

2010-007957

Klamath County, Oregon



00086674201000079570170174

06/30/2010 02:57:33 PM

Fee: \$132.00

ATE 67519

RECONTRUST COMPANY, N.A.

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

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

TS No.: 10 -0012818

100057193 / 67519

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

Original Grantor on Trust Deed: BRIAN K JOHNSTON, MARILYN RUTH JOHNSTON, JESS
VAN JOHNSTON and TRACY ANN JOHNSTON

Beneficiary: BANK OF AMERICA, N.A.

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 132

H. Klamath, Jr

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, 02/24/2010. 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 25th day of June, 2010, by Blanca Duran, 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

BRIAN K JOHNSTON, MARILYN RUTH JOHNSTON, JESS VAN JOHNSTON and TRACY ANN JOHNSTON

[Signature]
Notary Public for California

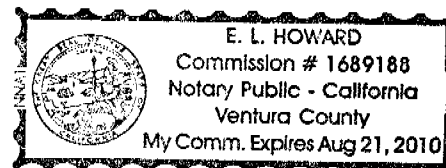
Residing at VENTURA

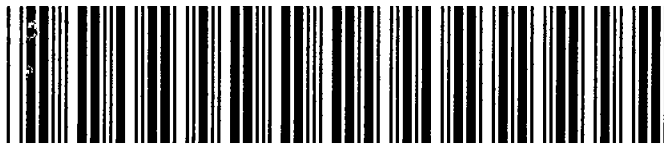
My commission expires: AUG 21 2010

RECONTRUST COMPANY, N.A.

