

2010-002623

Klamath County, Oregon



00080445201000026230100100

02/24/2010 02:43:31 PM

Fee: \$82.00

ATE 66490

**RECORDING COVER SHEET FOR
NOTICE OF SALE PROOF OF COMPLIANCE
Per ORS 205.234**

**AFTER RECORDING RETURN TO:
FCL - BK RELEASES
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065**

TS No.: 09 -0084901

090077264 / 00066490

1. AFFIDAVIT OF MAILING AMENDED NOTICE OF SALE / copy of notice of sale
2. ~~AFFIDAVIT OF PUBLICATION AMENDED NOTICE OF SALE~~
3. ~~COPY OF AMENDED NOTICE OF SALE~~

Original Grantor on Trust Deed: NATHAN B MARKEE

Beneficiary: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

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

Klamath

ATE 82

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

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

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

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

See attached Exhibit A for all the mailing address(es).

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

Each of the notices so mailed was certified to be a true copy of the original notice of sale by RECONTRUST COMPANY, N.A., 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 VENTURA, CALIFORNIA, 02/22/2010. 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 and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale. As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

State of California
County of Ventura

Signature Jonathan Jackson

Subscribed and sworn to (or affirmed) before me on this 22 day of February, 2010, by Jonathan Jackson, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

and NATHAN B MARKEE

Notary Public for California
VENTURA

Residing at

My commission expires: 01/29, 2011

RECONTRUST COMPANY, N.A.

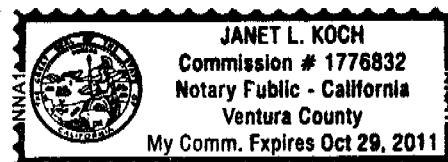
Trustee TS No. 09-0084901

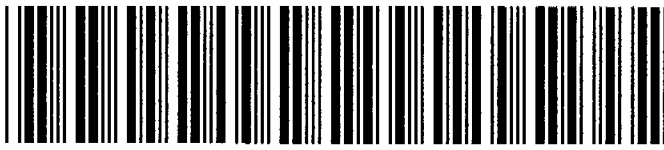
After Recording return to:

400 COUNTRYWIDE WAY SV-35

RECONTRUST COMPANY, N.A.

SIMI VALLEY, CA 93065





04 090084901

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
"EXHIBIT A"**

TS No. 09-0084901

NATHAN B MARKEE
9669 Hill Rd
Klamath Falls, OR 97603
7187 7930 3131 6585 9054
02/22/2010

NATHAN B MARKEE
9669 HILL ROAD
KLAMATH FALLS, OR 97603
7187 7930 3131 6585 9061
02/22/2010

TRACY OTTMAR
9669 HILL ROAD
KLAMATH FALLS, OR 97603
7187 7930 3131 6585 9092
02/22/2010

Residents/Occupants
9669 HILL ROAD
KLAMATH FALLS, OR 97603
7187 7930 3131 6585 9085
02/22/2010

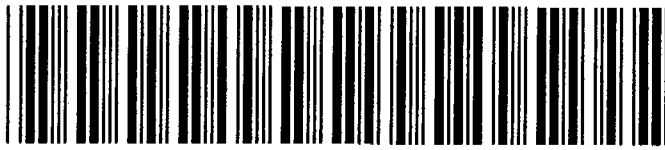
ROGUE FEDERAL CREDIT UNION
PO BOX 4550
MEDFORD, OR 97501
7187 7930 3131 6585 9122
02/22/2010

DAWN MARIE MARKEE
8112 HIGHWAY 39
KLAMATH FALLS, OR 97603
7187 7930 3131 6585 9139
02/22/2010

DAWN MARIE MARKEE
122 SOUTH 5TH STREET
C/O PETER J. RICHARD
KLAMATH FALLS, OR 97601
7187 7930 3131 6585 9146
02/22/2010

STATE OF OREGON DEPT OF HUMAN RESOURCES
PO BOX 14506
CHILD SUPPORT SERVICES
SALEM, OR 97309
7187 7930 3131 6585 9153
02/22/2010

ELLIOT OTTMAR
200 PINE STREET
02/22/2010



04 090084901

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE "EXHIBIT A"

