oregon**

### 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-SAFENET (800-723-3638)**. You may also wish to talk to 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: <http://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>.

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 (866)272-4749. 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 the 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-SAFENET (800-723-3638)**. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: [www.makinghomeaffordable.gov](http://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 November 07, 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: October 08, 2009

Trustee name: CAL-WESTERN RECONVEYANCE CORPORATION

*Tammy Gaud*

Trustee signature: \_\_\_\_\_

Trustee telephone number: (800) 546-1531 Ext. 8137

Trustee Sale No.: 1242977-09

TS #: 1242977-09

Loan #: 2002822835

Property Address: 3950 BRISTOL AVENUE  
KLAMATH FALLS OR 97603

**MODIFICATION REQUEST FORM**

Pursuant to Oregon Senate Bill 628, this Modification Request Form must be completed and returned to:

CMI WORKOUT DEPARTMENT

1000 TECHNOLOGY DRIVE, MS 314

O FALLON MO 63368-2240

for receipt on or before November 07, 2009. As provided by Oregon Senate Bill 628, please complete and return this Modification Request Form and Financial Statement disclosing your current information including address, phone number and electronic e-mail address and other facts that may affect your eligibility for loan modification.

I wish to apply for a loan modification. A loan modification is a written agreement between me and the lender that permanently changes the terms of the loan. I fell behind on my mortgage payments because (hardship situation):

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Borrower #1

Borrower #2

You must also complete and return the Financial Statement contained on the following page for your application to be processed. Pursuant to SB 628, the lender may request additional information or documentation from you after review of this Modification Request Form in order to make a determination as to your eligibility for modification.

10/19/2009 12:12:22 PM Sender: CalWestern Reconveyance  
525 E Main  
El Cajon CA 92020

Postal Class: First Class

Type of Mailing: NOS MAILING

Affidavit Attachment: 1420007-01 000 10151501 CWR

Postal Number Sequence Recipient Name

	Address Line 1/3	Address Line 2/4
11041994141030290876 1	MARY MARTINEZ 3950 BRISTOL AVENUE	KLAMATH FALLS OR 97603
11041994141030290890 2	MARY MARTINEZ 3950 BRISTOL AVE	KLAMATH FALLS OR 97603
11041994141030290913 3	Occupant(s) / Tenant(s) 3950 BRISTOL AVENUE	KLAMATH FALLS OR 97603
11041994141030290937 4	LVNV FUNDING, LLC C/O MICHAEL CONNOLLY PORTLAND OR 97220	11124 NE HALSEY PMB 680
11041994141030290951 5	MARY KATHLEEN MARTINEZ 3950 BRISTOL AVENUE	KLAMATH FALLS OR 97603
11041994141030290982 6	ANGELA MIRANDA WATERS 3950 BRISTOL AVENUE	KLAMATH FALLS OR 97603
11041994141030291019 7	LVNV FUNDING, LLC C/O DONNA J SMITH PORTLAND OR 97220	11124 NE HALSEY PMB 680
11041994141030291026 8	LVNV FUNDING, LLC 2325 CLAYTON ROAD	CONCORD CA 94520
11041994141030291040 9	MARY MARTINEZ 3950 BRISTOL AVENUE	KLAMATH FALLS OR 97603
11041994141030291064 10	LVNV FUNDING, LLC C/O AARON MCLELLAN PORTLAND OR 97220	11124 NE HALSEY PMB 680
11041994141030291071 11	LVNV FUNDING, LLC C/O DERRICK E. MC GAVIC, P.C. EUGENE OR 97440	PO BOX 10163
11041994141030291095 12	LVNV FUNDING, LLC PO BOX 10584	GREENVILLE SC 29603

10/19/2009 12:12:22 PM Sender: CalWestern Reconveyance  
525 E Main  
El Cajon CA 92020

Postal Class: Certified - Ret

Type of Mailing: NOS MAILING

Affidavit Attachment: 1420007-01 000 10151501 CWR

Postal Number Sequence Recipient Name

71041994141039009778	1	MARY MARTINEZ	3950 BRISTOL AVENUE	Address Line 1/3	Address Line 2/4
71041994141039009792	2	MARY MARTINEZ	3950 BRISTOL AVE		KLAMATH FALLS OR 97603
71041994141039009815	3	Occupant(s) / Tenant(s)	3950 BRISTOL AVENUE		KLAMATH FALLS OR 97603
71041994141039009839	4	LVNV FUNDING, LLC	C/O MICHAEL CONNOLLY PORTLAND OR 97220		11124 NE HALSEY PMB 680
71041994141039009846	5	MARY KATHLEEN MARTINEZ	3950 BRISTOL AVENUE		KLAMATH FALLS OR 97603
71041994141039009860	6	ANGELA MIRANDA WATERS	3950 BRISTOL AVENUE		KLAMATH FALLS OR 97603
71041994141039009884	7	LVNV FUNDING, LLC	C/O DONNA J SMITH PORTLAND OR 97220		11124 NE HALSEY PMB 680
71041994141039009907	8	LVNV FUNDING, LLC	2325 CLAYTON ROAD		CONCORD CA 94520
71041994141039009914	9	MARY MARTINEZ	3950 BRISTOL AVENUE		KLAMATH FALLS OR 97603
71041994141039009938	10	LVNV FUNDING, LLC	C/O AARON MCLELLAN PORTLAND OR 97220		11124 NE HALSEY PMB 680
71041994141039009952	11	LVNV FUNDING, LLC	C/O DERRICK E. MC GAVIC, P.C. EUGENE OR 97440		PO BOX 10163
71041994141039009969	12	LVNV FUNDING, LLC	PO BOX 10584		GREENVILLE SC 29603

