

2010-006211

Klamath County, Oregon



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05/21/2010 03:16:25 PM

Fee: \$147.00

**RECORDING COVER SHEET FOR NOTICE  
OF SALE PROOF OF COMPLIANCE PER  
O.R.S. 205.234**

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

WHEN RECORDED MAIL TO

**REGIONAL TRUSTEE SERVICES CORPORATION**, as Trustee  
616 1st Avenue, Suite 500  
Seattle, WA 98104

Trustee's Sale No: 09-FMB-94944

ATE 67261



**MARK NAME(S) OF ALL THE TRANSACTION(S)** described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.

☒ **AFFIDAVIT OF MAILING NOTICE OF SALE** (must have trustee's notice of sale attached)

*Amended*

☒ **AFFIDAVIT OF PUBLICATION NOTICE OF SALE**

☒ **PROOF OF SERVICE /AFFIDAVIT OF NON-OCCUPANCY**

☒ **AFFIDAVIT OF COMPLIANCE (AS REQUIRED BY ORS.750(5))**

Original Grantor on Trust Deed

**JAMES W. D'ANDREA AND CLAUDIA S. D'ANDREA, HUSBAND AND WIFE**

Beneficiary

**INDYMAC BANK, F.S.B.**

ATE 1142

REGIONAL TRUSTEE SERVICES CORPORATION

616 1st Avenue, Suite 500  
Seattle, WA 98104

Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-FMB-94944



Affidavit of Mailing Amended Trustee's Notice of Sale

STATE OF WASHINGTON     )  
  ) ss.  
COUNTY OF KING         )

*BOB AYERS*

I, ~~JAMES D ANDREA~~, being first duly sworn, state that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached original Amended Notice of Sale given under the terms of that certain trust deed described in said Notice.

That I gave notice of the sale of the real property described in the attached Amended Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

CLAUDIA S. D'ANDREA, 33 IBIZA AISLE, IRVINE, CA, 92614  
CLAUDIA S. D'ANDREA, 26 SEGURA, IRVINE, CA, 92612  
CLAUDIA S. D'ANDREA, 3607 MAIDU DRIVE, CHILOQUIN, OR, 97624  
CLAUDIA S. D'ANDREA, LOT 37 BLOCK 5 LATAKOMIE SHORES, CHILOQUIN, OR, 97624  
JAMES D ANDREA, 33 IBIZA AISLE, IRVINE, CA, 92614  
JAMES W. D'ANDREA, 33 IBIZA AISLE, IRVINE, CA, 92614  
JAMES W. D'ANDREA, LOT 37 BLOCK 5 LATAKOMIE SHORES, CHILOQUIN, OR, 97624  
JAMES W. D'ANDREA, 3607 MAIDU DRIVE, CHILOQUIN, OR, 97624  
JAMES W. D'ANDREA, 26 SEGURA, IRVINE, CA, 92612  
OCCUPANT, 3607 MAIDU DRIVE, CHILOQUIN, OR, 97624  
OCCUPANT, LOT 37 BLOCK 5 LATAKOMIE SHORES, CHILOQUIN, OR, 97624

