

2010-004088

Klamath County, Oregon



00082208201000040880210211

04/05/2010 03:24:56 PM

Fee: \$152.00

ATE 66866

RECONTRUST COMPANY, N.A.

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

AFTER RECORDING RETURN TO:
JERE MORRIS
RECONTRUST COMPANY, N.A.
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

TS No.: 09-0160817

090451158 66866

1. AFFIDAVIT OF MAILING NOTICE OF SALE / copy of Notice of sale
2. AFFIDAVIT OF PUBLICATION NOTICE OF SALE
3. AFFIDAVIT OF SERVICE
4. ~~COPY OF NOTICE OF SALE~~ Affidavit of Compliance

Original Grantor on Trust Deed: BRANDON C. ROBERTS

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.

ATE 152

Klamath

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, 11/19/2009. 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 

Subscribed and sworn to (or affirmed) before me on this 18th day of February, 2010, by MARTHA CASILLAS, 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

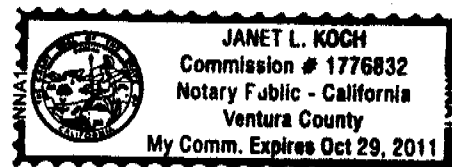
and BRANDON C. ROBERTS

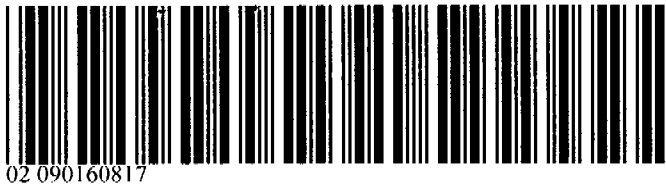

Notary Public for California
Residing at VENTURA
My commission expires Oct 29, 2011

RECONTRUST COMPANY, N.A.

Trustee TS No. 09-0160817

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





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

TS No. 09-0160817

BRANDON C. ROBERTS 11/19/2009

1205 KLAMATH AVE APT C
KLAMATH FALLS, OR 97601
7187 7930 3131 5904 8709

BRANDON C. ROBERTS 11/19/2009

1916 ELDORADO BOULEVARD
KLAMATH FALLS, OR 97601
7187 7930 3131 5904 8723

Residents/Occupants 11/19/2009

1916 ELDORADO BOULEVARD
KLAMATH FALLS, OR 97601
7187 7930 3131 5904 8730

DIAMOND HOME HARDWARE & GARDEN 11/19/2009

2380 S. 6TH ST
KLAMATH FALLS, OR 97601
7187 7930 3131 5904 8747

DIAMOND HOME HARDWARE & GARDEN 11/19/2009

C/O GLORIA STEINER, REGISTERED AGENT
2380 S. 6TH ST.
KLAMATH FALLS, OR 97601
7187 7930 3131 5904 8754

DIAMOND HOME HARDWARE & GARDEN 11/19/2009

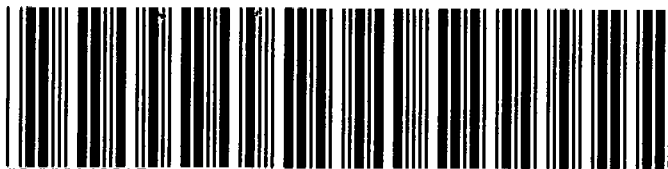
435 OAK
C/O NEAL G. BUCHANAN, ATTORNEY
KLAMATH FALLS, OR 97601
7187 7930 3131 5904 8761

HOUSEHOLD FINANCE CORPORATION II 11/19/2009

2354 POPLAR DRIVE
MEDFORD SQUARE, OR 97504
7187 7930 3131 5904 8778

HOUSEHOLD FINANCE CORPORATION II 11/19/2009

26525 N RIVERWOODS BLVD
METTAWA, IL 60045
7187 7930 3131 5904 8785



02 090160817

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

TS No. 09-0160817

HOUSEHOLD FINANCE CORPORATION II

11/19/2009

388 STATE ST STE 420

C/O C T CORPORATION SYSTEM

SALEM, OR 97301-3581

7187 7930 3131 5904 8792

WINEMA ELECTRIC, INC.

11/19/2009

735 COMMERCIAL STREET

KLAMATH FALLS, OR 97601

7187 7930 3131 5904 8808

WINEMA ELECTRIC, INC.