Klamath County, Oregon

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, beneficiary

MARY MARTINEZ, grantor

CAL-WESTERN RECONVEYANCE CORPORATION, trustee/successor trustee

TS # 1242977-09

REF # 267352

## AFFIDAVIT OF SERVICE

I hereby certify that I am a competent person 18 years of age or older and meet the requirements in the state of service, am not the beneficiary of the trustee named in the original trustee's Notice of Sale, nor the successor of either, nor an officer, director, employee of or attorney for the beneficiary or trustee, or successor of either, corporate or otherwise.

I further certify that service was made of the foregoing TRUSTEE'S NOTICE OF SALE; NOTICE TO TENANTS upon an OCCUPANT of 3950 BRISTOL AVE, Klamath Falls, OR 97603, with copy(ies), as follows:

1st attempt: (date) 10/19/09 (time) 2:15 pm ( ) Posted ☒ Served

2nd attempt: (date) \_\_\_\_\_ (time) \_\_\_\_\_ ( ) Posted ( ) Served

3rd attempt: (date) \_\_\_\_\_ (time) \_\_\_\_\_ ( ) Posted ( ) Served ( ) Attempted

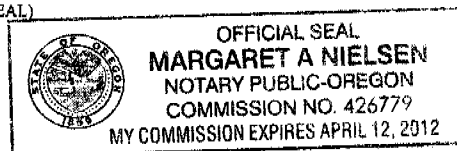
Posted on the property in a secure manner, in a conspicuous place, to wit: \_\_\_\_\_

Served upon an adult occupant by delivering a copy

☒ Personally to (name) Mary Martinez

( ) Substituted to (name) \_\_\_\_\_

Jake Doolin  
(signature)  
Jake Doolin  
(print name)

STATE OF OREGON, County of KlamathSigned and affirmed before me on October 20<sup>th</sup>, 2009Margaret A. Nielsen  
(SEAL)  
NOTARY PUBLIC - OREGONCLIENT: RELIABLE POSTING & PUBLISHING REF # 267352  
IP# 57294

INTERSTATE PROCESS SERVING, INC.\*PO Box 80815, Portland OR 97280\* 503/452-7179

member of

Oregon Association of Process Servers  
National Association of Professional Process Servers  
Washington State Process Servers Association

267352

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Loan No: XXXXXX2835  
T.S. No: 1242977-09

I CERTIFY THIS TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL.

BY Tammy Land

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page No. 39062-75, fee/file/instrument/microfilm/reception No. XX covering the following described  
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3950 BRISTOL AVENUE KLAMATH FALLS OR 97603

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AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY COURTHOUSE

316 MAIN STREET

City of KLAMATH FALLS, 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 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 expense 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.

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Dated: October 09, 2009

CAL-WESTERN RECONVEYANCE CORPORATION  
525 EAST MAIN STREET  
P.O. BOX 22004  
EL CAJON CA 92022-9004

CAL-WESTERN RECONVEYANCE CORPORATION

Signature/By: \_\_\_\_\_

*Tammy Laid*

Loan No: XXXXXX2835

T.S. No: 1242977-09

### 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 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 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 January 18, 2010, 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 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 with this notice: If you have a low income and meet federal poverty guide-lines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

OREGON STATE BAR  
16037 SW Upper Boones Ferry Road  
Tigard, Oregon 97224  
(503) 620-0222  
(800) 452-8260  
<http://www.osbar.org>

Directory of Legal Aid Programs:  
<http://www.oregonlawhelp.org>



# 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 # 11725

Trustee's Notice of Sale

Martinez

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:

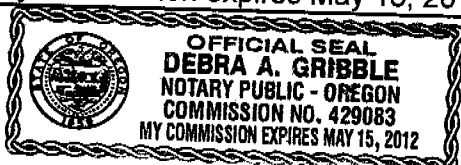
November 4, 11, 18, 25, 2009.