TS No. 09-0084901

ELLIOT OTTMAR
C/O EVELYN A. OLDENKAMP, ATTORNEY AT LAW
KLAMATH FALLS, OR 97601
7187 7930 3131 6585 9160
02/22/2010

ELLIOT OTTMAR
7308 REEDER ROAD
KLAMATH FALLS, OR 97603
7187 7930 3131 6585 9177
02/22/2010

STATE OF OREGON
1162 COURT STREET NE
C/O ATTORNEY GENERAL
SALEM, OR 97301
7187 7930 3131 6585 9184
02/22/2010

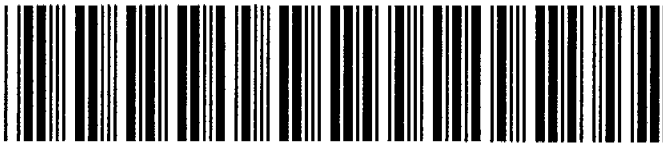
KLAMATH COUNTY TAX OFFICE
305 MAIN ST ROOM 121
KLAMATH FALLS, OR 97601
7187 7930 3131 6585 9191
02/22/2010

STATE OF OREGON COUNTY OF KLAMATH
PO BOX 340
KLAMATH COUNTY TAX OFFICE
KLAMATH FALLS, OR 97601
7187 7930 3131 6585 9207
02/22/2010

TRACY OTTMAR
4677 PECK DR
KLAMATH FALLS, OR 97603-6748
7187 7930 3131 6585 9108
02/22/2010

DANA NELSON
PO BOX 507
KLAMATH FALLS, OR 97601
7187 7930 3131 6585 9221
02/22/2010

NATHAN B MARKEE
5510 Sylvia Ave
Klamath Falls, OR 97603-8123
7187 7930 3131 6585 9047
02/22/2010



04 090084901

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
"EXHIBIT A"**

TS No. 09-0084901

NATHAN B MARKEE
5510 Sylvia Ave
Klamath Falls, OR 97603-8123
7187 7930 3131 6585 9078

02/22/2010

Jonathan Jackson

AMENDED TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by NATHAN B MARKEE, A SINGLE MAN as grantor(s), to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON., as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 07/07/2005, recorded 07/13/2005, in the mortgage records of Klamath County, Oregon, in Reel No. M05 at Page No. 53535 as Recorder's fee/file/instrument/microfilm/reception Number covering the following described real property situated in said county and state, to wit:

SEE ATTACHED FOR LEGAL DESCRIPTION

PROPERTY ADDRESS: 9669 HILL ROAD
KLAMATH FALLS, OR 97603

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,887.58 beginning 02/01/2009; plus late charges of \$83.56 each month beginning 02/01/2009 plus prior accrued late charges of \$-271.74 payment plus advances of \$105.00; together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the Beneficiary has declared all sums owing on the obligation that the Trust Deed secures are immediately due and payable, said sums being the following to wit: \$206,615.13 with interest thereon at the rate of 8.75 percent per annum beginning 01/01/2009 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein.

The Notice of Default and original Notice of Sale given pursuant thereto stated the property would be sold on Monday, November 02, 2009, at the hour of 10:00 AM at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street

However, subsequent to the recording of said Notice of Default the original proceedings were stayed by order of the court or by proceeding filed under the U.S. Bankruptcy Code or for other lawful reason. Said stay was terminated on 01/28/2010.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Wednesday, March 24, 2010 at the hour of 10:00 AM in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street

, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by paying to the Beneficiary 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 in the notice of default that is capable of being cured by tendering the performance required under the obligation that the Trust Deed secures, and in addition to paying said sums or tendering the performance necessary to cure the default by paying all costs and

Exhibit A

Parcel 1:

A parcel of land situated in the NE 1/4 of Section 31, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the East line of the NE 1/4 from which the Northeast corner of said Section 31 bears North $00^{\circ}19'00''$ West 1097.67 feet; thence South $76^{\circ}53'58''$ West 108.48 feet to the center of the casing of a well; thence continuing South $76^{\circ}53'58''$ West 49.22 feet to a point on the East line of that certain county road known as Hill Road; thence Southeasterly on arc of a 3849.72 foot radius curve to the right (Delta= $06^{\circ}45'50''$, Long Chord=South $11^{\circ}41'26''$ East 454.20) 454.47 feet; thence continuing along said East line of Hill Road South $08^{\circ}18'31''$ East 355.39 feet; thence continuing along said East line of Hill Road on the arc of a 3789.72 foot radius curve to the left (Delta= $01^{\circ}28'33''$, Long Chord=South $09^{\circ}2'48''$ East 97.61 feet) 97.62 feet to a point on the East line of said NE 1/4, thence North $00^{\circ}19'00''$ West on said East line 928.59 feet to a point of beginning.

