

2010-005433

Klamath County, Oregon



00083736201000054330250254

06/07/2010 02:21:50 PM

Fee: \$157.00

After recording Mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

1st 1516890

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
AND ADDITIONAL DOCUMENTS AS ATTACHED.**

T.S. No: D507009 OR Unit Code: D Loan No: 1044843087/BANKS Investor No: 4001244576

STATE OF CALIFORNIA, COUNTY OF ORANGE, ss:

I, Alice Wong, 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 his successor in interest and not a party to the within action.

I gave notice of the 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, attached hereto.

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 of 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 of 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 David Kubat, OSBA No. 84265, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited in the United States mail at Santa Ana, CA on January 15, 2010. With respect to each person listed on the attached, one such notice was mailed with postage thereon sufficient for first-class delivery to the address indicated, and another such notice was mailed with 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.

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

F

Page 2

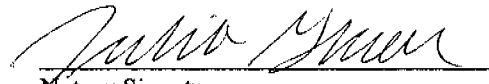
T.S. No: D507 009 Unit Code: D Loan No: 1044843087 Investor No:

By: 

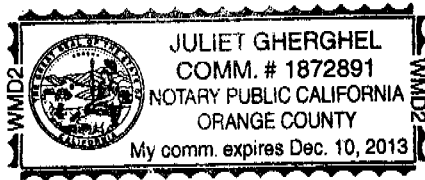
State of California)
County of ORANGE)

Subscribed and sworn to (or affirmed) before me on this 15th day of January, 2009, by
Alice Wong

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.


Notary Signature

(Area for Notary Seal)



DECLARATION OF MAILING BY CERTIFIED/REGISTERED MAIL

T.S.# D 507009

Date: 01/15/10

ROB BANKS
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1120 9418
RETURN RECEIPT REQUESTED

SPOUSE OF ROB BANKS
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1120 9425
RETURN RECEIPT REQUESTED

PATRICIA BANKS
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1120 9432
RETURN RECEIPT REQUESTED

SPOUSE OF PATRICIA BANKS
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1120 9449
RETURN RECEIPT REQUESTED

OCCUPANT
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1120 9456
RETURN RECEIPT REQUESTED

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC., AS NOMINEE
P.O. BOX 2026
FLINT, MI 48501-2026

CERTIFIED 7105 2257 2920 1120 9463
RETURN RECEIPT REQUESTED

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC., AS NOMINEE
C/O FIRST FRANKLIN FINANCIAL CORP.,
AN OP. SUB. OF MLB&T CO., FSB
2150 NORTH FIRST STREET
SAN JOSE, CA 95131

CERTIFIED 7105 2257 2920 1120 9470
RETURN RECEIPT REQUESTED

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC., AS NOMINEE
FOR FIRST FRANKLIN C/O SECURITY CONNECTIONS
1935 INTERNATIONAL WAY
IDAHO FALLS, ID 83402

CERTIFIED 7105 2257 2920 1120 9487
RETURN RECEIPT REQUESTED

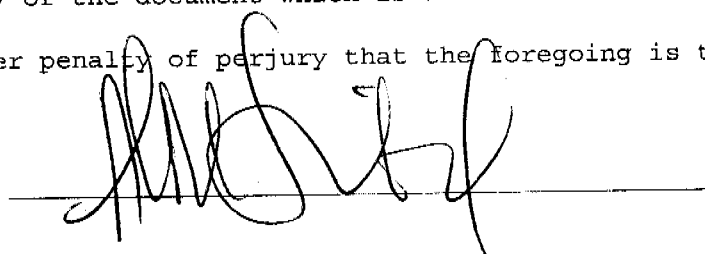
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
3300 SW 34TH AVENUE, SUITE 101

CERTIFIED 7105 2257 2920 1120 9494
RETURN RECEIPT REQUESTED

STATE OF CALIFORNIA
COUNTY OF ORANGE

The undersigned does hereby declare that he/she is over the age of 18 year and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by Certified/Registered mail, in a sealed envelope, a copy of the document which is attached to this declaration.

I certify or declare under penalty of perjury that the foregoing is true and correct.