Trustee TS No. 10-0012818

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





02 100012818

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

TS No. 10-0012818

BRIAN K JOHNSTON 02/24/2010

45189 Wiki Cir

Temecula, CA 92592

7187 7930 3131 6603 6430

MARILYN RUTH JOHNSTON 02/24/2010

45189 Wiki Cir

Temecula, CA 92592

7187 7930 3131 6603 6485

JESS VAN JOHNSTON 02/24/2010

45189 Wiki Cir

Temecula, CA 92592

7187 7930 3131 6603 6522

TRACY ANN JOHNSTON 02/24/2010

45189 Wiki Cir

Temecula, CA 92592

7187 7930 3131 6603 6553

TRACY A. JOHNSTON 02/24/2010

45189 Wiki Cir

Temecula, CA 92592

7187 7930 3131 6603 6584

BRIAN K JOHNSTON 02/24/2010

5060 CORMORANT LOOP

KLAMATH FALLS, OR 97601

7187 7930 3131 6603 6447

MARILYN RUTH JOHNSTON 02/24/2010

5060 CORMORANT LOOP

KLAMATH FALLS, OR 97601

7187 7930 3131 6603 6492

JESS VAN JOHNSTON 02/24/2010

5060 CORMORANT LOOP

KLAMATH FALLS, OR 97601

7187 7930 3131 6603 6539



02 100012818

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

TS No. 10-0012818

TRACY ANN JOHNSTON 02/24/2010

5060 CORMORANT LOOP

KLAMATH FALLS, OR 97601

7187 7930 3131 6603 6560

Residents/Occupants 02/24/2010

5060 CORMORANT LOOP

KLAMATH FALLS, OR 97601

7187 7930 3131 6603 6478

BRIAN K JOHNSTON 02/24/2010

COTRUSTEES OF THE JOHNSTON FAMILY TRUST

45189 WIKI CIRCLE

TEMECULA, CA 92592-1348

7187 7930 3131 6603 6454

TRACY A. JOHNSTON 02/24/2010

45189 WIKI CIRCLE

COTRUSTEES OF THE JOHNSTON FAMILY TRUST

TEMECULA, CA 92592-1348

7187 7930 3131 6603 6591

BRIAN K JOHNSTON 02/24/2010

1760 CEDAR CREST CT

RENO, NV 89521

7187 7930 3131 6603 6461

MARILYN RUTH JOHNSTON 02/24/2010

1760 CEDAR CREST CT

RENO, NV 89521

7187 7930 3131 6603 6508

JESS VAN JOHNSTON 02/24/2010

1760 CEDAR CREST CT

RENO, NV 89521

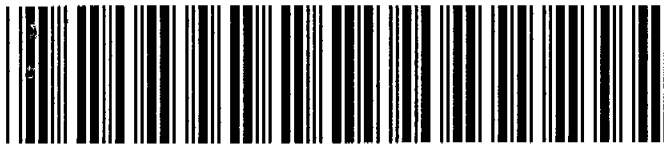
7187 7930 3131 6603 6546

TRACY ANN JOHNSTON 02/24/2010

1760 CEDAR CREST CT

RENO, NV 89521

7187 7930 3131 6603 6577



02 100012818

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

TS No. 10-0012818

ED ONIMUS, TREASURER

02/24/2010

PO BOX 1215

C/O JELD-WEN COMMUNITIES

REDMOND, OR 97756

7187 7930 3131 6603 6607

RUNNING Y RANCH RESORT OWNER'S ASSOCIATION

02/24/2010

PO BOX 1215

C/O JELD-WEN COMMUNITIES

REDMOND, OR 97756

7187 7930 3131 6603 6621

RUNNING Y RANCH RESORT OWNER'S ASSOCIATION

02/24/2010

5115 RUNNING Y RD

KLAMATH FALLS, OR 97601

7187 7930 3131 6603 6638

RUNNING Y RANCH RESORT OWNER'S ASSOCIATION

02/24/2010

5115 RUNNING Y RD

C/O TODD ANDRES

KLAMATH FALLS, OR 97601

7187 7930 3131 6603 6645

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Brian K Johnston And Tracy Ann Johnston, Jess Van Johnston And Marilyn Ruth Johnston, as grantor(s), to First American Title Insurance Company, as Trustee, in favor of Bank Of America, N.A., as Beneficiary, dated 12/05/2005, recorded 12/15/2005, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number M05-71191, covering the following described real property situated in said county and state, to wit:

LOT 333, RUNNING Y RESORT - PHASE 4, SECOND ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 5060 CORMORANT LOOP
KLAMATH FALLS, OR 97601

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,330.06 beginning 05/01/2009; plus late charges of \$58.88 each month beginning with the 05/01/2009 payment plus prior accrued late charges of \$-176.64; plus advances of \$80.00; 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: \$253,491.52 with interest thereon at the rate of 4.5 percent per annum beginning 04/01/2009 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 Wednesday, June 16, 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

, 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 05/17/2010.

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

Feb 11, 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. 10 -0012818

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 02/10/2010. 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.

State of California
County of Ventura

Signature Dustin Burke

Subscribed and sworn to (or affirmed) before me on this 25th day of June, 2010, by Dustin Burke, 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

BRIAN K JOHNSTON, MARILYN RUTH JOHNSTON, JESS VAN JOHNSTON and TRACY ANN JOHNSTON

RECONTRUST COMPANY, N.A.

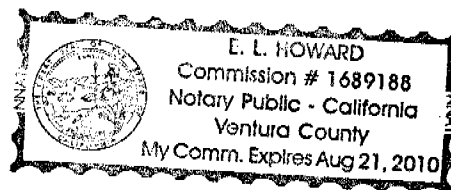
Trustee TS No. 10-0012818

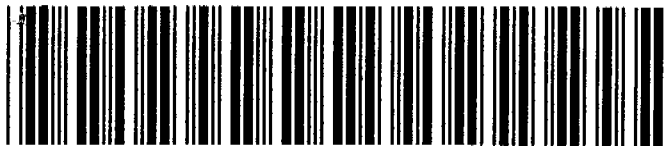
After Recording return to:
400 COUNTRYWIDE WAY SV-35
RECONTRUST COMPANY, N.A.
SIMI VALLEY, CA 93065

E. L. Howard
Notary Public for California

Residing at VENTURA

My commission expires: AUG 21 2010





02 100012818

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

TS No. 10-0012818

BRIAN K JOHNSTON 02/10/2010
45189 Wiki Cir
Temecula, CA 92592
7187 7930 3131 6478 4357

MARILYN RUTH JOHNSTON 02/10/2010
45189 Wiki Cir
Temecula, CA 92592
7187 7930 3131 6478 4388

JESS VAN JOHNSTON 02/10/2010
45189 Wiki Cir
Temecula, CA 92592
7187 7930 3131 6478 4401

TRACY ANN JOHNSTON 02/10/2010
45189 Wiki Cir
Temecula, CA 92592
7187 7930 3131 6478 4432

BRIAN K JOHNSTON 02/10/2010
5060 CORMORANT LOOP
KLAMATH FALLS, OR 97601
7187 7930 3131 6478 4364

MARILYN RUTH JOHNSTON 02/10/2010
5060 CORMORANT LOOP
KLAMATH FALLS, OR 97601
7187 7930 3131 6478 4395

JESS VAN JOHNSTON 02/10/2010
5060 CORMORANT LOOP
KLAMATH FALLS, OR 97601
7187 7930 3131 6478 4425

TRACY ANN JOHNSTON 02/10/2010
5060 CORMORANT LOOP
KLAMATH FALLS, OR 97601
7187 7930 3131 6478 4449

Residents/Occupants 02/10/2010
5060 CORMORANT LOOP
KLAMATH FALLS, OR 97601
7187 7930 3131 6478 4371

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: 5060 CORMORANT LOOP

City: KLAMATH FALLS

State: OR

ZIP: 97601

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

The amount you would have had to pay as of 2-10-10 to bring your mortgage current was \$19,911.80. 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: July 26, 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 Kimberly Fehervary at 1-866-806-2413, to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

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

number at **800-SAFENET (800-723-3638)**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or you may visit its web site at: www.osbar.org. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

Your lender may be willing to modify your loan to reduce the interest rate, reduce the monthly payments or both. You can get information about possible loan modification 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 03/12/2010.