LESS AND EXCEPTING a parcel of land being a portion of the property described in Volume M04, Page 35361, Microfilm Records of Klamath County, Oregon, as situated in the NE 1/4 of Section 31, Township 39 South, Range 10 East of the Willamette Meridian, Klamath, County, Oregon, being more particularly described as follows:

Beginning at a point on the East line of said Section 31 which bears South $00^{\circ}19'00''$ East a distance of 173.63 feet from the N 1/16 corner of said Section 31, said point being the True Point of Beginning; thence continuing South $00^{\circ}19'00''$ East a distance of 518.30 feet to a point on the East right of way line of Hill Road; thence along the East right of way line of Hill Road 97.62 feet along the arc of a 3789.72 foot radius curve to the right, the long chord which bears North $09^{\circ}02'48''$ West a distance of 97.61 feet and having a delta angle of $1^{\circ}28'33''$; thence continuing along the East right of way line of Hill Road North $08^{\circ}18'31''$ West a distance of 355.35 feet; thence continuing along the East right of way line of Hill Road 13.08 feet along the arc of a 3849.72 foot radius curve to the left, the long chord which bears North $08^{\circ}24'21''$ West a distance of 13.08 and having a delta angle of $0^{\circ}11'41''$; thence leaving said East right of way line of Hill Road North $48^{\circ}54'19''$ East a distance of 87.24 feet, more or less to the True Point of Beginning, containing 0.40 acres, more or less, bearings being based on County Survey 2876

Parcel 2:

A tract of land situated in the NW 1/4 of the NW 1/4 of Section 32, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of the NW 1/4 of the NW 1/4; thence North 00°19'00" West on the West line of said NW 1/4 of the NW 1/4, 522.70 feet; thence North 81°35'00" East 202.01 feet; thence South 00°19'00" East 552.29 feet to a point on the South line of said NW 1/4 of the NW 1/4; thence North 89°59'37" West along said South line 200.00 feet to the point of beginning.

TOGETHER WITH a parcel of land being a portion of the property described in Volume M01, Page 10209, Microfilm Records of Klamath County, Oregon, as situated in the S 1/2 of the NW 1/4 of Section 32, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the N 1/16 corner common to said Section 32 and Section 31, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence South 89°59'37" East a distance of 200.00 feet; thence South 48°54'19" West a distance of 264.11 feet to the West line of said Section 32, Thence North 00°19'00" West along said Section line a distance of 173.63 feet, more or less, to the point of beginning, with bearings being based on County Survey 2876.

CODE: 164 MAP: 3910-03200 TL: 01400 KEY: 603154

CODE: 170 MAP: 3910-03100 TL: 00400 KEY: 602351

expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation that the Trust Deed secures, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30 day notice on or after the date of 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, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is 02/22/2010.

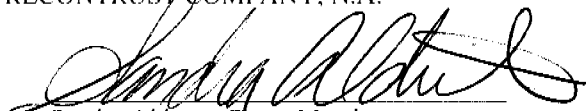
Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

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's lawyer referral service at 503-684-3763 or toll-free in Oregon at 800-452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to <http://oregonlawhelp.org> or contact the Oregon State Bar's lawyer referral service at the phone numbers referenced above.

RECONTRUST COMPANY, N.A.

Dated February 18, 2010


Sandra Aldrete, Team Member

For further information, please contact:

RECONTRUST COMPANY, N.A.
RECONTRUST COMPANY, N.A.
1800 Tapo Canyon Rd., CA6-914-01-94
SIMI VALLEY, CA 93063
(800)-281-8219
TS No. 09 -0084901

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 20____, by
RECONTRUST COMPANY, N.A., as Trustee.

Notary Public for _____
My commission expires: _____

(SEAL)

THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE
USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF
OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS
DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF
LIEN RIGHTS AGAINST THE PROPERTY.