

2010-006564

Klamath County, Oregon



00085021201000065640180188

05/28/2010 03:52:13 PM

Fee: \$137.00

ATE 67454

**RECONTRUST COMPANY, N.A.**

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

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

090881409 / 67454

**TS No.: 09 -0186791**

1. AFFIDAVIT OF MAILING NOTICE OF SALE
2. AFFIDAVIT OF PUBLICATION NOTICE OF SALE
3. AFFIDAVIT OF SERVICE
4. COPY OF NOTICE OF SALE

Original Grantor on Trust Deed: R KEITH SMITH and DEBORAH ANN SMITH

Beneficiary: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,  
INC.

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

ATE # 137

Klamath

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of California, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

See attached Exhibit A for all the mailing address(es).

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by RECONTRUST COMPANY, N.A., the trustee named in said notice, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at VENTURA, CALIFORNIA, 01/21/2010. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale. As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

State of California  
County of Ventura

Signature [Signature]

Subscribed and sworn to (or affirmed) before me on this 20th day of April, 2010, by JONATHAN JACKSON, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

R KEITH SMITH and DEBORAH ANN SMITH

[Signature]  
Notary Public for California  
Residing at VENTURA

My commission expires: AUG 21 2010

RECONTRUST COMPANY, N.A.

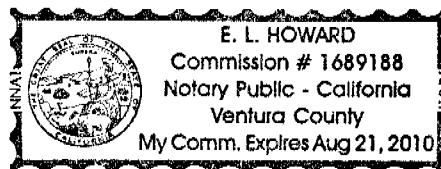
Trustee TS No. 09-0186791

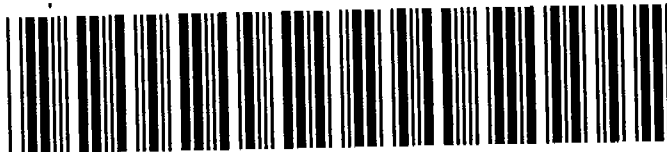
After Recording return to:

400 COUNTRYWIDE WAY SV-35

RECONTRUST COMPANY, N.A.

