

2010-002612

Klamath County, Oregon

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



00080427201000026120210219

02/23/2010 03:22:10 PM

Fee: \$152.00

When Recorded Return To:

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

Until requested otherwise, send all tax statements:

ATE 67265

(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:

David C. Ewell and Melanie K. Ewell

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 152

WHEN RECORDED MAIL TO:

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

1246488-09

ANOSXR

T.S. NO.: 1246488-09

LOAN NO.: 771215740

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF CALIFORNIA } SS
COUNTY OF SAN DIEGO }

I, Michelle Zamorano 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 December 24, 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.

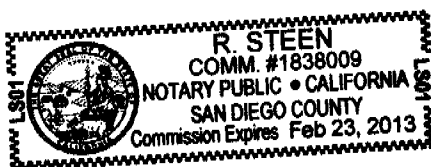
Michelle Zamorano
Affiant

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

SUBSCRIBED AND SWORN to me this _____ day of _____, 20____

DEC 29 2009

[Signature]
Notary Public



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:

6724 AMBER AVE

KALMATH 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 December 14, 2009 to bring your mortgage loan current was \$37,464.35. 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

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

Date and time: April 26, 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.

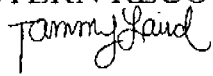
You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your 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

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 January 13, 2010 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: December 14, 2009

Trustee name: CAL-WESTERN RECONVEYANCE CORPORATION

Trustee signature: 

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

Trustee Sale No.: 1246488-09

TS #: 1246488-09

Loan #: 771215740

Property Address: 6724 AMBER AVE
KALMATH 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

for receipt on or before January 13, 2010. 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.

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 & Insurance if non escrowed _____

HOA Dues _____

Food (including meals outside home) _____

Utilities: Electric & heat _____

Water & 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 & Dental _____

Rents Paid _____

Chapter 13 Trustee _____

Alimony & 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 \$ _____

TRUSTEE'S NOTICE OF SALE

Loan No: XXXXX5740
T.S. No: 1246488-09

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
DAVID C. EWELL AND MELANIE K. EWELL as Grantor to
AMERITITLE, as Trustee, in favor of

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS") AS A NOMINEE FOR
BCK CAPITAL, INC. as Beneficiary,

dated March 24, 2006, recorded March 27, 2006, in official records of KLAMATH County, OREGON in
book/reel/volume No. XX at
page No. XX, fee/file/instrument/microfilm/reception No. M06-05657 covering the following described
real property situated in the said County and State, to-wit:

LOT 12, BLOCK 4, SECOND ADDITION TO MOYINA, ACCORDING TO THE OFFICIAL PLAT
THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as:

6724 AMBER AVE KALMATH 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 July 1, 2008 of principal, interest and impounds 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 \$2,076.81 Monthly Late Charge \$81.77

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 \$252,227.77 together with
interest thereon at the rate of 6.500% per annum, from June 01, 2008 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: XXXXX5740

T.S. No: 1246488-09

Whereof, notice hereby is given that, CAL-WESTERN RECONVEYANCE CORPORATION the undersigned trustee will on April 26, 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: December 14, 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 Paul

Loan No: XXXXX5740
T.S. No: 1246488-09

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 March 27, 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>

12/24/2009 6:22:13 PM Sender: CalWestern Reconveyance
525 E Main
El Cajon CA 92020

Postal Class: First Class

Type of Mailing: Window

Affidavit Attachment: 1465705-01 000 12240837 CWR

Postal Number Sequence Recipient Name

11041994141033652091	1	DAVID C EWELL	6724 AMBER AVE	Address Line 1/3	Address Line 2/4
11041994141033652121	2	MELANIE K EWELL	6724 AMBER AVE		KALMATH FALLS OR 97603
11041994141033652152	3	DAVID C EWELL	22846 SW FOREST CREEK DR UNIT 200		KALMATH FALLS OR 97603
11041994141033652183	4	MELANIE K EWELL	22846 SW FOREST CREEK DR UNIT 200		SHERWOOD OR 97140
11041994141033652220	5	Occupant(s) / Tenant(s)	6724 AMBER AVE		SHERWOOD OR 97140
11041994141033652244	6	MELANIE K EWELL	6724 AMBER AV.		KALMATH FALLS OR 97603
11041994141033652275	7	DAVID C EWELL	6719 BECKTON AVENUE		KLAMATH FALLS OR 97603
11041994141033652305	8	DAVID C EWELL	6724 AMBER AVE.		KLAMATH FALLS OR 97603
11041994141033652336	9	MELANIE K EWELL	6719 BECKTON AVENUE		KLAMATH FALLS OR 97603