11/19/2009

411 PINE STREET

C/O BRANDSNESS, BRANDSNESS & RUDD

KLAMATH FALLS, OR 97601

7187 7930 3131 5904 8822

LARRY L. BLOMQUIST, TRUSTEE

11/19/2009

4619 MURRELET RD.

KLAMATH FALLS, OR 97601

7187 7930 3131 5904 8839

JUDY L. BLOMQUIST, TRUSTEE

11/19/2009

4619 MURRELET RD.

KLAMATH FALLS, OR 97601

7187 7930 3131 5904 8846

BLOMQUIST FAMILY TRUST UAD 3/9/04

11/19/2009

4619 MURRELET RD.

KLAMATH FALLS, OR 97601

7187 7930 3131 5904 8853

LARRY L. BLOMQUIST AND JUDY L. BLOMQUIST, TRUSTEES

11/19/2009

4619 MURRELET RD.

THE BLOMQUIST FAMILY TRUST, UAD 3/9/04

KLAMATH FALLS, OR 97601

7187 7930 3131 5904 8860

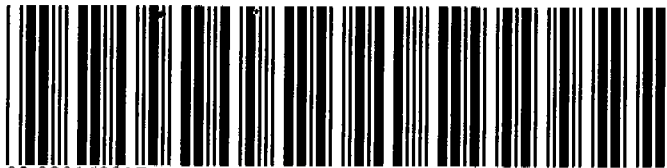
WILLIAM T SHUPE

11/19/2009

4511 COOPERS HAWK ROAD

KLAMATH FALLS, OR 97601

7187 7930 3131 5904 8877



02 090160817

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

TS No. 09-0160817

MAUREEN TOPPING

11/19/2009

4511 COOPERS HAWK ROAD

KLAMATH FALLS, OR 97601

7187 7930 3131 5904 8884

POWLEY PLUMBING, INC.

11/19/2009

122 SOUTH FIFTH STREET

C/O BRADFORD J. ASPELL, OSB.74015, ASPELL DELLA-RO

KLAMATH FALLS, OR 97601

7187 7930 3131 5904 8891

POWLEY PLUMBING, INC.

11/19/2009

515 MARKET STREET

KLAMATH FALLS, OR 97601

7187 7930 3131 5904 8907

RSC EQUIPMENT RENTAL, INC.

11/19/2009

3200 N. HARBOR LANE, SUITE #100

MINNEAPOLIS, MI 55447

7187 7930 3131 5904 8921

RSC EQUIPMENT RENTAL, INC.

11/19/2009

P.O. BOX 1475

C/O NANCY K. CARY HERSHNER HUNTER, LLP

EUGENE, OR 97440

7187 7930 3131 5904 8938

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Brandon C. Roberts A Married Man As His Sole And Separate Property, as grantor(s), to Amerititle, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 04/01/2005, recorded 04/12/2005, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume No. M05 at Page No. 25296 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 LEGAL DESCRIPTION

PROPERTY ADDRESS: 1916 ELDORADO BOULEVARD
KLAMATH FALLS, OR 97601

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 \$1,622.19 beginning 09/01/2008; plus late charges of \$65.18 each month beginning with the 09/01/2008 payment plus prior accrued late charges of \$-130.36; plus advances of \$788.75; 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: \$198,177.43 with interest thereon at the rate of 6.5 percent per annum beginning 08/01/2008 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.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Thursday, March 18, 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, in the city of Klamath Falls, County of Klamath, State of Oregon, 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 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 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 expenses actually incurred in enforcing the obligation that the Trust Deed secures, 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 02/16/2010.

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.

Dated

Nov 13, 2009

RECONTRUST COMPANY, N.A.


Laura Martin, Team Member

TS #09-0160817

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

A parcel of land located in the SE1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being a portion of Lot 15, Block 8, ELDORADO ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southeasterly corner of Lot 15, Block 8, ELDORADO ADDITION to the City of Klamath Falls, Oregon; thence along the lot line common to Lots 15 and 16 North $24^{\circ} 25' 52''$ East 64.58 feet; thence South $33^{\circ} 54' 45''$ West 67.90 feet to a point on the Southwesterly line of said Lot 15; thence following said lot line 11.44 feet along the arc of a 353.30 foot radius curve to the left, the long chord of which bears South $77^{\circ} 37' 40''$ East 11.44 feet to the point of beginning.

