

WTC 87244

2010-006390  
Klamath County, Oregon



05/26/2010 03:36:11 PM

Fee: \$157.00

## RECORDING COVER SHEET

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

### After Recording, Return To:

Default Resolution Network  
17592 E. 17<sup>th</sup> Street, Suite 300  
Tustin, CA 92780

### 1. Name(s) of the Transaction(s):

Affidavit of Mailing  
Trustee's Notice of Sale  
Notice of Default and Election to Sell  
Affidavit of Non-Military Service and Affidavit of Compliance  
Affidavit of Service  
Affidavit of Publication

### 2. Direct Party (Grantor):

Donald C. Rohrbacker and Charlotte V. Rohrbacker

### 3. Indirect Party (Grantee):

### 4. True and Actual Consideration Paid:

N/A

### 5. Legal Description:

See attached

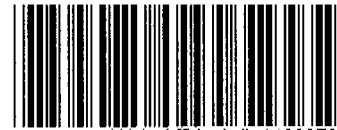
167AMT

**When recorded mail to:**  
**DEFAULT RESOLUTION NETWORK**  
**17592 E. 17th Street, Suite 300**  
**Tustin, CA 92780**  
**Phone: 714-508-5100**  
**Fax: 714-508-5102**

**Loan # 0021271416**  
**TS # OR 10-08252-6 .**  
**Title Order # 387652**  
**Grantor: DONALD C ROHRBACKER AND CHARLOTTE V ROHRBACKER, HUSBAND AND WIFE**

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## AFFIDAVIT OF MAILING



Walz Affidavit #: 1439878

## AFFIDAVIT OF MAILING

### Default Resolution Network

Date: 03/15/2010

Ref. No.: 10-08252-6

MailbatchID: 281089

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

The declarant, whose signature appears below, states that he is over the age of eighteen (18) years; is employed in Riverside County, California; acting on behalf of Default Resolution Network; is not a party to the within action; and that on March 15, 2010, he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, sent Certified Mail, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X

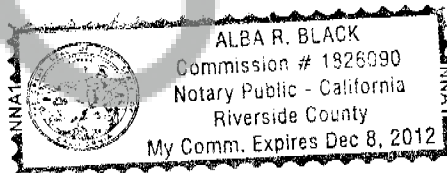
  
Affiant Eddie Solares

ORGRNTR  
7113 8257 1474 0678 9451  
REF #: 10-08252-6  
CHARLOTTE V ROHRBACKER  
14625 CHEYNE RD  
KLAMATH FALLS, OR 97603

ORGRNTR  
7113 8257 1474 0678 9468  
REF #: 10-08252-6  
CHARLOTTE V ROHRBACKER  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700

ORGRNTR  
7113 8257 1474 0678 9475  
REF #: 10-08252-6  
DONALD C ROHRBACKER  
14625 CHEYNE RD  
KLAMATH FALLS, OR 97603

ORGRNTR  
7113 8257 1474 0678 9482  
REF #: 10-08252-6  
DONALD C ROHRBACKER  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700



STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

Subscribed and sworn to (or affirmed) before me on this 16<sup>th</sup> day of MAR (month), 2010 (year), by Eddie Solares, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

  
Alba R Black

(Signature of Notary)

(Seal of Notary)

## **NOTICE:**

### **YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY**

**Re: TS#: 10-08252-6**

**Loan #: 0021271416**

**This notice is about your mortgage loan on your property at 14625 CHEYNE RD,  
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 March 8, 2010 to bring your mortgage loan current was \$10,249.76. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call 877-304-3100 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: AMERICAN HOME MORTGAGE SERVICING, INC. at 4875 Belfort Road, Suite 130 Jacksonville, FL 32256

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

Date and time: July 12, 2010 at 10:00 AM

Place: on the front steps of the Circuit Court, 316 Main Street., in the City of Klamath Falls, County of Klamath, 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 AMERICAN HOME MORTGAGE SERVICING, INC. at 877-304-3100 to 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-SAFENET (800-723-3638)**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or you may visit its website at: [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 <http://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 877-304-3100. 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. 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 modifications programs. You can obtain more information about these programs at <http://www.makinghomeaffordable.gov/>.