DECLARATION OF MAILING BY CERTIFIED/REGISTERED MAIL

T.S.# D 507009
OCALA, FL 34474

Date: 01/15/10

WANDA S. CARLILE
3034 BUTTE ST
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 1120 9500
RETURN RECEIPT REQUESTED

WANDA S. CARLILE
C/O KLAMATH COUNTY DA/FSU
305 MAIN STREET
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 1120 9517
RETURN RECEIPT REQUESTED

WANDA BANKS
3034 BUTTE ST
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 1120 9524
RETURN RECEIPT REQUESTED

WANDA BANKS
C/O KLAMATH COUNTY DA/FSU
305 MAIN STREET
KLAMATH FALLS, OR 97601

CERTIFIED 7105 2257 2920 1120 9531
RETURN RECEIPT REQUESTED

ROB BANKS
405 E DAY SCHOOL RD
CHILOQUIN, OR 97624-9714

CERTIFIED 7105 2257 2920 1120 9548
RETURN RECEIPT REQUESTED

STATE OF OREGON, DEPARTMENT OF JUSTICE
ATTN: ATTORNEY GENERAL
1162 COURT ST NE
SALEM, OR 97301-4096

CERTIFIED 7105 2257 2920 1120 9555
RETURN RECEIPT REQUESTED

STATE OF OREGON, DEPARTMENT OF JUSTICE
DIVISION OF CHILD SUPPORT
P.O. BOX 14506
SALEM, OR 97309

CERTIFIED 7105 2257 2920 1120 9562
RETURN RECEIPT REQUESTED

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC., AS NOMINEE FOR FIRST FRANKLIN
C/O SECURITY CONNECTIONS
595 UNIVERSITY BLVD
IDAHO FALLS, ID 83401-6193

CERTIFIED 7105 2257 2920 1120 9579
RETURN RECEIPT REQUESTED

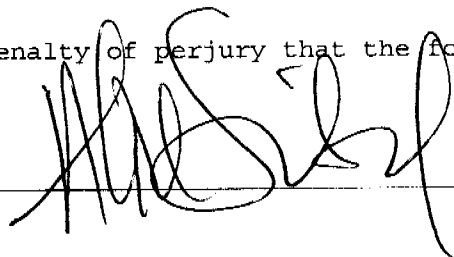
TENANT OF THE PROPERTY

CERTIFIED 7105 2257 2920 1120 9586

STATE OF CALIFORNIA
COUNTY OF ORANGE

The undersigned does hereby declare that he/she is over the age of 18 year and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by Certified/Registered mail, in a sealed envelope, a copy of the document which is attached to this declaration.

I certify or declare under penalty of perjury that the foregoing is true and correct.



DECLARATION OF MAILING BY CERTIFIED/REGISTERED MAIL

T.S.# D 507009
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

Date: 01/15/10

RETURN RECEIPT REQUESTED

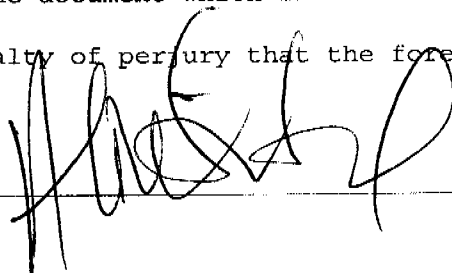
SPOUSE OF ROB BANKS
405 E DAY SCHOOL RD
CHILOQUIN, OR 97624-9714

CERTIFIED 7105 2257 2920 1120 9593
RETURN RECEIPT REQUESTED

STATE OF CALIFORNIA
COUNTY OF ORANGE

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I certify or declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to be "M. S. P.", is written over a horizontal line.

AFFIDAVIT OF MAILING
BY FIRST CLASS MAIL

T.S.# D 507009

Date: 01/15/10

STATE OF CALIFORNIA
COUNTY OF ORANGE

SS.

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Addressed to the following:

ROB BANKS
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

SPOUSE OF ROB BANKS
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

PATRICIA BANKS
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

SPOUSE OF PATRICIA BANKS
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

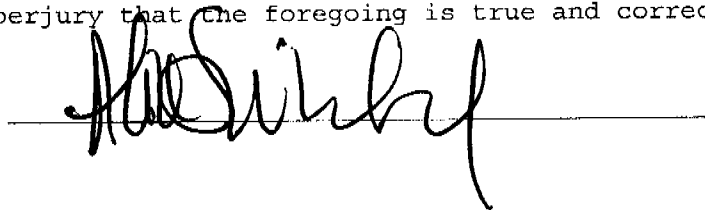
OCCUPANT
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC., AS NOMINEE
P.O. BOX 2026
FLINT, MI 48501-2026

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC., AS NOMINEE
C/O FIRST FRANKLIN FINANCIAL CORP.,
AN OP. SUB. OF MLB&T CO., FSB
2150 NORTH FIRST STREET
SAN JOSE, CA 95131

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC., AS NOMINEE
FOR FIRST FRANKLIN C/O SECURITY CONNECTIONS
1935 INTERNATIONAL WAY
IDAHO FALLS, ID 83402

I declare under penalty of perjury that the foregoing is true and correct.



