

2010-003611

Klamath County, Oregon



00081626201000036110190195

1st 1497042

COVER SHEET

ORS: 205.234

03/23/2010 03:00:03 PM

Fee: \$147.00

This cover sheet has been prepared by the persons presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the transaction(s) contained in the instrument itself.

After recording, return to:

Mustee, Corp
2112 Business Center Dr.
2nd Floor Ste. 201
Irvine, CA 92612

The date of the instrument attached is 3-19-2010.

1) NAMES(S) OF THE INSTRUMENT(S) required by ORS 205.234(a)

AFF OF Mailing
Trusters VOS

AFF OF Service
Dec of non-military Src
AFF of Publication

2) PARTY(IES)/GRANTOR, required by ORS 205.125(1)(b) and ORS 205.160:

Just Am

3) PARTY(IES)/GRANTEE, required by ORS 205.125(1)(b) and ORS 205.160

MERS

4) TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030

\$ _____

5) FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERK'S LIEN RECORDS, ORS 205.121(1)(c)

6) RE-RECORDED to correct: _____
Previously recorded as: _____

4

[WHEN RECORDED MAIL TO:]

Trustee Corps
2112 Business Center Dr.
Second Floor, Suite 201
Irvine, CA 92612

[Space Above This Line for Recorder's Use]

Loan #: **501122698** Trustee Sale #: **OR0560313**

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF **ORANGE**
COUNTY OF **CALIFORNIA**

I, **ERICA MANZO** 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 original or copy of 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 **ERICA MANZO** of **TRUSTEE CORPS**, for **FIRST AMERICAN TITLE INSURANCE COMPANY**, 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 **IRVINE**, on **November 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.

"Notice as required by an in accordance with ORS Chapter 646 was provided to Grantor and successor in interest, if any."

Each of the notices so mailed was certified to be a true copy of the original notice of sale by **ERICA MANZO** of **TRUSTEE CORPS**, for **FIRST AMERICAN TITLE**

INSURANCE COMPANY, 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 IRVINE, on November 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 25 days before the day set for the trustee's sale.


BY: ERICA MANZO, TRUSTEE SALE OFFICER

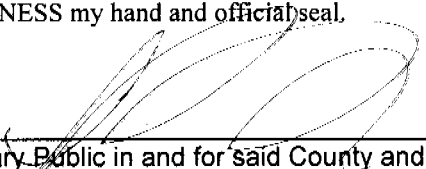
State of California)

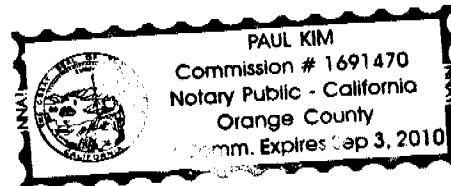
County of Orange)

On 3/19/2010 before me, Paul Kim, a notary public, personally appeared ERICA MANZO who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public in and for said County and State



Declaration of Mailing

Trustee's Sale No. OR0560313

I, Erica Manzo, declare:

Date: 11/24/2009

That I am an officer, agent, or employee of Trustee Corps
whose business address is 30 Corporate Park, Suite 400, Irvine, CA 92606

Mailing: **Required**

Page: **1**

I am over the age of eighteen years; On 11/24/2009 by Certified mail, enclosed in a sealed envelope with postage fully prepaid, I deposited in the United States Post Office at Irvine notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to the following:

Number of Article	Name of Addressee, Street, and Post Office Address	Cert. Fee	R.R. Fee
71006309264098659702	ANDREW M HILMES 4615 WINTER AVENUE KLAMATH FALLS, OR 97603	\$3.51	\$0.00
71006309264098659719	KRISTINA L HILMES 4615 WINTER AVENUE KLAMATH FALLS, OR 97603	\$3.51	\$0.00
71006309264098659726	KRISTINA L AND ANDREW A. HILMES OR CURRENT OCCUPANT 4615 WINTER AVENUE KLAMATH FALLS, OR 97603	\$3.51	\$0.00
		\$10.53	\$0.00



Number of Pieces by Sender <u>3</u>	Number of Pieces Received	Postmaster (Name) Receiving Employee	Mail By (Name) Sending Employee
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I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

11/24/09
(Date)

[Signature]
(Declarant)

Declaration of Mailing

Trustee's Sale No. OR0560313

I, Erica Manzo, declare:

Date: 11/24/2009

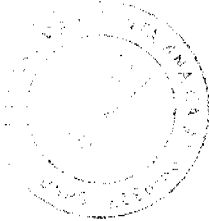
That I am an officer, agent, or employee of
whose business address is