SIMI VALLEY, CA 93065





02 090186791

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

**TS No. 09-0186791**

R KEITH SMITH

01/21/2010

15600 S Poe Valley Rd

Klamath Falls, OR 97603

7187 7930 3131 6298 0621

DEBORAH ANN SMITH

01/21/2010

15600 S Poe Valley Rd

Klamath Falls, OR 97603

7187 7930 3131 6298 0676

RICHARD K. SMITH

01/21/2010

15600 S Poe Valley Rd

Klamath Falls, OR 97603

7187 7930 3131 6298 0737

R KEITH SMITH

01/21/2010

15600 S POE VALLEY ROAD

KLAMATH FALLS, OR 97603

7187 7930 3131 6298 0638

DEBORAH ANN SMITH

01/21/2010

15600 S POE VALLEY ROAD

KLAMATH FALLS, OR 97603

7187 7930 3131 6298 0683

Residents/Occupants

01/21/2010

15600 S POE VALLEY ROAD

KLAMATH FALLS, OR 97603

7187 7930 3131 6298 0720

R KEITH SMITH

01/21/2010

20819 N 110TH AVE

SUN CITY, AZ 85373-2633

7187 7930 3131 6298 0607

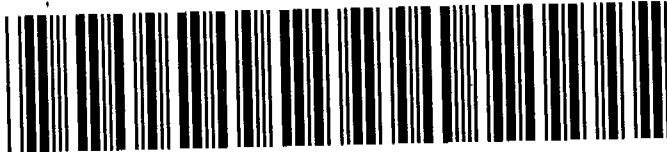
DEBORAH ANN SMITH

01/21/2010

20819 N 110TH AVE

SUN CITY, AZ 85373-2633

7187 7930 3131 6298 0669



02 090186791

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

**TS No. 09-0186791**

R KEITH SMITH

01/21/2010

20819 N 110TH AVE

SUN CITY, AZ 85373-2633

7187 7930 3131 6298 0645

DEBORAH ANN SMITH

01/21/2010

20819 N 110TH AVE

SUN CITY, AZ 85373-2633

7187 7930 3131 6298 0690

R KEITH SMITH

01/21/2010

212 N. 2ND STREET

KLAMATH FALLS, OR 97601

7187 7930 3131 6298 0652

DEBORAH ANN SMITH

01/21/2010

212 N. 2ND STREET

KLAMATH FALLS, OR 97601

7187 7930 3131 6298 0706

RICHARD K. SMITH

01/21/2010

212 N. 2ND STREET

KLAMATH FALLS, OR 97601

7187 7930 3131 6298 0744

INTERNAL REVENUE SERVICE ADVISORY-M/S 246

01/21/2010

915 2ND AVENUE

SEATTLE, WA 98174

7187 7930 3131 6298 0751

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

01/21/2010

PO BOX 2026

FLINT, MI 48501-2026

7187 7930 3131 6298 0768

COUNTRYWIDE HOME LOANS, INC.

01/21/2010

4500 PARK GRANADA

CALABASAS, CA 91302-1613

7187 7930 3131 6298 0775

COUNTRYWIDE HOME LOANS, INC.

01/21/2010

PO BOX 2026



02 090186791

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

TS No. 09-0186791

COUNTRYWIDE HOME LOANS, INC.

01/21/2010

C/O MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

FLINT, MI 48201-2026

7187 7930 3131 6298 0782

COUNTRYWIDE HOME LOANS, INC.

01/21/2010

388 STATE ST STE 420

C/O CT CORPORATION SYSTEMS

SALELM, OR 97301

7187 7930 3131 6298 0799

OREGON DEPARTMENT OF REVENUE

01/21/2010

955 CENTER ST NE

SALEM, OR 97301-2555

7187 7930 3131 6298 0836

OREGON DEPARTMENT OF REVENUE

01/21/2010

PO BOX 14725

C/O LEDONA CAFE SUPPORT ADMIN SPECIALIST

SALEM, OR 14725

7187 7930 3131 6298 0843

COUNTRYWIDE HOME LOANS, INC.

01/21/2010

P.O. BOX 2026

C/O MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

FLINT, MI 48501-2026

7187 7930 3131 6298 0805

OFFICE OF COUNTY CLERK KLAMATH COUNTY

01/21/2010

305 MAIN STREET

KLAMATH FALLS, OR 97601

7187 7930 3131 6298 0850

COUNTRYWIDE HOME LOANS, INC.

01/21/2010

388 STATE ST STE 420

C/O C T CORPORATION SYSTEM

SALEM, OR 97301

7187 7930 3131 6298 0829

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by R. Keith Smith And Deborah Ann Smith, Husband And Wife, as grantor(s), to Amerititle, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 01/13/2006, recorded 01/26/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number M06-01582, and re-recorded 03/13/2006 and as fee/file/instrument/microfilm/reception Number M06-04433 covering the following described real property situated in said county and state, to wit:

PARCEL <sup>3</sup>~~2~~, LAND PARTITION 59-05, REPLAT OF PARCEL 1 OF LAND PARTITION 56-93, SITUATED IN THE W 1/2 SW 1/4 OF SECTION 14, TOWNSHIP 39 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 15600 S POE VALLEY ROAD  
KLAMATH FALLS, OR 97603

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$2,466.72 beginning 07/01/2009; plus late charges of \$123.34 each month beginning with the 07/01/2009 payment plus prior accrued late charges of \$-246.68; plus advances of \$45.00; together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the Beneficiary has declared all sums owing on the obligation that the Trust Deed secures are immediately due and payable, said sums being the following to wit: \$398,265.18 with interest thereon at the rate of 5.875 percent per annum beginning 06/01/2009 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Monday, May 24, 2010 at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by paying the Beneficiary the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of notice of default that is capable of being cured by tendering the performance required under the obligation that the Trust Deed secures, and in addition to paying said sums or tendering the performance necessary to cure the default by paying all costs and expenses actually incurred in enforcing the obligation that the Trust Deed secures, together with the Trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation that the Trust Deed secures, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

### NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is 04/24/2010.

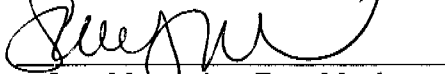
Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

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

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar's lawyer referral service at 503-684-3763 or toll-free in Oregon at 800-452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to <http://oregonlawhelp.org> or contact the Oregon State Bar's lawyer referral service at the phone numbers referenced above.