AFFIDAVIT OF MAILING
BY FIRST CLASS MAIL

T.S.# D 507009

Date: 01/15/10

STATE OF CALIFORNIA
COUNTY OF ORANGE

SS.

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Addressed to the following:

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
3300 SW 34TH AVENUE, SUITE 101
OCALA, FL 34474

WANDA S. CARLILE
3034 BUTTE ST
KLAMATH FALLS, OR 97601

WANDA S. CARLILE
C/O KLAMATH COUNTY DA/FSU
305 MAIN STREET
KLAMATH FALLS, OR 97601

WANDA BANKS
3034 BUTTE ST
KLAMATH FALLS, OR 97601

WANDA BANKS
C/O KLAMATH COUNTY DA/FSU
305 MAIN STREET
KLAMATH FALLS, OR 97601

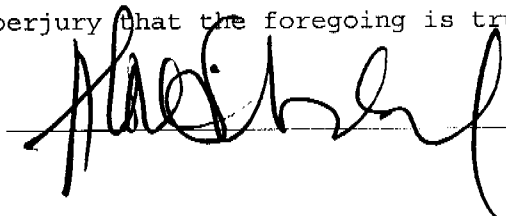
ROB BANKS
405 E DAY SCHOOL RD
CHILOQUIN, OR 97624-9714

STATE OF OREGON, DEPARTMENT OF JUSTICE
ATTN: ATTORNEY GENERAL
1162 COURT ST NE
SALEM, OR 97301-4096

STATE OF OREGON, DEPARTMENT OF JUSTICE
DIVISION OF CHILD SUPPORT
P.O. BOX 14506
SALEM, OR 97309

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC., AS NOMINEE FOR FIRST FRANKLIN
C/O SECURITY CONNECTIONS

I declare under penalty of perjury that the foregoing is true and correct.



AFFIDAVIT OF MAILING
BY FIRST CLASS MAIL

T.S.# D 507009

Date: 01/15/10

STATE OF CALIFORNIA

COUNTY OF ORANGE

SS.

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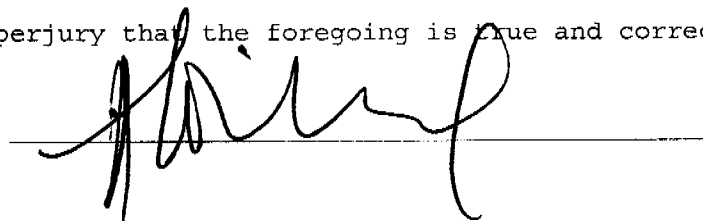
Addressed to the following:

595 UNIVERSITY BLVD
IDAHO FALLS, ID 83401-6193

TENANT OF THE PROPERTY
4816 SUMMERS LN
KLAMATH FALLS, OR 97603

SPOUSE OF ROB BANKS
405 E DAY SCHOOL RD
CHILOQUIN, OR 97624-9714

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to be "Shirley", is written over a horizontal line.

RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

____ Space above this line for recorder's use _____

OREGON TRUSTEE'S NOTICE OF SALE



T.S. No: D507009 OR Unit Code: D Loan No: 1044843087/BANKS Investor No: 4001244576
Title #: 4346919

Reference is made to that certain Trust Deed made by ROB BANKS, PATRICIA BANKS as **Grantor**, to AMERI TITLE as **Trustee**, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. IS A SEPARATE CORPORATION THAT IS ACTING SOLELY AS NOMINEE FOR FIRST FRANKLIN FINANCIAL CORP., AN OP. SUB. OF MLB&T CO., FSB as **Beneficiary**.

Dated January 31, 2007, Recorded February 1, 2007 as Instr. No. 2007-001824 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON

covering the following described real property situated in said county and state, to wit:
SEE ATTACHED EXHIBIT

Both the beneficiary and the trustee have elected to sell the said real property. The property will be sold to satisfy the obligations secured by said 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:

2 PYMTS FROM 07/01/09 TO 08/01/09 @ 659.34	\$1,318.68
2 L/C FROM 07/16/09 TO 08/16/09 @ 27.66	\$55.32
5 PYMTS FROM 09/01/09 TO 01/01/10 @ 659.34	\$3,296.70
4 L/C FROM 09/16/09 TO 12/16/09 @ 27.66	\$110.64
ACCRUED LATE CHARGES	\$193.62
CREDIT DUE	<\$485.07>
IMPOUND/ESCROW DEFICIT	\$843.82
MISCELLANEOUS FEES	\$62.50
RECOVERABLE BALANCE IN THE AMOUNT OF \$195.00	\$195.00
 Sub-Total of Amounts in Arrears:	 \$5,591.21

Together with any default in the payment of recurring obligations as they become due.