12/24/2009 6:22:14 PM Sender: CalWestern Reconveyance
525 E Main
El Cajon CA 92020

Postal Class: Certified - Ret

Type of Mailing: Window

Affidavit Attachment: 1465705-01 000 12240837 CWR

Postal Number	Sequence	Recipient Name	Address Line 1/3	Address Line 2/4
71041994141042610114	1	DAVID C EWELL	6724 AMBER AVE	KALMATH FALLS OR 97603
71041994141042610145	2	MELANIE K EWELL	6724 AMBER AVE	KALMATH FALLS OR 97603
71041994141042610176	3	DAVID C EWELL	22846 SW FOREST CREEK DR UNIT 200	SHERWOOD OR 97140
71041994141042610190	4	MELANIE K EWELL	22846 SW FOREST CREEK DR UNIT 200	SHERWOOD OR 97140
71041994141042610220	5	Occupant(s) / Tenant(s)	6724 AMBER AVE	KALMATH FALLS OR 97603
71041994141042610268	6	MELANIE K EWELL	6724 AMBER AV.	KLAMATH FALLS OR 97603
71041994141042610299	7	DAVID C EWELL	6719 BECKTON AVENUE	KLAMATH FALLS OR 97603
71041994141042610329	8	DAVID C EWELL	6724 AMBER AVE.	KLAMATH FALLS OR 97603
71041994141042610343	9	MELANIE K EWELL	6719 BECKTON AVENUE	KLAMATH FALLS OR 97603

Klamath County, Oregon
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, beneficiary
DAVID C EWELL & MELANIE K EWELL, grantor
CAL-WESTERN RECONVEYANCE CORPORATION, trustee/successor trustee
TS # 1246488-09
REF # 282453

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 **6724 AMBER AVE, Klamath Falls, OR 97603**, with copy(ies), as follows:

1st attempt: (date) 12/22/09 (time) 9:53 am ☒ Posted () Served

2nd attempt: (date) 12/28/09 (time) 3:03 pm ☒ Posted () Served


3rd attempt: (date) 12/30/09 (time) 3:37 pm ☒ Posted () Served

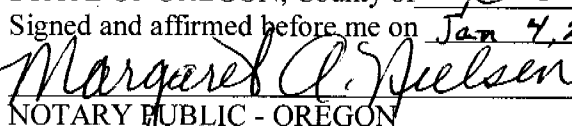
Posted on the property in a secure manner, in a conspicuous place, to wit: posted to front door.

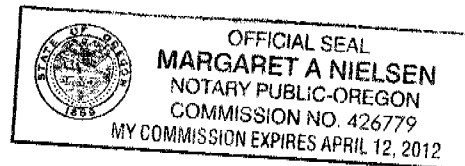
Served upon an adult occupant by delivering a copy

() Personally to (name) _____

() Substituted to (name) _____


(signature) _____
J. W. BOLENBAUGH
(print name) _____

STATE OF OREGON, County of Klamath
Signed and affirmed before me on Jan 4, 2010

NOTARY PUBLIC - OREGON (SEAL)



CLIENT: RELIABLE POSTING & PUBLISHING REF # 282453
IPS# 59004

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

282453

Klamath County, Oregon
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, beneficiary
DAVID C EWELL & MELANIE K EWELL, grantor
CAL-WESTERN RECONVEYANCE CORPORATION, trustee/successor trustee
TS # 1246488-09
REF # 282453

AFFIDAVIT OF MAILING

I certify that:

I mailed a copy of the TRUSTEE'S NOTICE OF SALE; NOTICE TO TENANTS in a sealed envelope with first class postage thereon fully prepaid and deposited with the United States Post Office on

January 18, 2010, addressed as follows:

OCCUPANT
6724 AMBER AVE
Klamath Falls OR 97603.