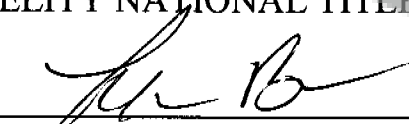
IF YOU WANT TO APPLY TO MODIFY YOUR LOAN , YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "LOAN MODIFICATION REQUEST FORM". YOUR LENDER MUST RECEIVE THE FORM BY April 7, 2010, WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW.

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

March 8, 2010

Trustee name: FIDELITY NATIONAL TITLE INSURANCE COMPANY

Trustee signature:



Michael Busby, Authorized Signature

Trustee telephone number: 714-508-5100

Trustee Address: 17592 E. 17th Street, Suite 300 , Tustin, CA 92780  
440-4795 (8/09/COM)



Walz Affidavit #: 1453623

## AFFIDAVIT OF MAILING

### Default Resolution Network

Date: 03/19/2010

Ref. No.: 10-08252-6

MailbatchID: 282075

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

The declarant, whose signature appears below, states that he is over the age of eighteen (18) years; is employed in Orange County, California; acting on behalf of Default Resolution Network; is not a party to the within action; and that on March 19, 2010, he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, sent First Class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X Grisel Herrera  
Affiant Grisel Herrera

ORNOD\_FLAT  
2232440770  
REF #: 10-08252-6  
CARTER-JONES COLLECTION  
SERVICE, INC.  
MAIN OFFICE  
P.O. BOX 145  
KLAMATH FALLS, OR 97601-0375

ORNOD\_FLAT  
2232440771  
REF #: 10-08252-6  
CARTER-JONES COLLECTION  
SERVICE, INC.  
LAKEVIEW OFFICE  
512 CENTER STREET  
LAKEVIEW, OR 97630-1544

ORNOD\_FLAT  
2232440772  
REF #: 10-08252-6  
CARTER-JONES COLLECTION  
SERVICE, INC.  
CALIFORNIA OFFICE, NORTHERN  
CREDIT SERVICE  
P.O. BOX 820  
YREKA, CA 96097-0820

ORNOD\_FLAT  
2232440773  
REF #: 10-08252-6  
CARTER-JONES COLLECTION  
SERVICE, INC.  
MAIN OFFICE  
1143 PINE STREET  
KLAMATH FALLS, OR 97601-0375

ORNOD\_FLAT  
2232440774  
REF #: 10-08252-6  
CHARLOTTE V. ROHRBACKER  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700

ORNOD\_FLAT  
2232440775  
REF #: 10-08252-6  
CREDIT BUREAU OF KLAMATH  
COUNTY  
PO BOX 5107  
MEDFORD, OR 97601

ORNOD\_FLAT  
2232440776  
REF #: 10-08252-6  
CREDIT BUREAU OF KLAMATH  
COUNTY  
C/O MATTHEW SUTTON  
205 CRATER LAKE  
MEDFORD, OR 97501

ORNOD\_FLAT  
2232440777  
REF #: 10-08252-6  
DONALD C. ROHRBACKER  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700

ORNOD\_FLAT  
2232440778  
REF #: 10-08252-6  
OCCUPANT  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700

**AFFIDAVIT OF MAILING****Default Resolution Network**

Date: 03/19/2010

Ref. No.: 10-08252-6

MailbatchID: 282075

ORNOD\_FLAT  
2232440779  
REF #: 10-08252-6  
CHARLOTTE V ROHRBACKER  
14625 CHEYNE RD  
KLAMATH FALLS, OR 97603

ORNOD\_FLAT  
2232440780  
REF #: 10-08252-6  
CHARLOTTE V ROHRBACKER  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700

ORNOD\_FLAT  
2232440781  
REF #: 10-08252-6  
CHARLOTTE ROHRBACKER  
C/O MATT PARKS  
832 KLAMATH AVENUE  
KLAMATH FALLS, OR 97601