DIANE L. MANCINELLI BK ATTY, CASE #10-10878, 14751 PLAZA DR STE J, TUSTIN, CA, 92780  
GORILLA CAPITAL, INC., 1390 HIGH STREET, EUGENE, OR, 97401  
INDYMAC BANK / ONEWEST BANK, AND INDYMAC / ONEWEST FEDERAL BANK, FSB, FEDERAL DEPOSIT INSURANCE CORPORATION, 5400 MEADOWS ROAD, SUITE 240, C/O PAUL T. HORNBERGER, LAKE OSWEGO, OR, 97035  
INDYMAC BANK/ ONEWEST BANK, F.S.B., C/O SENIOR LIEN MONITORING, 155 NORTH LAKE AVENUE, PASADENA, CA, 91101  
ONEWEST / INDYMAC BANK, F.S.B., 7700 WEST PARMER LANE, AUSTIN, TX, 78729  
ONEWEST / INDYMAC BANK, F.S.B. AND, ONEWEST / INDYMAC BANK FEDERAL BANK, F.S.B., FEDERAL DEPOSIT INSURANCE CORPORATION, 5400 MEADOWS ROAD, SUITE 240, LAKE OSWEGO, OR, 97035  
ONEWEST / INDYMAC BANK, FSB, C/O GROUP9, INC., 444 OXFORD VALLEY ROAD, LANGHORNE, PA, 19047  
ONEWEST BANK / INDYMAC BANK, F.S.B., C/O DOCUMENT MANAGEMENT, 901 EAST 104TH STREET, BUILDING B, SUITE 500, KANSAS CITY, MO, 64131  
ONEWEST BANK / INDYMAC BANK, F.S.B., C/O DOCUMENT MANAGEMENT, 901 EAST 104TH STREET BUILDING B SUITE 400, KANSAS CITY, MO, 64131  
ONEWEST BANK, F.S.B., 888 EAST WALNUT STREET, PASADENA, CA, 91101  
TENANT, 3607 MAIDU DRIVE, CHILOQUIN, OR, 97624

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92944*

TENANT, LOT 37 BLOCK 5 LATAKOMIE SHORES, CHILOQUIN, OR, 97624

Said Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6), within 30 days after release from a stay of the foreclosure proceedings, and the above named persons include all of those persons listed in ORS 86.740 and ORS 86.750(1).

Each of the notices so mailed was certified to be a true copy of the original Amended Trustee's Notice of Sale by an authorized representative of 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 Seattle, WASHINGTON, on 5-13-10, which was within 30 days after release from a stay of the foreclosure proceeding set forth therein.

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

Barry B. AYERS

SUBSCRIBED AND SWORN TO before me on 5.13.10

C. E. Hall-Reinhard  
NOTARY PUBLIC for WASHINGTON  
My commission expires: 2/25/14  
Residing at: Seattle

CORDELIA E. HALL-REINHARD  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
02-25-14

**NOTICE TO BORROWER:** YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**AMENDED TRUSTEE'S NOTICE OF SALE**

*(after release from stay)*

Trustee's Sale No. 09-FMB-94944



Reference is made to that certain Deed of Trust made by, JAMES W. D'ANDREA AND CLAUDIA S. D'ANDREA, HUSBAND AND WIFE, as grantor, to FIDELITY NATIONAL TITLE INSURANCE CO., as Trustee, in favor of INDYMAC BANK, F.S.B., as beneficiary, dated 1/30/2007, recorded 2/8/2007, under Instrument No. 2007-002234, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by ONEWEST BANK FSB. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 37, BLOCK 5 OF LATAKOMIE SHORES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.

The street address or other common designation, if any, of the real property described above is purported to be:

LOT 37 BLOCK 5 LATAKOMIE SHORES  
AKA 3607 MAIDU DRIVE  
CHILOQUIN, OR 97624

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

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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:

	Amount due as of April 30, 2010 -----
Delinquent Payments from July 01, 2009	
6 payments at \$ 1,531.60 each	\$ 9,189.60
4 payments at \$ 1,710.93 each (07-01-09 through 04-30-10)	\$ 6,843.72
Late Charges:	\$ 765.80
Beneficiary Advances:	\$ 4,181.31
Suspense Credit:	\$ -500.00
	=====
TOTAL:	\$ 20,480.43

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

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following:

UNPAID PRINCIPAL BALANCE OF \$239,073.17, PLUS interest thereon at 6.375% per annum from 06/01/09 to 1/1/2010, 6.375% per annum from 1/1/2010, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on March 11, 2010, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON; however, subsequent to the recording of said Notice of Default, the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reason. The beneficiary did not participate in obtaining such stay. Said stay was terminated on 4/16/2010.