Trustee Corps

Mailing: **Required**

Page: 1

I am over the age of eighteen years; On 11/24/2009 by First Class mail, enclosed in a sealed envelope with postage fully prepaid, I deposited in the United States Post Office at Irvine notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to the following:

Name of Addressee, Street, and Post Office Address	Postage Fee
ANDREW M HILMES 4615 WINTER AVENUE KLAMATH FALLS, OR 97603	\$0.61
KRISTINA L HILMES 4615 WINTER AVENUE KLAMATH FALLS, OR 97603	\$0.61
KRISTINA L AND ANDREW A. HILMES OR CURRENT OCCUPANT 4615 WINTER AVENUE KLAMATH FALLS, OR 97603	\$0.61
	
\$1.83	

Number of Pieces by Sender 3	Number of Pieces Received 3	Postmaster (Name) Receiving Employee <i>er</i>	Mail By (Name) Sending Employee <i>er</i>
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I certify (or Declare) under penalty of perjury (under the laws of the State of CA that the foregoing is true and correct

11/24/09
(Date)

er
(Declarant)

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705, et seq.

Trustee Sale No.: **OR0560313** Loan No.: **501122698** Title Order No.: **4307948**

Reference is made to that certain Deed of Trust made by **ANDREW M HILMES AND KRISTINA L HILMES**, as Grantor, to **AMERITITLE**, as Trustee, in favor of **BCK CAPITAL INC.**, as Beneficiary, dated **06/28/2006**, and **Recorded on 07/06/2006 as Document No. M06-13702** in the County of **Klamath**, state of **Oregon**. The beneficial interest under said Deed of Trust and the obligations secured thereby are presently held by **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY AS NOMINEE FOR LENDER AND LENDER'S SUCCESSORS AND ASSIGNS**.

Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:
SEE ATTACHED EXHIBIT "A"

A.P.N. # R552244

The street address or other common designation, if any, of the real property described above is purported to be: **4615 WINTER AVENUE, KLAMATH FALLS, OR 97603**

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

Both the beneficiary and the Trustee have elected to sell the said real property to satisfy the obligations secured by said Deed of Trust 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: **THE INSTALLMENT OF PRINCIPAL AND INTEREST WHICH BECAME DUE ON 06/01/2009 AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL AND INTEREST, ALONG WITH LATE CHARGES, PLUS FORECLOSURE COSTS AND LEGAL FEES.**

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

By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Deed of Trust immediately due and payable, said sums being the following to wit:

\$132,832.21 with interest thereon at the rate of **6.875** from **05/01/2009**; plus late charges of **\$45.00** each month beginning **06/01/2009** and prior accrued late charges until paid; together with title expenses, 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.

WHEREFORE, notice hereby is given that the undersigned Trustee will, on **04/01/2010**, at the hour of **10:00AM** in accord with the standard of time established by O.R.S. 187.110; **ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR**, 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 has or had power to convey at the time of execution by him of the said Deed of Trust, together with any interest which the Grantor his successors in interest acquired after the execution of said Deed of Trust, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including reasonable charge by the Trustee.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee and the successful bidder shall have no further recourse.

Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust, together with Trustee's and attorney's fees.

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 person owing an obligation, the performance of which is secured by said Deed of Trust, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

Dated: NOV 19 2009

FIRST AMERICAN TITLE INSURANCE COMPANY, as Successor Trustee


By: **MARIA DELATORRE, ASST SEC**

c/o *TRUSTEE CORPS*

2112 Business Center Drive, 2nd Floor, Irvine, CA 92612

For Sale Information contact: (714) 573-1965, (714) 573-7777, (949) 252-8300

State of California

County of Orange

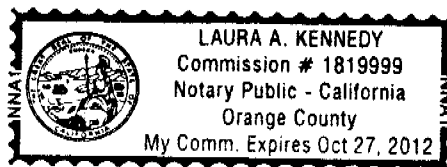
On NOV 19 2009 before me, **Laura A. Kennedy**, (name and title of the officer), personally appeared **MARIA DE LA TORRE**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under **PENALTY OR PERJURY** under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**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 4615 WINTER 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 06/01/2009 to bring your mortgage loan current was \$7,247.94 . 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 (877) 714-0966 ext. 285 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:

**FIRST AMERICAN TITLE INSURANCE COMPANY
c/o TRUSTEE CORPS
30 CORPORATE PARK, 4TH FLOOR, SUITE 400
IRVINE, CA 92606**

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

Date and time: 04/01/2010, at 10:00AM

Place: ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR, County of Klamath, State of 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 call FLAGSTAR BANK, F.S.B. at (248) 312-6709 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and 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. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at: <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>.