ORNOD\_FLAT  
2232440782  
REF #: 10-08252-6  
DONALD C ROHRBACKER  
14625 CHEYNE RD  
KLAMATH FALLS, OR 97603

ORNOD\_FLAT  
2232440783  
REF #: 10-08252-6  
DONALD C ROHRBACKER  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700

ORNOD\_FLAT  
2232440784  
REF #: 10-08252-6  
DONALD ROHRBACKER  
C/O MATT PARKS  
832 KLAMATH AVENUE  
KLAMATH FALLS, OR 97601

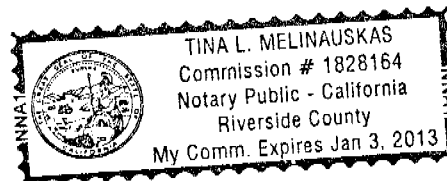
ORNOD\_FLAT  
2232440785  
REF #: 10-08252-6  
USDA/FARM SERVICE AGENCY  
2316 SOUTH 6TH STREET SUITE C  
KLAMATH FALLS, OR 97601

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

Subscribed and sworn to (or affirmed) before me on this 23 day of March (month),  
2010 (year), by Grisel Herrera, proved to me on the basis of satisfactory evidence to be the  
person who appeared before me.

(Signature of Notary)

(Seal of Notary)





Walz Affidavit #: 1453571

## AFFIDAVIT OF MAILING

### **Default Resolution Network**

Date: 03/19/2010

Ref. No.: 10-08252-6

MailbatchID: 282067

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     )

The declarant, whose signature appears below, states that he is over the age of eighteen (18) years; is employed in Orange County, California; acting on behalf of Default Resolution Network; is not a party to the within action; and that on March 19, 2010, he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, sent Certified Mail, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X Grisel Herrera  
Affiant Grisel Herrera

ORNOD\_FLAT  
7113 8257 1474 0825 7224  
REF #: 10-08252-6  
CARTER-JONES COLLECTION  
SERVICE, INC.  
MAIN OFFICE  
P.O. BOX 145  
KLAMATH FALLS, OR 97601-0375

ORNOD\_FLAT  
7113 8257 1474 0825 7231  
REF #: 10-08252-6  
CARTER-JONES COLLECTION  
SERVICE, INC.  
LAKEVIEW OFFICE  
512 CENTER STREET  
LAKEVIEW, OR 97630-1544

ORNOD\_FLAT  
7113 8257 1474 0825 7248  
REF #: 10-08252-6  
CARTER-JONES COLLECTION  
SERVICE, INC.  
CALIFORNIA OFFICE, NORTHERN  
CREDIT SERVICE  
P.O. BOX 820  
YREKA, CA 96097-0820

ORNOD\_FLAT  
7113 8257 1474 0825 7255  
REF #: 10-08252-6  
CARTER-JONES COLLECTION  
SERVICE, INC.  
MAIN OFFICE  
1143 PINE STREET  
KLAMATH FALLS, OR 97601-0375

ORNOD\_FLAT  
7113 8257 1474 0825 7262  
REF #: 10-08252-6  
CHARLOTTE V. ROHRBACKER  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700

ORNOD\_FLAT  
7113 8257 1474 0825 7279  
REF #: 10-08252-6  
CREDIT BUREAU OF KLAMATH  
COUNTY  
PO BOX 5107  
MEDFORD, OR 97601

ORNOD\_FLAT  
7113 8257 1474 0825 7286  
REF #: 10-08252-6  
CREDIT BUREAU OF KLAMATH  
COUNTY  
C/O MATTHEW SUTTON  
205 CRATER LAKE  
MEDFORD, OR 97501

ORNOD\_FLAT  
7113 8257 1474 0825 7293  
REF #: 10-08252-6  
DONALD C. ROHRBACKER  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700

ORNOD\_FLAT  
7113 8257 1474 0825 7309  
REF #: 10-08252-6  
OCCUPANT  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700