WHEREFORE, notice hereby is given that the undersigned trustee, will on June 11, 2010, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, (which is the new date, time and place set for sale) sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the 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 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 trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.


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.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

DATED: 4/30/2010

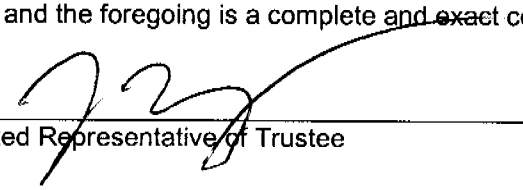
REGIONAL TRUSTEE SERVICES CORPORATION  
Trustee

By

  
CHAD JOHNSON, AUTHORIZED AGENT  
616 1st Avenue, Suite 500, Seattle, WA 98104  
Phone: (206) 340-2550  
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON     }  
                                      } ss.  
COUNTY OF KING        }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

  
Authorized Representative of Trustee

REGIONAL TRUSTEE SERVICES CORPORATION

616 1st Avenue, Suite 500  
Seattle, WA 98104  
Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-FMB-85793



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON     )  
                                      ) ss.  
COUNTY OF KING         )

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached original Notice of Sale given under the terms of that certain trust deed described in said Notice.

That 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 addresses, to-wit:

CLAUDIA S. D'ANDREA, 33 IBIZA AISLE, IRVINE, CA, 92614  
CLAUDIA S. D'ANDREA, 26 SEGURA, IRVINE, CA, 92612  
CLAUDIA S. D'ANDREA, 3607 MAIDU DRIVE, CHILOQUIN, OR, 97624  
CLAUDIA S. D'ANDREA, LOT 37 BLOCK 5 LATAKOMIE SHORES, CHILOQUIN, OR, 97624  
JAMES W. D'ANDREA, 33 IBIZA AISLE, IRVINE, CA, 92614  
JAMES W. D'ANDREA, LOT 37 BLOCK 5 LATAKOMIE SHORES, CHILOQUIN, OR, 97624  
JAMES W. D'ANDREA, 3607 MAIDU DRIVE, CHILOQUIN, OR, 97624  
JAMES W. D'ANDREA, 26 SEGURA, IRVINE, CA, 92612  
OCCUPANT, 3607 MAIDU DRIVE, CHILOQUIN, OR, 97624  
OCCUPANT, LOT 37 BLOCK 5 LATAKOMIE SHORES, CHILOQUIN, OR, 97624

INDYMAC BANK / ONEWEST BANK, AND INDYMAC / ONEWEST FEDERAL BANK, FSB, FEDERAL DEPOSIT INSURANCE CORPORATION, 5400 MEADOWS ROAD, SUITE 240, C/O PAUL T. HORNBERGER, LAKE OSWEGO, OR, 97035

INDYMAC BANK/ ONEWEST BANK, F.S.B., C/O SENIOR LIEN MONITORING, 155 NORTH LAKE AVENUE, PASADENA, CA, 91101

ONEWEST / INDYMAC BANK, F.S.B., 7700 WEST PARMER LANE, AUSTIN, TX, 78729

ONEWEST / INDYMAC BANK, F.S.B. AND , ONEWEST / INDYMAC BANK FEDERAL BANK, F.S.B., FEDERAL DEPOSIT INSURANCE CORPORATION, 5400 MEADOWS ROAD, SUITE 240, LAKE OSWEGO, OR, 97035

ONEWEST / INDYMAC BANK, FSB, C/O GROUP9, INC., 444 OXFORD VALLEY ROAD, LANGHORNE, PA, 19047

ONEWEST BANK / INDYMAC BANK, F.S.B., C/O DOCUMENT MANAGEMENT, 901 EAST 104TH STREET, BUILDING B, SUITE 500, KANSAS CITY, MO, 64131

ONEWEST BANK / INDYMAC BANK, F.S.B., C/O DOCUMENT MANAGEMENT, 901 EAST 104TH STREET BUILDING B SUITE 400, KANSAS CITY, MO, 64131

ONEWEST BANK, F.S.B., 888 EAST WALNUT STREET, PASADENA, CA, 91101

TENANT, 3607 MAIDU DRIVE, CHILOQUIN, OR, 97624

TENANT , LOT 37 BLOCK 5 LATAKOMIE SHORES, CHILOQUIN, OR, 97624

Said persons include (a) the grantor in the trust deed, together with notice required by House Bill 3630 Section 20, (b) successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice together with notice required by House Bill 3630 Section 20, (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 b ORS 86.785.