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 Trust Deed, 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.

The street or other common designation if any, of the real property described above is purported to be :
4816 SUMMERS LN, KLAMATH FALLS, OR 97603

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

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: Principal \$79,286.20, together with interest as provided in the note or other instrument secured from 06/01/09, and such other costs and fees are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned trustee will, on May 17, 2010, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 187.110, INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS , County of KLAMATH, State of OREGON, (which is the date, time and place set for said sale) sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.

Notice is further given that the right exists under O.R.S.86.753, 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 entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of in the Notice of Default, that is capable of being cured by tendering the performance required under the obligation of the 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 trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

T.S. No: D507009

Loan No:

It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check.

The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing.

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.

If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: (714)480-5690 or you may access sales information at www.ascentex.com/websales/.

DATED: 01/06/2010

DAVID A. KUBAT, OSBA #84265

By 
DAVID A. KUBAT, ATTORNEY AT LAW

DIRECT INQUIRIES TO:

**T.D. SERVICE COMPANY
FORECLOSURE DEPARTMENT
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988
(800)843-0260**

T.S. No: D507009 OR

Loan#: 1044843087/BANKS

Free legal assistance:

Oregon Law Center

Portland: (503) 473-8329

Coos Bay: 1-800-303-3638

Ontario: 1-888-250-9877

Salem: (503) 485-0696

Grants Pass: (541) 476-1058

Woodburn: 1-800-973-9003

Hillsboro: 1-877-726-4381

<http://www.oregonlawcenter.org/>

and Oregon Law Help Site (providing more information and a directory of legal aid programs)

<http://oregonlawhelp.org/OR/index.cfm>

and Oregon State Bar Lawyer Referral Service

503-684-3763 or toll-free in Oregon at 800-452-7636

<http://www.osbar.org>

<http://www.osbar.org/public/ris/ris.html#referral>

and information on federal loan modification programs at:

<http://www.makinghomeaffordable.gov/>

EXHIBIT "A"
LEGAL DESCRIPTION

A parcel of land situate in the NE1/4 of the NE1/4 of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon being more particularly described as follows:

Beginning at an iron pin on the Westerly right of way line of Summers Lane, which lies South 0°, 10' East along the Section line a distance of 748.7 feet and North 88° 39' West a distance of 30 feet from the iron axle which marks the Northeast corner of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, and running thence; Continuing North 88° 39' West a distance of 275.4 feet to an iron pin; thence South 0° 10' East parallel to the Section line a distance of 78.4 feet to an iron pin; thence South 88° 39' East 275.4 feet to an iron pin on the Westerly right of way line of Summers Lane; thence North 0° 10' West along the Westerly right of way line of Summers Lane a distance of 78.4 feet, more or less, to the point of beginning, being in the NE1/4 of the NE1/4 of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.



DEBT VALIDATION NOTICE

Date: January 6, 2010
T.S. Number: D507009 OR
Unit Code: D
Loan No: 1044843087/BANKS
Investor No: 4001244576