# AFFIDAVIT OF MAILING

## Default Resolution Network

Date: 03/19/2010

Ref. No.: 10-08252-6

MailbatchID: 282067

ORNOD\_FLAT  
7113 8257 1474 0825 7316  
REF #: 10-08252-6  
CHARLOTTE V ROHRBACKER  
14625 CHEYNE RD  
KLAMATH FALLS, OR 97603

ORNOD\_FLAT  
7113 8257 1474 0825 7323  
REF #: 10-08252-6  
CHARLOTTE V ROHRBACKER  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700

ORNOD\_FLAT  
7113 8257 1474 0825 7330  
REF #: 10-08252-6  
CHARLOTTE ROHRBACKER  
C/O MATT PARKS  
832 KLAMATH AVENUE  
KLAMATH FALLS, OR 97601

ORNOD\_FLAT  
7113 8257 1474 0825 7347  
REF #: 10-08252-6  
DONALD C ROHRBACKER  
14625 CHEYNE RD  
KLAMATH FALLS, OR 97603

ORNOD\_FLAT  
7113 8257 1474 0825 7354  
REF #: 10-08252-6  
DONALD C ROHRBACKER  
14625 CHEYNE ROAD  
KLAMATH FALLS, OR 97603-9700

ORNOD\_FLAT  
7113 8257 1474 0825 7361  
REF #: 10-08252-6  
DONALD ROHRBACKER  
C/O MATT PARKS  
832 KLAMATH AVENUE  
KLAMATH FALLS, OR 97601

ORNOD\_FLAT  
7113 8257 1474 0825 7378  
REF #: 10-08252-6  
USDA/FARM SERVICE AGENCY  
2316 SOUTH 6TH STREET SUITE C  
KLAMATH FALLS, OR 97601

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

Subscribed and sworn to (or affirmed) before me on this 23 day of March (month),  
2010 (year), by Grisel Herrera, proved to me on the basis of satisfactory evidence to be the  
person who appeared before me.

(Signature of Notary)

(Seal of Notary)



## TRUSTEE'S NOTICE OF SALE

Loan No: 0021271416  
T.S. No.: 10-08252-6 .

Reference is made to that certain deed made by, DONALD C ROHRBACKER AND CHARLOTTE V ROHRBACKER, HUSBAND AND WIFE as Grantor to ASPEN TITLE & ESCROW INC, as trustee, in favor of MARINERS CAPITAL, INC., as Beneficiary, recorded on March 27, 2006, Book M-06 Page 05661 of Official Records in the office of the Recorder of Klamath County, OR to-wit:

APN: R883495

PARCEL 2 OF LAND PARTITION 54-96, SITUATE IN THE NW 1/4 OF SECTION 17, TOWNSHIP 40 SOUTH RANGE 10 EAST OF THE WILLIAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

Commonly known as:  
14625 CHEYNE ROAD, KLAMATH FALLS, OR 97603-9700

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's: failed to pay payments which became due; together with late charges due; together with other fees and expenses incurred by the Beneficiary;

Monthly Payment \$2,123.85  
Monthly Late Charge \$106.19

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$ 304,272.67 together with interest thereon at the rate of 7.90000 % per annum from November 1, 2009 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that FIDELITY NATIONAL TITLE INSURANCE COMPANY, the undersigned trustee will on **July 12, 2010** at the hour of **10:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, on the front steps of the Circuit Court, 316 Main Street., in the City of Klamath Falls, County of Klamath, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's or attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

**SALE INFORMATION CAN BE OBTAINED ON LINE AT [www.lpsasap.com](http://www.lpsasap.com)  
AUTOMATED SALES INFORMATION PLEASE CALL 714-259-7850**

## TRUSTEE'S NOTICE OF SALE

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: March 18, 2010

FIDELITY NATIONAL TITLE INSURANCE  
COMPANY

  
\_\_\_\_\_  
Lorena Enriquez, Authorized Signor

State of California  
County of Orange

I, the undersigned, certify that I am the Trustee Sale Officer and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

  
\_\_\_\_\_  
Lorena Enriquez, Authorized Signor

## 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 June 12, 2010. The name of the trustee and the trustee's mailing address are listed on this notice. 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.

