

2010-003814

Klamath County, Oregon



00081879201000038140050054

03/29/2010 03:28:43 PM

Fee: \$57.00

Affidavit of Compliance Oregon SB 628
 Re: Trust Deed from
 Michael R Montoya, Delores M Montoya
 to
 Recon Trust Company File No. 2007-28646

Ref: 2006-25528

ATE 67076

Affidavit of Compliance with Oregon SB 628 (2009)

Original Loan Amount: \$111,300.00

Borrower name(s): Michael R Montoya, Delores M Montoya

Property Address: 4912 Lorraine Place
 Klamath Falls, OR 97603

CITIBANK, N.A. AS TRUSTEE FOR
 THE BENEFIT OF THE CERTIFICATE -
 HOLDERS OF CWABS, INS
 ASSET-BACKED CERTIFICATES,
 SERIES 2007-QH1

The undersigned is an employee of the beneficiary of the trust deed securing the above-referenced loan or of its authorized agent, at least 18 years of age and competent to testify in a court of law and, having personal knowledge of the matters set forth below, represents and avers, under the penalty of perjury, that the following selected paragraph(s) is/are true and correct (select all that apply):

- ☒ **No Request for Meeting or Loan Modification Received.** No request for a meeting or loan modification was received from borrower.
- ☐ **Meeting Requested But Borrower Unavailable to Schedule Meeting.** Borrower requested a meeting within 30 days of the date the Trustee signed the notice required by Section 20, chapter 19, Oregon Laws 2008 ("Law") and sent the required Loan Modification Request Form to beneficiary or its agent. The beneficiary or beneficiary's authorized agent attempted to contact the borrower by the methods contemplated by Law within 45 days of receiving the loan modification request. Borrower did not respond within 7 days of attempted contact. Accordingly, no meeting was required and no meeting occurred.
- ☐ **Meeting Occurred.** Borrower requested a meeting by telephone or in person within 30 days of the date the trustee signed the notice required by Law and sent the required Loan Modification Request Form to beneficiary or its agent. The beneficiary or beneficiary's authorized agent contacted Borrower by the methods allowed by law to schedule a meeting. A meeting was scheduled and took place between borrower and a representative of the beneficiary or beneficiary's agent -- authorized to modify the loan or able to obtain authority to modify the loan -- prior to the beneficiary determining whether or not to grant borrower's request for a loan modification.
- ☐ **Loan Modification Requested. Borrower Deemed Ineligible. Request Denied.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by Law and sent the Loan Modification Request Form to beneficiary. The loan modification request was evaluated in good faith within 45 days of receipt. After considering the most current financial information provided by borrower, the beneficiary or beneficiary's agent determined that borrower is ineligible for a loan modification. Within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower is ineligible for a loan modification.
- ☐ **Loan Modification Requested. After Evaluation, Request Denied.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by Law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in

ATE 57

good faith within 45 days of receipt. Within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied.

[] **Loan Modification Requested. After Evaluation, Request Denied, But Other Loss Mitigation Opportunities Offered.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by Law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in good faith within 45 days of receipt. Within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied. However, other loss mitigation accommodations were offered to borrower.

[] **Loan Modification Requested. Insufficient Information Provided by Borrower. Request Denied.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in good faith within 45 days of receipt, but borrower, despite one or more additional requests from beneficiary or its agent, failed to provide sufficient information to enable beneficiary to determine in good faith whether borrower is eligible for a loan modification. Accordingly, within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied.

[] Other (Specify):

CITIBANK, NA, AS TRUSTEE FOR THE BENEFIT
OF THE CERTIFICATE HOLDERS OF CUNA BS, INS
ASSET-BACKED CERTIFICATES, SERIES 2007,
Q H1

DATED: 3/18/10

By S L Blouin
Typed Name: Stacey L Blouin
Title: Servicing Team Manager

State of _____)

) ss.

County of _____)

This instrument was acknowledged before me on _____ by
_____ as _____ of
_____.

Notary signature
My commission expires _____

ALL PURPOSE ACKNOWLEDGMENT - CALIFORNIA

*CITIBANK, N.A. AS TRUSTEE FOR THE
BENEFIT OF THE CERTIFICATEHOLDERS
OF CWAABS, INS, ASSET-BACKED
CERTIFICATES, SERIES 2007-QH1

STATE OF CALIFORNIA

COUNTY OF Los Angeles

ON March 18, 2010 BEFORE me Janine R. Wright

personally appeared Stacey L. Blouin

personally known to me (or 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.