PARCEL 2:

Lot 16, Block 8, ELDORADO ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

EXCEPTING THEREFROM a parcel of land located in the SE1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; said parcel being a portion of Lot 16, Block 8, ELDORADO ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and an adjacent portion of vacated Peach Street, being more particularly described as follows:

Beginning at a point on the lot line common to Lots 15 and 16, Block 8 in said Eldorado Addition from which the Southerly lot corner common to said Lots 15 and 16 bears South $24^{\circ} 25' 52''$ West 64.58 feet; thence along said lot line and the extension thereof North $24^{\circ} 25' 52''$ East 41.69 feet to the Southwesterly right-of-way line of Eldorado Boulevard; thence following said right-of-way line 12.72 feet along the arc of a 1,493.96 foot radius curve to the left, the long chord of which bears South $39^{\circ} 29' 40''$ East 12.72 feet; thence leaving said right of way line, South $43^{\circ} 56' 10''$ West 30.60 feet; thence South $33^{\circ} 54' 45''$ West 7.36 feet to the point of beginning.

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 -0160817

STATE OF _____)
) ss.
COUNTY OF _____)

On _____, before me, _____, notary public, personally appeared _____, 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.

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.

AFFIDAVIT OF MAILING NOTICE TO GRANTOR

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 given pursuant to the requirements of sections 20 & 21 of Chapter 19, Oregon Laws 2008 (Amending and/or supplementing ORS 86.705 to ORS 86.795).

I gave notice to grantor(s) and occupant(s) of the real property described in the attached notice 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(s) in the trust deed and (b) occupant(s) of the subject property.

Each of the notices so mailed 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, on 11/12/2009. 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 was recorded and on or before the date of the Notice of Trustee's Sale was mailed, served and/or posted.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Signature _____

State of California

County of Ventura

Subscribed and sworn to (or affirmed) before me on this 18th day of February, 2010, by MARTHA CASILLAS, 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 BRANDON C. ROBERTS

RECONTRUST COMPANY, N.A.

Trustee TS No. 09-0160817

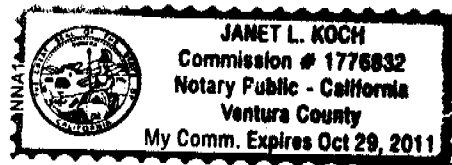
After Recording return to:

400 COUNTRYWIDE WAY SV-35

RECONTRUST COMPANY, N.A.

SIMI VALLEY, CA 93065

Janet L. Koch
Notary Public for California
Residing at VENTURA
My commission expires: OCT 29, 2011





02 090160817

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE TO GRANTOR
"EXHIBIT A"**

TS No. 09-0160817

BRANDON C. ROBERTS 11/12/2009
1205 KLAMATH AVE APT C
KLAMATH FALLS, OR 97601
7187 7930 3131 5849 2381

BRANDON C. ROBERTS 11/12/2009
1916 ELDORADO BOULEVARD
KLAMATH FALLS, OR 97601
7187 7930 3131 5849 2398

Residents/Occupants 11/12/2009
1916 ELDORADO BOULEVARD
KLAMATH FALLS, OR 97601
7187 7930 3131 5849 2404

DIAMOND HOME HARDWARE & GARDEN 11/12/2009
2380 S. 6TH ST
KLAMATH FALLS, OR 97601
7187 7930 3131 5849 2428

DIAMOND HOME HARDWARE & GARDEN 11/12/2009
C/O GLORIA STEINER, REGISTERED AGENT
2380 S. 6TH ST.
KLAMATH FALLS, OR 97601
7187 7930 3131 5849 2435

DIAMOND HOME HARDWARE & GARDEN 11/12/2009
435 OAK
C/O NEAL G. BUCHANAN, ATTORNEY
KLAMATH FALLS, OR 97601
7187 7930 3131 5849 2442

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:

Street address: 1916 ELDORADO BOULEVARD

City: KLAMATH FALLS

State: OR

ZIP: 97601

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 a 'foreclosure.'

The amount you would have had to pay as of November 12, 2009 to bring your mortgage current was \$26,139.30. 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 888-219-7773 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:

BAC Home Loans Servicing, LP
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION: March 18, 2010 at 10:00 AM 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.

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 Jill Balentine at 888-219-7773, 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 phone number of an organization near you, please call the statewide phone 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 Web site 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 <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 **800-669-6607**. 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 you 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: <http://www.makinghomeaffordable.gov/>.

IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "MODIFICATION REQUEST FORM". YOUR LENDER MUST RECEIVE THE FORM BY 12/12/2009.