### 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/>

Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at: <http://www.osbar.org>.

Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://oregonlawhelp.org>. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 800-SAFENET(800-723-3638)

**NOTICE OF DEFAULT AND ELECTION TO SELL**

RE: Trust Deed from: DONALD C ROHRBACKER  
AND CHARLOTTE V ROHRBACKER, HUSBAND  
AND WIFE, Grantor

To: Fidelity National Title Insurance Company,  
Successor Trustee

After recording return to (name, address, zip):

Fidelity National Title Insurance Company  
17592 E. 17th Street, Suite 300  
Tustin, CA 92780

This Document was Recorded on 3/7/2010  
As instrument number 2010-003086  
Book \_\_\_\_\_ Page \_\_\_\_\_  
In Klamath County Oregon

TS No: 10-08252-6 . - Loan No: 0021271416

Reference is made to that certain trust deed made by DONALD C ROHRBACKER AND CHARLOTTE V ROHRBACKER, HUSBAND AND WIFE, as grantor, to ASPEN TITLE & ESCROW INC, as trustee, in favor of MARINERS CAPITAL, INC., as beneficiary, dated as of March 21, 2006, and recorded March 27, 2006, in the Records of Klamath County, Oregon, Instrument No. M06-05661, covering the following described real property situated in the above-mentioned county and state, to wit: APN: R883495 - PARCEL 2 OF LAND PARTITION 54-96, SITUATE IN THE NW 1/4 OF SECTION 17, TOWNSHIP 40 SOUTH RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON. CODE 164 MAP 4010-01700 TL 00801 KEY # 883495

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the records of the county or counties in which the above described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed, or by the successor in interest, with respect to provisions therein which authorize sale in the event of such provision. The default for which foreclosure is made is grantor's failure to pay when due the following sums:  
Principal balance \$304,272.67

**Delinquent Payments**

<u>FROM</u>	<u>THRU</u>	<u>NO. PMTS</u>	<u>INT. RATE</u>	<u>AMOUNT</u>	<u>GRAND TOTAL</u>
12/01/2009	03/05/2010	4	7.90000%	\$2,123.85	\$8,495.40

**Late Charges**

Grand Total Late Charges \$424.76

**Beneficiary's Advances, Costs and Expenses**

MISC	\$90.10
Grand Total	\$90.10
Trustee's Fees and Costs	\$ 1,239.50
<b>GRAND TOTAL REQUIRED TO REINSTATE</b>	<b>\$10,249.76</b>

TS No :10-08252-6.

Loan No: 0021271416

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit: failed to pay payments which became due; together with late charges due; together with other fees and expenses incurred by the Beneficiary;

Notice hereby is given that the beneficiary and trustee, by reason of default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The Sale will be held at the hour of **10:00 AM**, in accord with the standard of time established by ORS 187.110, on **July 12, 2010**, at the following place: **on the front steps of the Circuit Court, 316 Main Street., in the City of Klamath Falls, County of Klamath, Oregon.**

FOR SALE INFORMATION CALL: **714.730.2727**

Website for Trustee's Sale Information: **www.lpsasap.com**

Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property except:

CHARLOTTE V ROHRBACKER  
14625 CHEYNE RD  
KLAMATH FALLS, OR 97603

Borrower

DONALD C ROHRBACKER  
14625 CHEYNE RD  
KLAMATH FALLS, OR 97603

Borrower

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), together with costs, trustee's and attorney's fees, 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, at any time prior to five days before the date last set for sale.