WITNESS my hand and official seal

Signature Janine R. Wright



2007-28646

(This area for official notary seal)

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

BAC Rep.
TITLE(S)

- ☐ INDIVIDUAL
☒ CORPORATE OFFICER
☐ PARTNER(S)
☐ LIMITED or GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

DESCRIPTION OF ATTACHED DOCUMENT

Affidavit of Compliance
TITLE OR TYPE OF DOCUMENT
3 including this sheet
NUMBER OF PAGES
3-18-10
DATE OF DOCUMENT

N/A

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

BAC

SIGNER(S) OTHER THAN NAMED ABOVE

THIS IS TO CERTIFY THAT THIS IS A FULL,
TRUE AND CORRECT COPY OF THE ORIGINAL
RECORDED IN THE OFFICE OF THE COUNTY

RECORDING FEE: \$42.00

RECORDED ON: October 1, 2009

AS DOCUMENT NO: 2009-12951

BY: s/ Patrick Rickard

FIDELITY NATIONAL TITLE INSURANCE CO. (LSI DIVISION)

After recording return to:
Attn: Foreclosure Department
RECONTRUST COMPANY, N.A.
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by MICHAEL R. MONTOYA AND DELORES M. MONTOYA, HUSBAND AND WIFE, as grantors, to T.D. SERVICE COMPANY, A CALIFORNIA CORPORATION, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 12/13/2006, recorded 12/29/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2006-025528, covering the following described real property situated in said county and state, to wit:

LOT 42, BLOCK 1, TRACT NO. 1078, SECOND ADDITION TO KELENE GARDENS,
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF
KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 4912 LORRAYNE PLACE

KLAMATH FALLS, OR 97603

There is default by the grantor or other person, or by their successor in interest, owing an obligation, the performance of which is secured by said Trust Deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantors' failure to pay when due the following sums: monthly payments of \$1,065.71 beginning 06/01/2007; plus late charges of \$ 53.29 each month beginning 06/01/2007 payment plus prior accrued late charges of \$-106.58; plus advances of \$224.50; together with title expense, costs, trustee's fees and attorney's 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 secured by said Trust Deed immediately due and payable, said sums being the following, to wit: \$111,300.00 with interest thereon at the rate of 11.489999771182 percent per annum beginning 05/01/2007 plus late charges of \$ 53.29 each month beginning 06/01/2007 until paid; plus prior accrued late charges of \$-106.58; plus advances of \$224.50; together with title expense, costs, trustee's fees and attorney's 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.

NOTICE OF DEFAULT AND ELECTION TO SELL
RE: Trust Deed from
MICHAEL R MONTOYA and DELORES M. MONTOYA,
Grantor
To
RECONTRUST COMPANY, N.A.,
Trustee TS No. 07-0028646

For Additional Information:
Please Contact
Foreclosure Department
RECONTRUST COMPANY, N.A.
COUNTRYWIDE HOME LOANS, INC.
1757 TAPO CANYON ROAD, SVW-88
SIMI VALLEY, CA 93063
(800)-281-8219

Notice is hereby given that the Beneficiary and Trustee, by reason of said default, have elected and do hereby elect to foreclose the Trust Deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which the grantor had, or had the power to convey, at the time the grantor executed the Trust Deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations

secured by the Trust Deed and the expenses of the sale, including the compensations of the Trustee as provided by law, and reasonable fees of Trustee's attorneys.

The sale will be held at the hour of 10:00 AM, in accordance with the standard of time established by ORS 187.110 on Thursday, February 11, 2010, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

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

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

CALIFORNIA

STATE OF _____)
COUNTY OF VENTURA) ss.

RECONTRUST COMPANY, N.A.

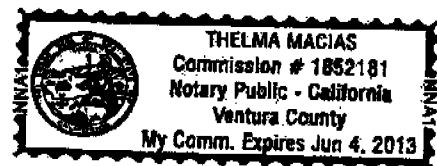
Michelle Chavez
Heidi Rios, Team Member
MICHELLE CHAVEZ

On September 29, 2009, before me, THELMA MACIAS, notary public, personally appeared MICHELLE CHAVEZ, personally known to me (or 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.

WITNESS my hand and official seal.

Thelma Macias
Notary Public for CALIFORNIA
My commission expires: June 4, 2013

(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.