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: 11/19/2009

FIRST AMERICAN TITLE INSURANCE COMPANY



MARIA DELATORRE, ASST SEC

Trustee telephone number: (877) 714-0966 ext. 285

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

A PARCEL OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, WHICH LIES NORTH 331.4 FEET FROM THE SOUTHWEST CORNER THEREOF; THENCE NORTH $88^{\circ} 57'$ EAST 98.55 FEET; THENCE NORTH $0^{\circ} 43'$ WEST 331.3 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH $88^{\circ} 58'$ WEST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 98.55 FEET TO THE WEST LINE OF SAID SOUTH HALF OF SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH ALONG SAID WEST LINE A DISTANCE OF 331.3 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THE SOUTH 30 FEET DEEDED TO KLAMATH COUNTY FOR WINTER AVENUE, BY DEED RECORDED SEPTEMBER 01, 1960 IN VOLUME 323 PAGE 683, DEED RECORDS OF KLAMATH COUNTY, OREGON.

Tax Parcel Number: R552244

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
4615 WINTER AVENUE, KLAMATH FALLS, OR 97603
(address).

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 11/20/2009__ to bring your mortgage loan current was \$7,247.94. 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 (248) 312-6709 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: 5151 Corporate Drive, Troy, MI 48098_.

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

Date and time: 04/01/2010 at 10:00AM

Place: ON THE FRONT STEPS OF THE CIRCUIT COURT, 316
MAIN STREET IN THE CITY OF KLAMATH FALLS, COUNTY

OF KLAMATH, OR

THIS IS WHAT YOU
CAN DO TO STOP
THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can *call* FLAGSTAR BANK, F.S.B. at (248) 312-6709 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 1-800-SAFENET. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bars Lawyer Referral Service at 503-620-0222 or toll-free in Oregon at 1 (800) 452-8260 or you may visit its website at: www.osbar.org. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to www.211info.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 _____. 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: 1-800-SAFENET. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: www.financialstability.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 DECEMBER 24, 2009.

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.

DATE: NOVEMBER 24 2009

Trustee name: Trustee Corps

Trustee signature:  _____

Trustee telephone number: 949-252-8300

OR0560313 / HILMES
ASAP# 3356511

TCORPS

AFFIDAVIT OF SERVICE

STATE OF OREGON
County of Klamath

ss.

I, Robert Bolenbaugh, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Notice of Default and Election to Sell; Trustee's Notice of Sale; Exhibit "A"; Notice You Are in Danger of Losing Your Property upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "Property Address":

**4615 Winter Avenue
Klamath Falls, OR 97603**

By delivering such copy, personally and in person to **Kristina Hilmes**, at the above Property Address on November 30, 2009 at 8:45 AM,

Prior to the aforementioned service, I attempted personal service at the Property Address on 11/25/2009 at 11:10 AM, I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(a).

The effective date of service upon an occupant at the Property Address is **11/25/2009** as calculated pursuant to ORS 86.750 (1)(c).

I declare under the penalty of perjury that the above statement is true and correct

SUBSCRIBED AND SWORN BEFORE ME
this 2nd day of December, 2009
by Robert Bolenbaugh.

Margaret A. Nielsen
Notary Public for Oregon

X *[Signature]*
Robert Bolenbaugh
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636
3356511



213541

OR0560313



DECLARATION OF NON-MILITARY SERVICE

Date: 11/17/09

Trustee Sale #: **OR0560313**
Loan #: **501122698**
Investor #: **1701629010**
Current Trustor(s): **ANDREW M HILMES and KRISTINA L HILMES**

The undersigned, declares as follows:

I am informed and believe and on that ground allege that the matters stated in this declaration are true.

That ANDREW M HILMES and KRISTINA L HILMES is / are not now, or within the period of three months prior to the making of this declaration, (a) in the Federal Service on active duty as a member of the Army of the United States, or the United States Navy, or the United States Air Force, or the Women's Army Corps, or as an officer of the Public Health Service; or (b) in training or being educated under the supervision of the United States preliminary to induction into the military service; or (c) under orders to report for induction under the Selective Training Service Act of 1940; or (d) a member of the Enlisted Reserve Corps under orders to report to military service; or (e) an American Citizen, serving with the forces of any nation allied with the United States in the prosecution of the war, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended; or (f) serving in the armed forces of the United States pursuant to the Selective Service Act of 1948.

That this declaration is made for the above referenced trustee's sale number for the purpose of inducing **TRUSTEE CORPS**, as Trustee, without leave of court first obtained, to cause said property to be sold under the terms of said Deed of Trust pursuant to the power of sale contained therein.