FOR FURTHER INFORMATION CONTACT:  
FIDELITY NATIONAL TITLE INSURANCE COMPANY  
17592 E. 17th Street, Suite 300  
Tustin, CA 92780  
714-508-5100

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to this grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated March 8, 2010

Fidelity National Title Insurance Company, Successor Trustee



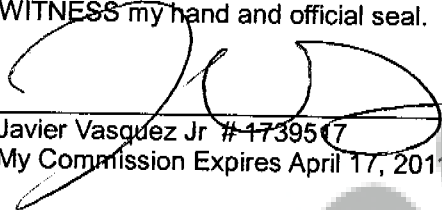
Michael Busby, Authorized Signor

State of California } ss.  
County of Orange } ss.

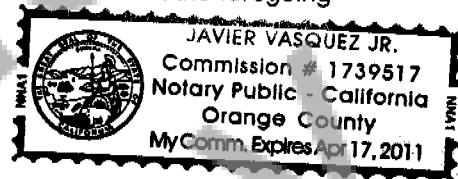
On March 8, 2010, before me, Javier Vasquez Jr, a Notary Public, personally appeared Michael Busby, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Javier Vasquez Jr #1739517  
My Commission Expires April 17, 2011



(Seal)

**When recorded mail to:**  
**DEFAULT RESOLUTION NETWORK**  
**17592 E. 17th Street, Suite 300**  
**Tustin, CA 92780**  
**Phone: 714-508-5100**  
**Fax: 714-508-5102**

**Loan # 0021271416**  
**TS # OR 10-08252-6 .**  
**Title Order # 387652**  
**Grantor: DONALD C ROHRBACKER AND CHARLOTTE V ROHRBACKER, HUSBAND AND WIFE**

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**AFFIDAVIT OF NON-MILITARY SERVICE AND  
AFFIDAVIT OF COMPLIANCE**



# DECLARATION OF NON-MILITARY SERVICE

Loan No: 0021271416  
T.S. No: 10-08252-6  
Owner(s): DONALD C ROHRBACKER AND CHARLOTTE V ROHRBACKER, HUSBAND AND WIFE

The undersigned, declares as follows:

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

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

That this declaration is made for the above referenced trustee's sale number for the purpose of inducing Fidelity National Title Company, as trustee, without leave of court first obtained, to cause said property to be sold under the terms of said deed of trust pursuant to the power of sale contained therein.

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

Executed on APRIL 5<sup>th</sup> 2010  
(Date)

Wells Fargo Bank, N.A., as Trustee for ABFC 2006-OPT1 Trust, ABFC Asset-Backed Certificates, Series 2006-OPT1.

By: Kathy Smith

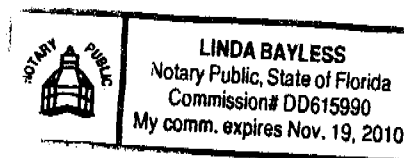
STATE OF: Florida

COUNTY OF: Duval

On 04-05-2010 before me, Linda Bayless, Notary Public, personally appeared Kathy Smith who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.



Notary Signature

Client Reference No. 0021271416

TS NO.: Trustee Sale No. 10-08252-6

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

STATE OF Florida County of Duval ) ss:

I, Kathy Smith, being first duly sworn, depose, and say that am employed by American Home Mortgage Servicing, after "beneficiary") and I am familiar with the records and files kept by beneficiary with respect to Loan number 0021271416, where the grantor(s) name(s) is/are

- ☐ Beneficiary did not receive a Modification Request Form from the grantor(s) within the time specified in Chapter 864 (2009 Oregon Laws). The Modification Request Form was sent on 03/12/2010; or
- ☐ Beneficiary received a timely Modification Request Form from the grantor(s) on 3/5/10 [date].
- If beneficiary received a timely 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.

By: Kathy Smith

Subscribed and sworn to before me on APR 2 5 2010 by Kathy Smith  
(name of affiant).