Dated Jan 19, 2010

**RECONTRUST COMPANY, N.A.**



Lucy Mansourian, Team Member

For further information, please contact:

**RECONTRUST COMPANY, N.A.**  
**RECONTRUST COMPANY, N.A.**  
1800 Tapo Canyon Rd., CA6-914-01-94  
SIMI VALLEY, CA 93063  
(800)-281-8219  
TS No. 09 -0186791

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, notary public, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My commission expires: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
**THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.**



# AFFIDAVIT OF MAILING NOTICE TO GRANTOR

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of California, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice given pursuant to the requirements of sections 20 & 21 of Chapter 19, Oregon Laws 2008 (Amending and/or supplementing ORS 86.705 to ORS 86.795).

I gave notice to grantor(s) and occupant(s) of the real property described in the attached notice by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

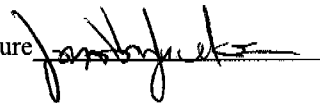
See attached Exhibit A for all the mailing address(es).

Said persons include (a) the grantor(s) in the trust deed and (b) occupant(s) of the subject property.

Each of the notices so mailed was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at VENTURA, CALIFORNIA, on 01/15/2010. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell was recorded and on or before the date of the Notice of Trustee's Sale was mailed, served and/or posted.

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

Signature



State of California  
County of Ventura

Subscribed and sworn to (or affirmed) before me on this 29th day of April, 20 10, by JONATHAN JACKSON, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

R KEITH SMITH and DEBORAH ANN SMITH

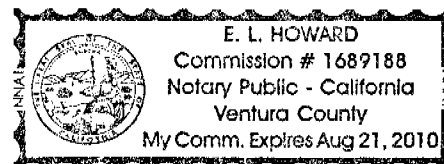
RECONTRUST COMPANY, N.A.

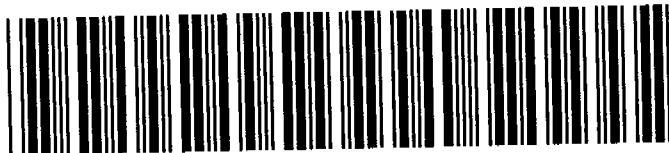
Trustee TS No. 09-0186791

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

Notary Public for California  
Residing at VENTURA

My commission expires: AUG 21 2010





02 090186791

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

**TS No. 09-0186791**

R KEITH SMITH  
15600 S Poe Valley Rd  
Klamath Falls, OR 97603  
7187 7930 3131 6285 4731

01/15/2010

DEBORAH ANN SMITH  
15600 S Poe Valley Rd  
Klamath Falls, OR 97603  
7187 7930 3131 6285 4779

01/15/2010

R KEITH SMITH  
15600 S POE VALLEY ROAD  
KLAMATH FALLS, OR 97603  
7187 7930 3131 6285 4748

01/15/2010

DEBORAH ANN SMITH  
15600 S POE VALLEY ROAD  
KLAMATH FALLS, OR 97603  
7187 7930 3131 6285 4786

01/15/2010

Residents/Occupants  
15600 S POE VALLEY ROAD  
KLAMATH FALLS, OR 97603  
7187 7930 3131 6285 4809

01/15/2010

R KEITH SMITH  
20819 N 110TH AVE  
SUN CITY, AZ 85373-2633  
7187 7930 3131 6285 4724

01/15/2010

DEBORAH ANN SMITH  
20819 N 110TH AVE  
SUN CITY, AZ 85373-2633  
7187 7930 3131 6285 4762

01/15/2010

R KEITH SMITH  
20819 N 110TH AVE  
SUN CITY, AZ 85373-2633  
7187 7930 3131 6285 4755

01/15/2010

DEBORAH ANN SMITH  
20819 N 110TH AVE  
SUN CITY, AZ 85373-2633  
7187 7930 3131 6285 4793

01/15/2010

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

**This notice is about your mortgage loan on your property at:**

Street address: 15600 S POE VALLEY ROAD

City: KLAMATH FALLS

State: OR

ZIP: 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 a 'foreclosure.'