1. The enclosed document relates to a debt owed to:
U.S. BANK, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF AMERICA, N. A. AS SUCCESSOR BY MERGER TO LASALLE BANK N. A., AS TRUSTEE FOR MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-1
c/o LPS
2. Your mortgage Loan with the above-referenced creditor has been referred to our office for foreclosure based upon a default under the terms of the subject Note and Deed of Trust. Pursuant to and in compliance with the Fair Debt Collection Practices Act (Federal(15USC 1601, as amended) our company on behalf of the above- named creditor hereby provides the following notification:
 - * We are attempting to collect a debt and any information we obtain will be used for that purpose.
 - * The amount required to reinstate or pay off the Debtor's account will be provided to the Debtor upon request. The Debtor should telephone our company or the creditor for a quotation of such amount.
 - * Written request or claims of dispute may be sent to the Creditor or to our company.
 - * You may send us a written request for the name and address of the original creditor, if different from the current creditor, and we will obtain and mail the information within thirty (30) days after we receive your written request.
3. As of January 6, 2010 the total delinquency owed was \$6,775.46, but this amount will increase daily after such date until the delinquency has been fully paid.
4. As of the date in item Number 3, the amount owed is \$79,286.20 for unpaid Principal, plus Accrued Interest and any Accrued NSF Fees, Escrow Advances, Late Charges, or Suspense Credits and Attorney and/or Trustee Fee and Costs that have been incurred. Because these charges may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after your check is received, in which event you will be informed before the check is deposited for collection. For further information you may contact T.D. SERVICE COMPANY by mail at 1820 E. FIRST ST., SUITE 210, P.O. BOX 11988, SANTA ANA, CA 92711-1988 or call (800) 843-0260 or call your lender directly.
5. You may dispute the validity of this debt, or any portion thereof, by contacting our office within thirty (30) days after receiving this notice. In that event, we will obtain and mail to you written verification of the debt. Otherwise, we will assume that the debt is valid. The foreclosure action can be withdrawn if it is determined by the Creditor that there has been no default or the default has been cured or corrected.
6. You have various rights and duties under state law, which may include the right to reinstate the loan or redeem the property from the foreclosure sale. This letter is not a notification or intent to notify you of your

P.O. Box 11988, Santa Ana, CA 92711-1988 . 1820 E. First Street, Suite 210, Santa Ana, CA 92705
(714) 543-TDSC (8372) . (800) 843-0260 . FAX (714) 541-4130 . www.tdsf.com .



rights. You should seek independent advice with respect to your rights and obligations under this debt.

T.S. Number: D507009 OR

Property Address: 4816 SUMMERS LN, KLAMATH FALLS, OR 97603

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 04/17/10. The name of the trustee and the trustee's mailing address are listed on this notice.

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

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

Trustee name: **DAVID A. KUBAT, ATTORNEY AT LAW**
T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988
(800) 843-0260

You are entitled to receive notice as provided under ORS 86.755 and you may have additional rights under Federal Law.

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: <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>.

T.S. Number: D507009 OR
Loan No: 1044843087/BANKS

**NOTICE: Pursuant to CH 864, 2009 Oregon Laws
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:
4816 SUMMERS LN, 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 **January 6, 2010** to bring your mortgage loan current was **\$6,775.46**.

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 **(800) 843-0260** 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: **T.D. SERVICE COMPANY 1820 E. FIRST ST., SUITE 210, P.O. BOX 11988, SANTA ANA, CA 92711-1988.**

THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION:
SALE DATE: May 17, 2010 AT 10:00 A.M. INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS, OREGON.

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call at 800/622-5035 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 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 Web site at: **<http://www.osbar.org>**. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to **<http://www.oregonlawhelp.org>**.

Your lender may be willing to modify your loan to reduce the interest rate, reduce the monthly payments or both. You can get information about possible loan modification programs by contacting your lender at Loss Mit #. 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: 1-800-723-3638. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at:
<http://www.makinghomeaffordable.gov/> or 1-888-995-Hope.

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 February 5, 2010 WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have questions, talk to a lawyer or one of the organizations mentioned above before signing.

Trustee name (print): **DAVID A. KUBAT, OSBA #84265**
Trustee phone number: **(206) 555-1231**

Trustee signature David A. Kubat Date: **January 6, 2010**

Name ROB BANKS, PATRICIA BANKS

Loan # 1044843087/BANKS

T.S.# D507009 D OR

Property Address: 4816 SUMMERS LN, KLAMATH FALLS, OR 97603

MODIFICATION REQUEST FORM

Please note that this Modification Request Form must be completed and returned to:

T.D. Service Company

Attn: Unit D/Foreclosure Department

1820 East First Street, Suite 210

Santa Ana, CA 92705

and must be received *on or before* February 15, 2010. Complete and return this Modification Request Form and Financial Statement disclosing the information requested, including your current address, phone number, and other facts that may affect your eligibility for loan modification.

I wish to apply for a loan modification. A loan modification is a written agreement between me and the lender that changes at least some of the terms of the loan.

Signature: _____

Signature: _____

You must also complete and return the Financial Statement contained on the following page. **The lender may request additional information or documentation** from you after review of this Modification Request Form in order to make a determination as to your eligibility for modification.