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 questions, talk to a lawyer or one of the organizations mentioned above before signing.

Date: November 12, 2009

TS No.: 09 -160817

Trustee name: RECONTRUST COMPANY, N.A.

Trustee phone number: (800) 281-8219



Trustee signature: _____

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 # 11885

Trustee's Notice of Sale

Roberts

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 29, 2009,

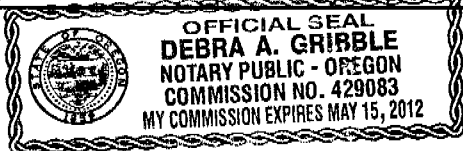
January 05, 12, 19, 2010

Total Cost: \$1,860.94

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: January 19, 2010

Debra A Grizzle
Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by BRANDON C. ROBERTS A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, as grantor(s), to AMERITILE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 04/01/05, recorded 04/12/05, in the mortgage records of Klamath County, OR, in Book/Reel/Volume No. M05 at Page No. 25296 as Recorder's fee/file/instrument/microfilm/reception Number - , and subsequently assigned to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. by Assignment recorded 11/06/2009 as Recorder's fee/file/instrument/microfilm/reception No. 2009-14320, covering the following described real property situated in said county and state, to wit: ***LEGAL DESCRIPTION: PARCEL 1: A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 20, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING A PORTION OF LOT 15, BLOCK 8, ELDORADO ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH-EASTERLY CORNER OF LOT 15, BLOCK 8, ELDORADO ADDITION TO THE CITY OF KLAMATH FALLS, OREGON; THENCE ALONG THE LOT LINE COMMON TO LOTS 15 AND 16 NORTH 24 DEGREES 25' 52" EAST 64.58 FEET; THENCE SOUTH 33 DEGREES 54' 45" WEST 667.90 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 15; THENCE FOLLOWING SAID LOT LINE 11.44 FEET ALONG THE ARC OF A 353.30 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS SOUTH 77 DEGREES 37' 40" EAST 11.44 FEET TO THE POINT OF BEGINNING. PARCEL 2: LOT 16, BLOCK 8, ELDORADO ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, EXCEPTING THEREFROM A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 20, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON; SAID PARCEL BEING A PORTION OF LOT 16, BLOCK 8, ELDORADO ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, AND AN ADJACENT PORTION OF VACATED PEACH STREET, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE LOT LINE COMMON TO LOTS 15 AND 16, BLOCK 8 IN SAID ELDORADO ADDITION FROM WHICH SOUTHERLY LOT CORNER COMMON TO SAID LOTS 15 AND 16 BEARS SOUTH 24 DEGREES 25' 52" WEST 64.58 FEET; THENCE ALONG SAID LOT LINE AND THE EXTENSION THEREOF NORTH 24 DEGREES 25' 52" EAST 41.69 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ELDORADO BOULEVARD; THENCE FOLLOWING SAID RIGHT-OF-WAY LINE 12.72 FEET ALONG THE ARC OF A 1,493.96 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS SOUTH 39 DEGREES 29' 40" EAST

OF WHICH BEARS SOUTH 39 DEGREES 29' 40" EAST 12.72 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 43 DEGREES 56' 10" WEST 30.60 FEET; THENCE SOUTH 33 DEGREES 54' 49" WEST 7.36 FEET TO THE POINT OF BEGINNING.*** PROPERTY ADDRESS: 1916 ELDORADO BOULEVARD KLAMATH FALLS, OR 97601.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed 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 \$1,622.19 beginning 09/01/2008; plus late charges of \$65.18 each month beginning with the 09/01/2008 payment plus prior accrued late charges of \$-130.36; plus advances of \$788.75; 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 the Trust Deed immediately due and payable, said sums being the following to wit: \$198,177.43 with interest thereon at the rate of 6.5 percent per annum beginning 08/01/2008 until paid, plus all accrued late charges thereon 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 interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Thursday, March 18, 2010 at the hour of 10:00AM 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, in the city of Klamath Falls, County of Klamath, State of Oregon, 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 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 any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Trust Deed, and 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 the Trustee's and attorney's fees not exceeding the amounts provided by OSRS 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, the performance of which is secured by said Trust Deed, 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 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 sale is February 20, 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. Dated: November 13, 2009 RECONTRUST COMPANY, N.A. For further information, please contact: RECONTRUST COMPANY, N.A. 1800 Tapo Canyon Rd., CA6-914-01-94 SIMI VALLEY, CA. 93063 (800) 281-8219 (TS# 09-0160817) 1006.75401-FEI. #11885 December 29, 2009, January 05, 12, 19, 2010.