The amount you would have had to pay as of April 28, 2010 to bring your mortgage current was \$25,130.60. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call 888-219-7773 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe.

You may also get these details by sending a request by certified mail to:

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

**THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION:** May 24, 2010 at 10:00 AM inside the 1st floor lobby of the Klamath County Courthouse, 316 Main St., Klamath Falls, Klamath County, OR

**THIS IS WHAT YOU CAN DO TO STOP THE SALE:**

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call Jill Balentine at 888-219-7773, to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and phone number of an organization near you, please call the statewide phone contact

number at **800-SAFENET (800-723-3638)**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or you may visit its web site at: [www.osbar.org](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 by contacting your lender at **800-669-0102** or by visiting <http://homeloans.bankofamerica.com/en/service-and-support/homeowner-relief/find-a-solution.html>. If you can't reach your lender, you may contact the trustee at the telephone number at the bottom of this notice. If you have already entered into a loan modification with your lender, it is possible that you will not be able to modify your loan again unless your circumstances have changed. Your lender is not obligated to modify your loan.

You may request to meet with you lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll-free consumer mortgage foreclosure information number: **800-SAFENET (800-723-3638)**. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: <http://www.makinghomeaffordable.gov/>.

**IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "MODIFICATION REQUEST FORM". YOUR LENDER MUST RECEIVE THE FORM 02/14/2010.**

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

Date: January 15, 2010

TS No.: 09 -186791

Trustee name: RECONTRUST COMPANY, N.A.

Trustee phone number: (800) 281-8219

Trustee signature: \_\_\_\_\_

# Affidavit of Publication

## STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, Business Manager,  
being first duly sworn, depose and say  
that I am the principal clerk of the  
publisher of the Herald and News  
a newspaper in general circulation, as  
defined by Chapter 193 ORS, printed and  
published at Klamath Falls in the  
aforesaid county and state; that I know from  
my personal knowledge that the

Legal # 12058

Trustee's Notice of Sale

Smith

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:

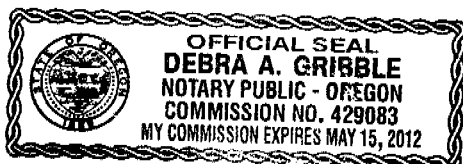
March 02, 09, 16, 23, 2010

Total Cost: \$1,402.49

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: March 24, 2010

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by R. KEITH SMITH AND DEBORAH ANN SMITH, HUSBAND AND WIFE, as grantor(s), to AMERITITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 01/13/06, recorded 01/26/06, in the mortgage records of Klamath County, OR, as Recorder's fee/file/instrument/microfilm/reception Number M06-01582, and re-recorded 03/13/2006 and as fee/file/instrument/microfilm/reception Number M06-04433, covering the following described real property situated in said county and state, to wit: LEGAL DESCRIPTION: PARCEL 2, LAND PARTITION 59-05, REPLAT OF PARCEL 1 OF LAND PARTITION 56-93, SITUATED IN THE W 1/2 SW 1/4 OF SECTION 14, TOWNSHIP 39 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. PROPERTY ADDRESS: 15600 S POE VALLEY ROAD KLAMATH FALLS, OR 97603.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$2,466.72 beginning 07/01/2009; plus late charges of \$123.34 each month beginning with the 07/01/2009 payment plus prior accrued late charges of \$-246.68; plus advances of \$ 45.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, said sums being the following to wit: \$398,265.18 with interest thereon at the rate of 5.875 percent per annum beginning 06/01/2009 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Monday, May 24, 2010 at the hour of 10:00AM in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure the default by paying all costs and expenses actually incurred in enforcing the obli-