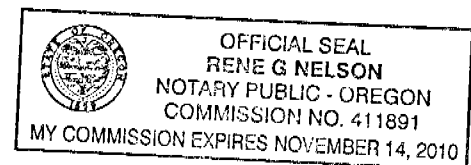
Gloria Carter

STATE OF OREGON, County of Multnomah.

Signed and attested before me on January 18, 2010 by Gloria Carter.

Rene G. Nelson (SEAL)

NOTARY PUBLIC - OREGON



CLIENT: RELIABLE POSTING & PUBLISHING REF # 282453
IPS# 59004

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

282453

TRUSTEE'S NOTICE OF SALE

Loan No: XXXXX5740
T.S. No: 1246488-09

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
DAVID C. EWELL AND MELANIE K. EWELL as Grantor to
AMERITITLE, as Trustee, in favor of

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS") AS A NOMINEE FOR
BCK CAPITAL INC. as Beneficiary,

dated March 24, 2006, recorded March 27, 2006, in official records of KLAMATH County, OREGON in
book/reel/volume No. XX at
page No. XX, fee/file/instrument/microfilm/reception No. M06-05657 covering the following described
real property situated in the said County and State, to-wit:

LOT 12, BLOCK 4, SECOND ADDITION TO MOYINA, ACCORDING TO THE OFFICIAL PLAT
THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as:

6724 AMBER AVE KALMATH 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 July 1, 2008 of principal, interest and impounds 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 \$2,076.81 Monthly Late Charge \$81.77

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 \$252,227.77 together with
interest thereon at the rate of 6.500% per annum, from June 01, 2008 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: XXXXX5740

T.S. No: 1246488-09

Whereof, notice hereby is given that, CAL-WESTERN RECONVEYANCE CORPORATION the undersigned trustee will on April 26, 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: December 14, 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 Paul

Loan No: XXXXX5740
T.S. No: 1246488-09

NOTICE TO TENANTS:

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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 March 27, 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 # 11886

Trustee's Notice of Sale

Ewell

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:

January 05, 12, 19, 26, 2010

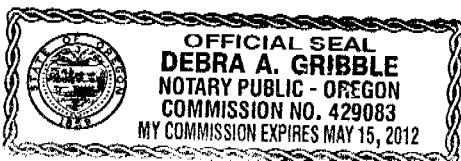
Total Cost: \$1,274.09

Subscribed and sworn by Jeanine P Day

before me on: January 27, 2010

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Loan No: xxxxx5740 T.S. No.: 1246488-09.

Reference is made to that certain deed made by David C. Ewell and Melanie K. Ewell, as Grantor to Amerititle, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., ("mers") As A Nominee For Bck Capital Inc., as Beneficiary, dated March 24, 2006, recorded March 27, 2006, in official records of Klamath, Oregon in book/reel/volume No. xx at page No. xx, fee/file/Instrument/microfilm/reception No. m06-05657 covering the following described real property situated in said County and State, to-wit: Lot 12, block 4, second addition to Moyina, according to the official plat thereof on file in the office of the clerk of Klamath County, Oregon. Commonly known as: 6724 Amber Ave, 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 July 1, 2008 of principal, interest and impounds 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 \$2,076.81 Monthly Late Charge \$81.77.

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 \$252,227.77 together with interest thereon at 6.500% per annum from June 01, 2008 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 April 26, 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: December 14, 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 March 27, 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> 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-282453 01/05, 01/12, 01/19, 01/26. #11886 January 05, 12, 19, 26, 2010.

Affidavit of Compliance with SB 628 of 2009

Loan No: 771215740

TS#: 1246488-09

Borrower name(s): DAVID C. EWELL AND MELANIE K. EWELL

Property Address: 6724 AMBER AVE
KALMATH 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 15, 2010

CHIMORTGAGE, INC.
Penny Klok
Penny Klok
Foreclosure Analyst

STATE OF Missouri
COUNTY OF St. Charles

SUBSCRIBED AND SWORN to me this 15 day of February, 20 10

Carrie Coffey
Notary Public