YOU SHOULD CONSIDER THIS FORM AS COMING FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. ANY INFORMATION PROVIDED BY YOU WILL BE USED TO COLLECT THIS DEBT. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS FORM IS NOT AN ATTEMPT TO COLLECT THE DEBT, BUT NOTICE OF POSSIBLE ENFORCEMENT OF OUR LIEN AGAINST THE COLLATERAL PROPERTY.

Financial Information Request For Loan # 1044843087/BANKS

Your name & mailing address

Co-Borrower's name & mailing address

Phone/Cell numbers and best time to call

Phone/Cell numbers and best time to call

How long have you owned the home?

Total Monthly Income (Net)

	Wages	Social Security	Pensions	Rent/Other Income
Mortgagor				
Co-Mortgagor				

Of Dependents

 How long on current job? Mortgagor

 Co-Mortgagor

Is the property for sale?

 Listing date & price

Realtor name & company

 Realtor's phone #

Monthly Expenses

1 st Mortgage	\$	Food	\$
2 nd Mortgage	\$	Gas/Electric	\$
Property Taxes	\$	Water/Sewer	\$
Homeworker's Insurance	\$	Trash	\$
HOA/Condo Fees	\$	Phones/Cell Phones	\$
Credit Card Payments	\$	Cable/Satellite TV	\$
Installment loan payments	\$	Internet	\$
Transportation/Gas/Car Repairs	\$	Life/Health Insurance	\$
# Of vehicles in household	\$	Child Support/Alimony	\$
Auto payments	\$	Medical/Dental Expenses	\$
Auto Insurance	\$	Charitable Contributions	\$
Day Care/Child Care	\$	Tuition	\$
Other	\$	Other	\$

I agree that the financial information provided is an accurate statement of my / our financial status. I understand that any action taken by the Lender is in strict reliance on this information. My / our signature below grants the holder of my mortgage the authority to confirm the information that I have disclosed in this financial statement, to verify it is accurate by ordering a credit report and to contact my realtor and/or credit counseling representative.

By signing below, I agree that the lender, lender's affiliates, the loan servicer and their respective successors and assigns (collectively, "Servicer") may contact me at the telephone numbers listed above for the purpose related to the servicing and/or collection of any loan(s) or line of credit I have made. I agree that Servicer may use an automated dialing and announcing device to make such calls, that Servicer may make such calls to any telephone, facsimile or cellular telephone number that Servicer may subsequently obtain.

Mortgagor's Signature

Date

Co-Mortgagor's Signature

Date

YOU SHOULD CONSIDER THIS FORM AS COMING FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. ANY INFORMATION PROVIDED BY YOU WILL BE USED TO COLLECT THIS DEBT. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS FORM IS NOT AN ATTEMPT TO COLLECT THE DEBT, BUT NOTICE OF POSSIBLE ENFORCEMENT OF OUR LIEN AGAINST THE COLLATERAL PROPERTY.

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **4816 Summers Lane. Klamath Falls, OR 97603**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to ___ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to ___, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1st Attempt: February 10, 2010 9:21 AM Posted

2nd Attempt: February 12, 2010 11:00 AM Posted

3rd Attempt: February 16, 2010 11:06 AM Posted

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on ___ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of **February 19, 2010**, I mailed a copy of the Trustee's Notice of Sale addressed to **All Known Occupants** at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed

Chelsea Mah

4816 Summers Lane. Klamath Falls, OR 97603

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

February 10, 2010 9:21 AM
DATE OF SERVICE TIME OF SERVICE
☐ or non occupancy

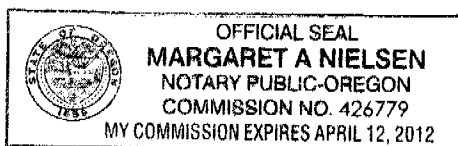
By:

[Signature]

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 9th day of February, 2010.

Margaret A. Nielsen
Notary Public for Oregon



AFFIDAVIT OF NON-MILITARY SERVICE

Date: January 11, 2010
T.S. Number: D507009 OR
Unit Code: D
Loan No: 1044843087/BANKS
Investor No: 4001244576

STATE OF **Pennsylvania**)
COUNTY OF **Allegheny**)ss.