tion and Trust Deed, together with the Trustee's and attorney's fees not exceeding the amounts provided by QSRS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. **NOTICE TO TENANTS:** If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of sale. If you have a fixed-term lease, you may be entitled to receive, after the date of the sale a 60-day notice of the purchaser's requirement that you move out. To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of sale is April 24, 2010. Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law. You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar's lawyer referral service at 503-684-3763 or toll-free in Oregon at 800-452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to <http://oregonlawhelp.org> or contact the Oregon State Bar's lawyer referral service at the phone numbers referenced above. Dated: January 19, 2010 RECONTRUST COMPANY, N.A. For further information, please contact: RECONTRUST COMPANY, N.A. 1800 Tapo Canyon Rd., CA6-914-01-94 SIMI VALLEY, CA. 93063 (800) 281-8219 (TS# 09-0186791) 1006.82210-FEI.  
#12058 March 02, 09,16, 23, 2010.

**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 **15600 S Poe Valley Rd. 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.

1 <sup>st</sup> Attempt:	January 22, 2010	2:59 PM	Posted
2 <sup>nd</sup> Attempt:	January 25, 2010	9:45 AM	Posted
3 <sup>rd</sup> Attempt:	January 28, 2010	10:01 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 2, 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 Meach*

**15600 S Poe Valley Rd. 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.

January 22, 2010	2:59 PM
<b>DATE OF SERVICE</b>	<b>TIME OF SERVICE</b>

☐ or non occupancy

By:

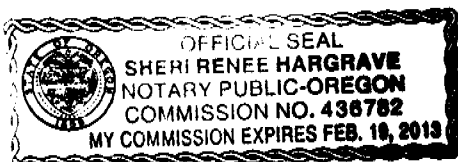
*Robert W. Bolenbaugh*

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 2<sup>nd</sup> day of February, 2010.

*Sheri Renee Hargrave*

Notary Public for Oregon



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

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

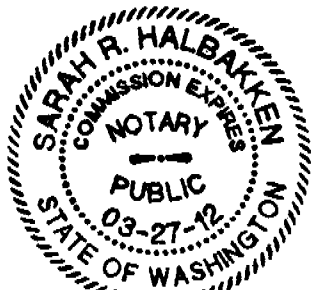
On February 9, 2010 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 15600 S POE VALLEY ROAD, KLAMATH FALLS, OR, 97603 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.

*Deborah L Lavaney*

STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF KING                )

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

Dated: 2/9/10



*Sarah R Halbakken*  
NOTARY PUBLIC in and for the State of  
Washington, residing at King  
My commission expires 3/27/2012

09-0186791 / SMITH, R KEITH and SMITH, DEBORAH ANN  
Sales Group-OR



Affidavit of Compliance Oregon SB 628  
Re: Trust Deed from  
R Keith and Deborah Ann Smith  
to  
Recon Trust Company File No. 2009-186791

**Affidavit of Compliance with Oregon SB 628 (2009)**

**Beneficiary:** BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME  
LOANS SERVICING LP

**Original Loan Amount:** \$417,000.00

**Borrower name(s):** R. Keith and Deborah Ann Smith

**Property Address:** 15600 S Poe Valley Road  
Klamath Falls, OR 97603

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

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

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

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

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

[ ] Other (Specify):  
\_\_\_\_\_  
\_\_\_\_\_

DATED: 5/17/10

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

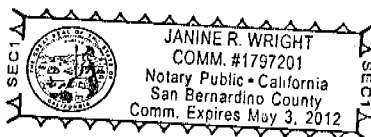
Name of Beneficiary or Beneficiary's Authorized Agent: BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP

State of California )

) ss.

County of Los Angeles )

This instrument was acknowledged before me on May 17, 2010 by Stacey L Blouin as Servicing Team Manager of BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP



Notary signature  
My commission expires 5/3/2012