FEI, LLC
Affidavit of Posting and Service

State of Oregon
County of Klamath

Dave Davis, being sworn, says:

- That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale:
- That my business address is 422 N 6th St, Klamath Falls, OR.
- That I posted a copy of the Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 1916 ELDORADO BOULEVARD, KLAMATH FALLS, OR 97601 in a conspicuous place on:
 - 1st Attempt: 11/16/2009 at 03:50 pm
 - 2nd Attempt: 11/19/2009 at 01:10 pm
 - 3rd Attempt: 11/22/2009 at 11:10 am

Signed in Klamath County, Oregon by:

Dave Davis

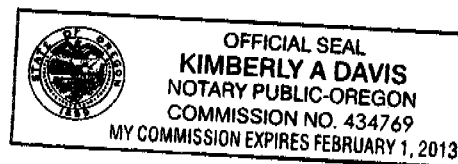
11/22/09
Signature
Date

1006.75401

State of Oregon
County of Klamath

On this 22nd day of November in the year of 2009, before me a Notary Public, Personally appeared DAVE DAVIS, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Kimberly A Davis
Notary Public for Oregon
Residing at Klamath County
Commission expires: 01 Feb 2013



0429131

STATEMENT OF PROPERTY CONDITION

Occupancy:

☐ Occupied

☒ Vacant

Type of Dwelling:

☒ Single Family

☐ Condominium

☐ Apartment Bldg

☐ Commercial Bldg

☐ Mobile Home

☐ Vacant Land

☐ Multi-Family: Number of Units: _____

Property Condition:

Damage:

☐ Fire

☐ Vandalism

☐ Other

Describe: _____

Landscape:

☒ Good

☐ Poor

Other:

☐ Property Address Discrepancies

☐ Code Enforcement Notices

☐ Livestock

☐ For Sale Sign, By _____

Comments: _____



Disclaimer:

Foreclosure Expeditors/Initiators, LLC provides the information herein as a courtesy. That information is obtained from field service representatives possessing varying degrees of knowledge and sophistication in the observance and reporting of real property conditions and should not be relied upon in lieu of the lender's or servicer's regular property inspections for the property. No guaranty, warranty or representation of any kind, expressed or implied, is made concerning the accuracy, completeness or correctness of the matters reported upon by FEI's representatives herein. Foreclosure Expeditors/Initiators, LLC, its affiliates, officers, directors, employees, or agents are neither responsible nor liable for any direct, indirect, incidental, consequential special, punitive, exemplary or other damages arising out of or relating in any way to the content or information contained in this Statement of Property Condition.



0429131

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT
(In Lieu of Personal Service)

STATE OF WASHINGTON, County of KING) 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 Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

On November 23, 2009 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 1916 ELDORADO BOULEVARD, KLAMATH FALLS, OR, 97601 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.

Theresa Redulla

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Theresa Redulla is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 11-23-09



Renee Kristene May
NOTARY PUBLIC in and for the State of
Washington, residing at King
My commission expires 3-21-12

09-0160817 / ROBERTS, BRANDON C.
Sales Group-OR

Affidavit of Compliance Oregon SB 628
Re: Trust Deed from
Brandon C Roberts
to
Recon Trust Company File No. 2009-160817

Affidavit of Compliance with Oregon SB 628 (2009)

Original Loan Amount: \$206,250.00

Borrower name(s): Brandon C Roberts

Property Address: 1916 Eldorado Boulevard
Klamath Falls, OR 97601

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

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):

DATED: 3/10/10

By Stacey L. Gaines
Typed Name: Stacey L. Gaines
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

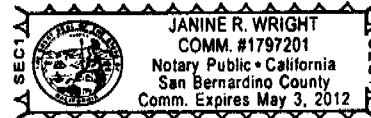
STATE OF CALIFORNIA

COUNTY OF Los Angeles *****

ON **March 15, 2010** ***** BEFORE me ****Janine R. Wright**** *****

personally appeared *****Stacey Gaines*****
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 _____



#2009-160817

(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

DESCRIPTION OF ATTACHED DOCUMENT

TITLE(S)

TITLE OR TYPE OF DOCUMENT

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

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

NAME OF PERSON(S)/OR ENTITY(IES)

SIGNER(S) OTHER THAN NAMED ABOVE