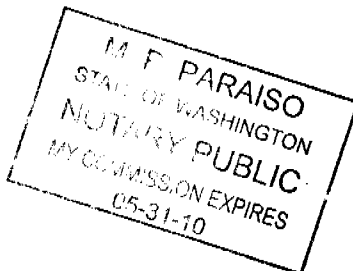
Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Seattle, WASHINGTON, on 11/6/09. 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.

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

Sammie Bassett  
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on

11/6/09  
Michelle Lane  
NOTARY PUBLIC for WASHINGTON  
My commission expires: 5/31/10



**NOTICE TO BORROWER:** YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**TRUSTEE'S NOTICE OF SALE**

*Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.*  
Trustee's Sale No. 09-FMB-85793



Reference is made to that certain Deed of Trust made by, JAMES W. D'ANDREA AND CLAUDIA S. D'ANDREA, HUSBAND AND WIFE, as grantor, to FIDELITY NATIONAL TITLE INSURANCE CO., as Trustee, in favor of INDYMAC BANK, F.S.B., as beneficiary, dated 1/30/2007, recorded 2/8/2007, under Instrument No. 2007-002234, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by ONEWEST BANK FSB. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 37 IN BLOCK 5 OF LATAKOMIE SHORES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

The street address or other common designation, if any, of the real property described above is purported to be:

LOT 37 BLOCK 5 LATAKOMIE SHORES  
AKA 3607 MAIDU DRIVE  
CHILOQUIN, OR 97624

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

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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:

	Amount due as of November 6, 2009 -----
Delinquent Payments from July 01, 2009	
5 payments at \$ 1,531.60 each	\$ 7,658.00
(07-01-09 through 11-06-09)	
Late Charges:	\$ 306.32
Beneficiary Advances:	\$ 101.00
Suspense Credit:	\$ -500.00
	=====
TOTAL:	\$ 7,565.32

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in



order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following:

UNPAID PRINCIPAL BALANCE OF \$239,073.17, PLUS interest thereon at 6.375% per annum from 6/1/2009, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on March 11, 2010, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the 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 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 trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.


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.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

DATED: 11/6/2009

REGIONAL TRUSTEE SERVICES CORPORATION  
Trustee

By

  
ANNA EGDORF, AUTHORIZED AGENT  
616 1st Avenue, Suite 500, Seattle, WA 98104  
Phone: (206) 340-2550  
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON     }  
                                      } ss.  
COUNTY OF KING         }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Authorized Representative of Trustee

09-FMB-85793



11/6/2009

**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 LOT 37 BLOCK 5 LATAKOMIE SHORES AKA 3607 MAIDU DRIVE , CHILOQUIN, OR 97624.

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called "foreclosure".

The amount you would have had to pay as of 11/6/2009, to bring your mortgage loan current was \$11,411.07. 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 1-800-542-2550 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: Regional Trustee Services, 616 1<sup>st</sup> Avenue, Suite 500, Seattle, WA, 98104.

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

**March 11, 2010, 11:00 AM  
ON THE FRONT STEPS OF THE CIRCUIT COURT**

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 request that your lender give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 800-723-3638. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at: [www.osbar.org](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 the Oregon State Bar Legal Aid at 503-684-3763 or toll free in Oregon at 800-452-7636 or on the web at [www.oregonlawhelp.org](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 866-354-5947. 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 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: 800-723-3638. Many lenders participate in new federal loan

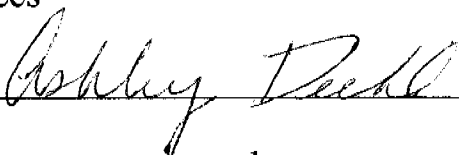
modification programs. You can obtain more information about these programs at [www.makinghomeaffordable.gov/](http://www.makinghomeaffordable.gov/).