Total Cost: \$1,212.60

*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 Loan No: xxxxxxxxxx T.E. No.: 1242377-09

Reference is made to that certain deed made by Mary Martinez, as First American Title, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Nominee For Gateway Financial Services, as Beneficiary, dated May 18, 2005, recorded May 26, 2005, in official records of Klamath, Oregon in book/deed/volume No. m05 at page No. 39062-75, fee/file/instrument/microfilm/reception No. xx covering the following described real property situated in said County and State, to-wit: Lot 8, Summers Park, according to the official plat thereof on file in the office of the clerk of Klamath County, Oregon, Commonly known as: 3950 Bristol Avenue, Klamath Falls, OR 97603.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said deed and notice has been recorded pursuant to Section 86.125(3) of Oregon Revised Statutes, the default for which the foreclosure is made is the grantor's Failure to pay the monthly payment due April 1, 2009 of principal and interest and subsequent installments due thereafter, plus late charges, together with all subsequent sums advanced by beneficiary pursuant to the terms and conditions of said deed of trust. Monthly payment \$924.37 Monthly Late Charge \$36.48.

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 \$108,850.67 together with interest thereon at 6.625% per annum from March 01, 2009 until paid, plus all accrued late charges thereon, and all trustee's fees, foreclosure costs and any sums advance by the beneficiary pursuant to the terms and conditions of the said deed of trust.

Whereof, notice hereby is given that, Cal-Western Reconveyance Corporation the undersigned trustee will on February 17, 2010 at the hour of 1:00pm, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, At the Main Street entrance to Klamath County Courthouse, 316 Main Street, City of Klamath Falls, 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 expense 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.

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" includes their respective successors in interest, if any. Dated: October 09, 2009. 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 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 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 January 18, 2010, 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 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 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 with this notice. OREGON STATE BAR 16037 SW Upper Boones Ferry Road Tigard, Oregon 97224 (503) 620-0222 (800) 452-8260 <http://www.osbar.org> Directory of Legal Aid Programs: <http://www.oregonlawhelp.org> Cal-Western Reconveyance Corporation 525 East Main Street P.O. Box 22004 El Cajon Ca 92022-9004 Cal-Western Reconveyance Corporation Signature/By: Tammy Laird R-267352 11/04/09, 11/11, 11/18, 11/25 #11725 November 4, 11, 18, 25, 2009

**Affidavit of Compliance with SB 628 of 2009**

Loan No: 2002822835

TS#: 1242977-09

Borrower name(s): MARY MARTINEZ

Property Address: 3950 BRISTOL AVENUE  
KLAMATH FALLS OR 97603

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that a person with authority to modify Borrower's loan took the following action prior to the foreclosure sale (select all that apply):

- ☒ No request for a meeting or loan modification was received from the Borrower.
- ☐ The Borrower requested a meeting by telephone or in person within 30 days of the date the Trustee signed the notice and sent the Loan Modification Request Form. The beneficiary or beneficiary's authorized agent contacted the Borrower by the methods requested by the Borrower within 45 days of receiving the loan modification request, but the Borrower did not respond within 7 days of contact.
- ☐ The Borrower requested a meeting by telephone or in person within 30 days of the date the Trustee signed the notice and sent the Loan Modification Request Form. The beneficiary or beneficiary's authorized agent contacted the Borrower by phone or in person and met with the Borrower prior to making a decision on loan modification.
- ☐ The Borrower requested a loan modification within 30 days of the date the Trustee signed the notice and sent the Loan Modification Request Form. The loan modification request was evaluated in good faith within 45 days of receipt. After considering the most current financial information the Borrower provided, the beneficiary or beneficiary's agent determined that Borrower is ineligible for a loan modification. The Borrower has been notified that Borrower is ineligible for a loan modification.
- ☐ The Borrower requested a loan modification within 30 days of the date the Trustee signed the notice and sent the Loan Modification Request Form. The loan modification request was evaluated in good faith within 45 days of receipt, and the loan modification was denied.
- ☐ The Borrower requested a loan modification within 30 days of the date the Trustee signed the notice and sent the Loan Modification Request Form. The loan modification request was evaluated in good faith within 45 days of receipt, but Borrower failed to provide information as required.
- ☐ A loan modification was entered, but Borrower failed to comply with its terms.
- ☐ The Borrower requested a loan modification, but did not send the Loan Modification Request Form. The beneficiary or beneficiary's authorized agent contacted the Borrower by the methods requested by the Borrower, but the Borrower did not respond within 7 days of contact.
- ☐ The Borrower requested a loan modification, but did not send the Loan Modification Request Form. The loan modification request was evaluated. After considering the most current financial

information the Borrower provided, the beneficiary or beneficiary's agent determined that Borrower is ineligible for a loan modification. The Borrower has been notified that Borrower is ineligible for a loan modification.

- [ ] The Borrower requested a loan modification, but did not send the Loan Modification Request Form. The loan modification request was evaluated, but Borrower failed to provide information as required.

DATED: February 16, 2010

CITIMORTGAGE, INC.

Penny Kike Foreclosure Analyst  
Penny Kike

STATE OF Missouri  
COUNTY OF St. Charles

SUBSCRIBED AND SWORN to me this 16 day of February, 2010

Carrie Coffey  
Notary Public