Jessica Paris BEING FIRST DULY SWORN, DEPOSES AND SAYS:
Jessica Paris - Foreclosure Specialist
TO THE BEST OF OUR KNOWLEDGE:

ROB BANKS, PATRICIA BANKS

ARE NOT, AND NEITHER IS, IN THE MILITARY SERVICE OF THE UNITED STATES, WITHIN THE MEANING OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT, AS AMENDED; THAT NEITHER PERSON IS A MEMBER OF THE UNITED STATES MARINE CORPS, WOMEN'S RESERVE, OR WOMEN'S ARMY AUXILIARY CORPS OR WOMEN'S ARMY CORPS (WACS), OR WOMEN'S COAST GUARD RESERVE UNDER ORDERS TO REPORT FOR INDUCTION UNDER THE SELECTIVE TRAINING AND SERVICE ACT OF 1940, AS AMENDED, OR AS A MEMBER OF THE ENLISTED RESERVE CORPS UNDER ORDERS TO REPORT FOR MILITARY SERVICE OR AN AMERICAN CITIZEN SERVING WITH THE FORCES OF ANY NATION ALLIED WITH THE UNITED STATES IN THE PROSECUTION OF A WAR, OR IN THE FEDERAL SERVICE OR ACTIVE DUTY AS A MEMBER OF THE ARMY OF THE UNITED STATES, OR THE UNITED STATES NAVY, OR THE MARINE CORPS, OR THE COAST GUARD, OR AS AN OFFICER OF THE PUBLIC HEALTH SERVICE WITHIN THE PURVIEW OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940, AS AMENDED.

THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF INDUCING DAVID A. KUBAT, AS TRUSTEE WITHOUT LEAVE OF COURT FIRST OBTAINED, TO CAUSE CERTAIN PROPERTY TO BE SOLD UNDER THE TERMS OF A DEED OF TRUST PURSUANT TO THE POWER OF SALE CONTAINED THEREIN.

DATED: January 15, 2010

BY: Jessica Paris
Jessica Paris - Foreclosure Specialist

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 DAY OF January, 2010

Celeste Johnson
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

MY COMMISSION EXPIRES ON 9-17-2013

LTRMILAF

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Celeste Johnson, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Sept. 17, 2013
Member Pennsylvania Association of Notaries

After recording return to:

T.D. SERVICE COMPANY
1820 East First Street, Suite 210
Santa Ana, CA 92705

T.S. No: D507009 OR
Loan No: 1044843087/BANKS

AFFIDAVIT OF COMPLIANCE WITH Ch. 864 (2009 Oregon Laws)

STATE OF Pennsylvania, County of Allegheny) ss:
I, Rebekah Justice, being first duly sworn, depose, and say that am employed by
Home Loan Services (hereinafter "beneficiary") and I am familiar
with the records and files kept by beneficiary with respect to the above mentioned loan where the grantor(s)
name(s) is/are ROB BANKS, PATRICIA BANKS:

- ☐ Beneficiary did not receive a Modification Request Form from the grantor(s) within the
time specified in Chapter 864 (2009 Oregon Laws); or
- ☐ Beneficiary received a timely Modification Request Form from the grantor(s)
on _____

If beneficiary received a timely Modification Request Form, within 45 days of receipt
of the Modification Request Form (check all that apply):

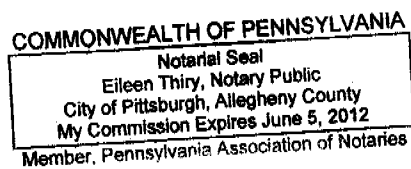
- ☒ Beneficiary or beneficiary's agent reviewed the information submitted by grantor(s), and
notified the grantor(s) that the beneficiary denied the request for modification of the loan.
- ☐ Beneficiary or beneficiary's agent requested grantor(s) provide additional information
needed to determine whether the loan could be modified.
- ☐ If timely requested by the grantor(s), the beneficiary or beneficiary's agent met with
the grantor(s) in person or spoke to the grantor(s) by telephone before the beneficiary
or beneficiary's agent responded to the grantor(s) request to modify the loan.
The person representing the beneficiary or the beneficiary's agent who met or spoke with
grantor(s) had or was able to obtain authority to modify the loan.
- ☐ The grantor(s) did not respond to the beneficiary within seven business days of the
date the beneficiary or the beneficiary agent attempted to contact the grantor(s)
to schedule a meeting in person or by telephone.
- ☐ The beneficiary has previously considered the current financial information provided
by the grantor(s), and has in good faith determined that the grantor(s) is not eligible
for a modification of this loan. The beneficiary has informed the grantor(s) that the
grantor(s) is not eligible for a modification of this loan.
- ☒ Other action taken: _____

By: Rebekah Justice

Subscribed and sworn to before me on 1-27-2010
(name of affiant).

by Rebekah Justice

Eileen Thiry
Notary Public for PA



AFFORNOS

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 # 12144

Trustee's Notice of Sale

Banks

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:

March 31, April 7, 14, 21, 2010

Total Cost:

Jeanine P Day

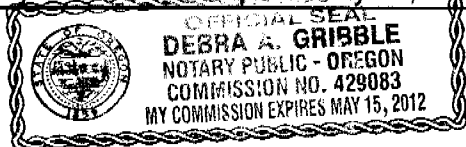
Subscribed and sworn by Jeanine P Day

before me on: April 22, 2010

Debra A Gribble

Notary Public of Oregon

My commission expires May 15, 2012



OREGON TRUSTEE'S NOTICE OF SALE

T.S. No: D507009 OR Unit Code: D Loan No:
1044843087/BANKS Investor No: 4001244576 AP #1:
R577147 Title #: 4346919 Reference is made to that cer-
tain Trust Deed made by ROB BANKS, PATRICIA BANKS
as Grantor, to AMERI TITLE as Trustee, in favor of MORT-
GAGE ELECTRONIC REGISTRATION SYSTEMS, INC. IS
A SEPARATE CORPORATION THAT IS ACTING SOLELY
AS NOMINEE FOR FIRST FRANKLIN FINANCIAL CORP.,
AN OP. SUB. OF MLB&T CO., FSB as Beneficiary. Dated
January 31, 2007. Recorded February 1, 2007 as Instr. No.
2007-001824 in Book --- Page --- of Official Records in

the office of the Recorder of KLAMATH County, OREGON covering the following described real property situated in said county and state, to wit: EXHIBIT "A" LEGAL DESCRIPTION A parcel of land situate in the NE1/4 of the NE1/4 of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon being more particularly described as follows: Beginning at an iron pin on the Westerly right of way line of Summers Lane, which lies South 0 DEG. 10' East along the Section line a distance of 748.7 feet and North 88° 39' West a distance of 30 feet from the iron axle which marks the Northeast corner of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, and running thence; Continuing North 88° 39' West a distance of 275.4 feet to an iron pin; thence South 0 DEG 10' East parallel to the Section line a distance of 78.4 feet to an iron pin; thence South 88° 39' East 275.4 feet to an iron pin on the Westerly right of way line of Summers Lane; thence North 0° 10' West along the Westerly right of way line of Summers Lane a distance of 78.4 feet, more or less, to the point of beginning, being in the NE1/4 of the NE1/4 of Section 15, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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: 2 PYMTS FROM 07/01/09 TO 08/01/09 @ 659.34 \$1,318.68 2 L/C FROM 07/16/09 TO 08/16/09 @ 27.66 \$55.32 5 PYMTS FROM 09/01/09 TO 01/01/10 @ 659.34 \$3,296.70 4 L/C FROM 09/16/09 TO 12/16/09 @ 27.66 \$110.64 ACCRUED LATE CHARGES \$193.62 CREDIT DUE <\$485.07> IMPOUND/ESCROW DEFICIT \$843.82 MISCELLANEOUS FEES \$62.50 RECOVERABLE BALANCE IN THE AMOUNT OF \$195.00 \$195.00 Sub-Total of Amounts in Arrears: \$5,591.21 Together with any default in the payment of recurring obligations as they become due. 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 Trust Deed, 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. The street or other common designation if any, of the real property described above is purported to be: 4816 SUMMERS LN, KLAMATH FALLS, OR 97603 The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation. 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: Principal \$79,286.20, together with interest as provided in the note or other instrument secured from 06/01/09, and such other costs and fees are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned trustee will, on May 17, 2010, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 187.110, INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS, County of KLAMATH, State of OREGON, (which is the new date, time and place set for said sale) sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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 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 herein that is capable of being cured by tendering the performance required under the obligation of the 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 trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashiers or certified check. The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

In construing this notice, the masculine gender includes the feminine and the neuter, 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. We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing. 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. If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: (714) 480-5690 or you may access sales information at www.tacforeclosures.com/sales DATED: 01/06/10 DAVID A. KUBAT, QSBA #84265 By DAVID A. KUBAT, ATTORNEY AT LAW DIRECT INQUIRIES TO: T.D. SERVICE COMPANY FORECLOSURE DEPARTMENT 1820 E. FIRST ST., SUITE 210 P.O. BOX 11988 SANTA ANA, CA 92711-1988 (800) 843-0260 TAC# 891227 PUB: 03/31/10, 04/07/10, 04/14/10, 04/21/10. #12144 March 31, April 7, 14, 21, 2010.