I declare under penalty of perjury under the laws of the State of MICHIGAN that the foregoing is true and correct. Executed on NOVEMBER 17, 2009 at TROY, MICHIGAN.
(date) (city & state)

Beneficiary: **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY AS NOMINEE FOR LENDER AND LENDER'S SUCCESSORS AND ASSIGNS**

By: 
By: **ROBERT R. STOUDEMIRE, VICE PRESIDENT**

**THIS DECLARATION MUST BE COMPLETED AND RETURNED
"PRIOR" TO THE DATE OF SALE.**

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 # 11820

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:

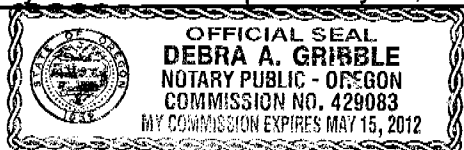
December 4, 11, 18, 25, 2009

Total Cost: \$1,561.71

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: December 28, 2009

Debra A Grizzle
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE Pursuant to O.R.S. 86.705, et seq. Trustee Sale No.: [REDACTED] Loan No.: 501122698 Title Order No.: 4307948

Reference is made to that certain Deed of Trust made by ANDREW M HILMES AND KRISHNA L HILMES, as Grantor, to AMERITITLE, as Trustee, in favor of BCK CAPITAL INC. as Beneficiary, dated 06/28/2006, and Recorded on 07/06/2006 as Document No. M06-13702 in the County of Klamath, state of Oregon. The beneficial interest under said Deed of Trust and the obligations secured thereby are presently held by MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY AS NOMINEE FOR LENDER AND LENDER'S SUCCESSORS AND ASSIGNS. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: Real property in the County of Klamath, State of Oregon, described as follows: A PARCEL OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, WHICH LIES NORTH 331.4 FEET FROM THE SOUTHWEST CORNER THEREOF; THENCE NORTH 88° 57' EAST 98.55 FEET; THENCE NORTH 0° 43' WEST 331.3 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 88° 58' WEST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER A DISTANCE OF 98.55 FEET TO THE WEST LINE OF SAID SOUTH HALF OF SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH ALONG SAID WEST LINE A DISTANCE OF 331.3 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. EXCEPT THEREFROM THE SOUTH 30 FEET DEEDED TO KLAMATH COUNTY FOR WINTER AVENUE, BY DEED RECORDED SEPTEMBER 01, 1950 IN VOLUME 323 PAGE 683, DEED RECORDS OF KLAMATH COUNTY, OREGON. A.P.N. # F552244 The street address or other common designation, if any, of the real property described above is purported to be: 4615 WINTER AVENUE, KLAMATH FALLS, OR 97603.

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation. Both the beneficiary and the Trustee have elected to sell the said real property to satisfy the obligations secured by said Deed of Trust 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: THE INSTALLMENT OF PRINCIPAL AND INTEREST WHICH BECAME DUE ON 06/01/2009 AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL AND INTEREST, ALONG WITH LATE CHARGES, PLUS FORECLOSURE COSTS AND LEGAL FEES. ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the Note and Deed of Trust, the Beneficiary may insist that you do so in order to reinstate your account in good standing. The Beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

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By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Deed of Trust immediately due and payable, said sums being the following to wit: \$132,832.21 with interest thereon at the rate of 6.875 from 05/01/2009; plus late charges of \$45.00 each month beginning 06/01/2009 and prior accrued late charges until paid; together with title expenses, 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.

WHEREFORE, notice hereby is given that the undersigned Trustee will, on 04/01/2010, at the hour of 10:00AM in accord with the standard of time established by O.R.S. 187.110; ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH, OR, 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 has or had power to convey at the time of execution by him of the said Deed of Trust, together with any interest which the Grantor his successors in interest acquired after the execution of said Deed of Trust, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including reasonable charge by the Trustee. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee and the successful bidder shall have no further recourse. Notice is further given that any person named in O.R.S. 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust, together with Trustee's and attorney's fees.

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 person owing an obligation, the performance of which is secured by said Deed of Trust, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. Dated: 11/19/2009 FIRST AMERICAN TITLE INSURANCE COMPANY, as Successor Trustee By: MARIA DELATORRE, ASST SEC c/o "TRUSTEE CORPS" 2112 Business Center Drive, 2nd Floor, Irvine, CA 92612 For Sale Information contact: (714) 573-1965, (714) 573-7777, (949) 252-8300 State of California County of Orange On 11/19/2009, before me, Laura A. Kennedy, personally appeared MARIA DELATORRE, authorized signor, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal, Signature Laura A. Kennedy, My Comm. Exp. 10/27/2012 This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose. ASAP# 3356511 12/04/2009, 12/11/2009, 12/18/2009, 12/25/2009. #11820 December 4, 11, 18, 25, 2009.

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