[Signature]  
Notary Public



**LINDA BAYLESS**  
Notary Public, State of Florida  
Commission# DD615990  
My comm. expires Nov. 19, 2010

**When recorded mail to:**  
**DEFAULT RESOLUTION NETWORK**  
**17592 E. 17th Street, Suite 300**  
**Tustin, CA 92780**  
**Phone: 714-508-5100**  
**Fax: 714-508-5102**

**Loan # 0021271416**  
**TS # OR 10-08252-6 .**  
**Title Order # 387652**  
**Grantor: DONALD C ROHRBACKER AND CHARLOTTE V ROHRBACKER, HUSBAND AND WIFE**

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## **AFFIDAVIT OF SERVICE**

10082526 / ROHRBACKER  
ASAP# 3497980

**FDRSA**

**AFFIDAVIT OF SERVICE**

STATE OF OREGON  
County of Klamath

ss.

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

I made service of the attached original Trustee's Notice of Sale; Notice to Tenants upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "Property Address":

14625 Cheyne Road  
Klamath Falls, OR 97603-9700

By delivering such copy, personally and in person to Anthony Say, at the above Property Address on March 24, 2010 at 12:46 PM.

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

SUBSCRIBED AND SWORN BEFORE ME  
this 29 day of March, 2010  
by Andrew Thompson.

Margaret A. Nielsen  
Notary Public for Oregon

X Andrew Thompson  
Andrew Thompson  
Nationwide Process Service, Inc.  
420 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636  
3497980



225926



**When recorded mail to:**  
**DEFAULT RESOLUTION NETWORK**  
**17592 E. 17th Street, Suite 300**  
**Tustin, CA 92780**  
**Phone: 714-508-5100**  
**Fax: 714-508-5102**

**Loan # 0021271416**  
**TS # OR 10-08252-6 .**  
**Title Order # 387652**  
**Grantor: DONALD C ROHRBACKER AND CHARLOTTE V ROHRBACKER, HUSBAND AND WIFE**

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## AFFIDAVIT OF PUBLICATION

8752

# 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 # 12149

Trustee's Notice of Sale

Rohrbacker

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:

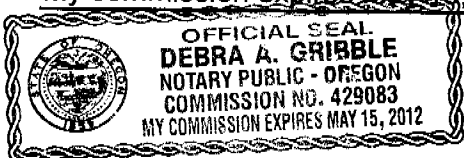
March 30, April 06, 13, 20, 2010

Total Cost: \$863.21

*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



### TRUSTEE'S NOTICE OF SALE Loan No: 0021271416 T.S. No.: 10-08252-6.

Reference is made to that certain deed made by, DONALD C ROHRBACKER AND CHARLOTTE V ROHRBACKER, HUSBAND AND WIFE as Grantor to ASPEN TITLE S ESCROW INC, as trustee, in favor of MARINERS CAPITAL, INC., as Beneficiary, recorded on March 27, 2008, Book M-06 Page 05661 of Official Records in the office of the Recorder of Klamath County, OR to-wit: APN: R883495 PARCEL 2 OF LAND PARTITION 54-96, SITUATE IN THE NW 1/4 OF SECTION 17, TOWNSHIP 40 SOUTH RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON. Commonly known as: 14825 CHEYNE ROAD, KLAMATH FALLS, OR 97603-9700.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's: failed to pay payments which became due; together with late charges due; together with other fees and expenses incurred by the Beneficiary. Monthly Payment \$2,123.85 Monthly Late Charge \$106.19

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of \$304,272.67 together with interest thereon at the rate of 7.90000 % per annum from November 1, 2009 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that FIDELITY NATIONAL TITLE INSURANCE COMPANY, the undersigned trustee will on July 12, 2010 at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, on the front steps of the Circuit Court, 316 Main Street, in the City of Klamath Falls, County of Klamath, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's or attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale. SALE INFORMATION CAN BE OBTAINED ON LINE AT [www.lpsasap.com](http://www.lpsasap.com) AUTOMATED SALES INFORMATION PLEASE CALL 714-259-7850

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Dated: March 18, 2010 FIDELITY NATIONAL TITLE INSURANCE COMPANY LORENA ENRIQUEZ, AUTHORIZED SIGNOR ASAP# 3497980 03/30/2010, 04/06/2010, 04/13/2010, 04/20/2010. #12149 March 30, April 06, 13, 20, 2010.