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 12/6/2009 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 any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED 11/6/2009

Regional Trustee Services

Trustee signature: 

Trustee                      telephone                      number:                      800-542-2550

# 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 # 11777

Trustee's Notice of Sale

D'Andrea

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:

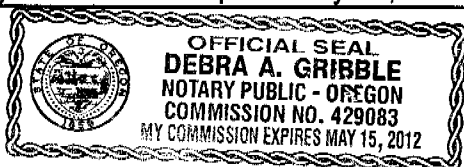
November 17, 24, December 01,08, 2009

Total Cost: \$1,187.66

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: December 8, 2009

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq. Trustee's Sale No. 09-FMB-85793

NOTICE TO BORROWER: YOU SHOULD BE AWARE  
THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT  
A DEBT AND THAT ANY INFORMATION OBTAINED WILL  
BE USED FOR THAT PURPOSE. Reference is made to that  
certain Deed of Trust made by, JAMES W. D'ANDREA AND  
CLAUDIA S. D'ANDREA, HUSBAND AND WIFE, as grantor,  
to FIDELITY NATIONAL TITLE INSURANCE CO., as  
Trustee, in favor of INDYMAC BANK, F.S.B., as beneficiary,  
dated 1/30/2007, recorded 2/8/2007, under Instrument No.  
2007-002234, records of KLAMATH County, OREGON. The  
beneficial interest under said Trust Deed and the obligations  
secured thereby are presently held by ONEWEST BANK  
P.S.B. Said Trust Deed encumbers the following described  
real property situated in said county and state, to-wit: LOT 37  
IN BLOCK 6 OF LATAKOMIE SHORES, ACCORDING TO  
THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE

Regional Trustee Services Corp.

DEC 31 2009

OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. The street address or other common designation, if any, of the real property described above is purported to be: LOT 37 BLOCK 5 LATAKOMIE SHORES AKA 3607 MAIDU DRIVE CHILOQUIN, OR 97624.

The undersigned Trustee disclaims any liability for any inaccuracy of the above street address or other common designation. Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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: Amount due as of November 6, 2009 Delinquent Payments from July 01, 2009 5 payments at \$1,531.60 each \$7,658.00 (07-01-09 through 11-06-09) Late Charges: \$306.32 Beneficiary Advances: \$101.00 Suspense Credit: \$-500.00 TOTAL: \$7,565.32 ALSO, If you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following: UNPAID PRINCIPAL BALANCE OF \$239,073.17, PLUS interest thereon at 6.375% per annum from 6/1/2009, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on March 11, 2010, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the power to convey, at the time of the 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 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 trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

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. Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale. DATED: 11/6/2009 REGIONAL TRUSTEE SERVICES CORPORATION Trustee By: ANNA EGDORF, AUTHORIZED AGENT 616 1st Avenue, Suite 500, Seattle, WA 98101 Phone: (206) 340-2550 Sale Information: <http://www.trusteeservices.com> 36047533456 11/17/2009, 11/24/2009, 12/01/2009, 12/08/2009 911777 November 17, 24, December 01, 08, 2009.

R3-105

OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. The street address or other common designation, if any, of the real property described above is purported to be: LOT 37 BLOCK 5 LATAKOMIE SHORES AKA 3607 MAIDU DRIVE CHILOQUIN, OR 97624.

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11/17/2009, 11/24/2009, 12/01/2009, 12/08/2009  
11/17/2009, 11/24/2009, 12/01/2009, 12/08/2009

28-105



Regional Trustee Services Corp.

**PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS**

DEC 01 2009

STATE OF: Oregon

COUNTY OF: Klamath 09-FMB-85793

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 **Lot 37 Block 5 Latakomie Shores aka 3607 Maidu Dr. Chiloquin, OR 97624**

☐ **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.

1<sup>st</sup> Attempt: November 11, 2009 5:00 PM Posted

2<sup>nd</sup> Attempt: November 14, 2009 8:00 AM Posted

3<sup>rd</sup> Attempt: November 17, 2009 9:00 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 November 17, 2009, 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 Meek*

**Lot 37 Block 5 Latakomie Shores aka 3607 Maidu Dr. Chiloquin, OR 97624**

**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.

November 11, 2009

5:00 PM

**DATE OF SERVICE****TIME OF SERVICE**

☐ or non occupancy

By:

*A. Thompson*

Subscribed and sworn to before on this 17<sup>th</sup> day of November, 2009.



*Margaret A. Nielsen*  
Notary Public for Oregon

When recorded mail to:

Trustee Sale No: 09-FMB-94944

**AFFIDAVIT OF COMPLIANCE**  
**(As Required by ORS 86.750)**

STATE OF Texas )  
 ) SS.  
COUNTY OF Travis )

I, Brian Burnett, being first duly sworn, depose and say the following:

Section 1: Modification Request Form

- ☒ The grantor **did not** return the modification request form provided by the Trustee.
- ☐ The grantor **did not** return the modification request form provided by the Trustee within the requisite time frame pursuant to ORS 86.750(6).
- ☐ The grantor **did** return the form requesting a loan modification within the time frame required under ORS 87.750(6). Upon receipt of the modification request form, the beneficiary or an authorized agent of the beneficiary, reviewed the information the grantor provided and, in good faith, processed the grantor's request. After considering the information the grantor provided, it was determined that: (\*\*If selecting this option, choose only one of the following\*\*)
- ☐ The grantor **was not eligible** for a loan modification and the grantor was notified of this decision within **45 days** of the receipt of the loan modification request form, or
- ☐ The grantor **was eligible** for a loan modification and the grantor was notified of this decision within **45 days** of the receipt of the loan modification request form, or
- ☐ The beneficiary or beneficiary's agent **requires additional information** and the grantor was notified of the need for additional information within **45 days** of the receipt of the loan modification form.

Section II: Request for Meeting

- ☒ The grantor **did not request a meeting** with the beneficiary.
- ☐ The grantor **made a timely request for a meeting** with the beneficiary and following such request:
  - ☐ The beneficiary or the authorized agent of the beneficiary, who had or was able to obtain authority to modify the loan, either met with the grantor in person or spoke with the grantor by telephone and said meeting was prior to the beneficiary's response to the grantor's request to modify the loan, or
  - ☐ The beneficiary or the authorized agent of the beneficiary attempted to contact the grantor by either contacting the grantor at the grantor's last known address or telephone number or at the grantor's electronic mail address, if the grantor indicated on the loan modification request form that the beneficiary or the beneficiary's agent could contact that grantor at the electronic mail address but the **grantor did not respond** within seven business days of the attempt(s) to contact the grantor.

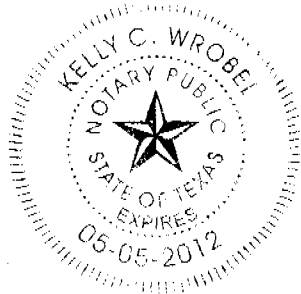
DATED this 4 day of May, 2010.

OneWest Bank FSB

By: [Signature]  
Beneficiary or Authorized Agent

Brian Burnett AB  
Name (printed)  
Its: Assistant Vice President

SUBSCRIBED AND SWORN TO before me this 4 day of May, 2010.



[Signature]  
NOTARY PUBLIC in and for  
the State of Texas,  
residing at Williamson

**Kelly Wrobel**  
(printed or typed name)

My appointment expires: \_\_\_\_\_