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: February 10, 2010

TS No.: 10 -12818

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 # 12155

Trustee's Notice of Sale

Johnston

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:

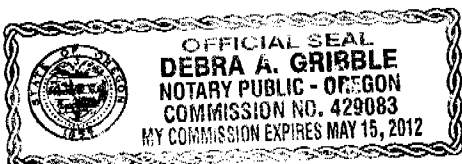
March 30, April 06, 13, 20, 2010

Total Cost: \$1,376.81


Subscribed and sworn by Jeanine P Day
before me on: April 22, 2010


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 BRIAN K JOHNSTON AND TRACY ANN JOHNSTON, JESS VAN JOHNSTON AND MARILYN RUTH JOHNSTON, as grantor(s), to FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee, in favor of BANK OF AMERICA, N.A., as Beneficiary, dated 12/05/05, recorded 12/15/05, in the mortgage records of Klamath County, OR, as Recorder's fee/file/instrument/microfilm/reception Number M05-71191, and subsequently assigned to BANK OF AMERICA, N.A. by Assignment recorded 02/05/2010 as Recorder's fee/file/instrument/microfilm/reception No. 2010-1951, covering the following described real property situated in said county and state, to wit: LOT 333, RUNNING Y RESORT-- PHASE 4, SECOND ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. PROPERTY ADDRESS: 5060 CORMORANT LOOP KLAMATH FALLS, OR 97601.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a notice of default has been recorded pursuant to

Deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,330.06 beginning 05/01/2009; plus late charges of \$58.88 each month beginning with the 05/01/2009 payment plus prior accrued late charges of \$-176.64; plus advances of \$ 80.00; 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: \$253,491.52 with interest thereon at the rate of 4.5 percent per annum beginning 04/01/2009 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 Wednesday, June 16, 2010 at the hour of 10:00AM in accord with the standard of time established by ORS 187.410, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main St., Klamath Falls, Klamath County, Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure the default by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and attorney's fees not exceeding the amounts provided by OSRS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. **NOTICE TO TENANTS:** If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of sale. If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out. To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of sale is May 17, 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: February 11, 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# 10-0012818) 1006.86261-FEI.
#12155 March 30, April 6, 13, 20, 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 **5060 Cormorant Loop Klamath Falls, OR 97601**

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to **David R Dalton and Dawna Dalton** at the address below.

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

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

1st Attempt:

2nd Attempt:

3rd Attempt:

☐ **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 18 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 Chelsa Meek

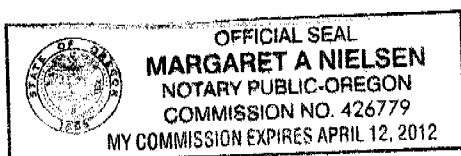
5060 Cormorant Loop Klamath Falls, OR 97601
ADDRESS OF SERVICE

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

February 15, 2010 9:28 AM
DATE OF SERVICE TIME OF SERVICE
☐ or non occupancy

By: Leah Peden

Subscribed and sworn to before on this 18th day of February, 2010.



Margaret A. Nielsen
Notary Public for Oregon

Affidavit of Compliance Oregon SB 628
Re: Trust Deed from
BRIAN K JOHNSTON
to
Recon Trust Company File No. **2010-12818**

Affidavit of Compliance with Oregon SB 628 (2009)

Beneficiary: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE-HOLDERS OF STRUCTURED ASSET MTG INVESTMENTS II TRUST 2006-AR3, MTG PASS-THROUGH CERTIFICATES, SERIES 2006-AR3.

Original Loan Amount: 239920

Borrower name(s): BRIAN K JOHNSTON

Property Address: 5060 CORMORANT LOOP
KLAMATH FALLS, OR 97601

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

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

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

- ☐ **Loan Modification Requested. After Evaluation, Request Denied, But Other Loss Mitigation Opportunities Offered.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by Law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in good faith within 45 days of receipt. Within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied. However, other loss mitigation accommodations were offered to borrower.
- ☐ **Loan Modification Requested. Insufficient Information Provided by Borrower. Request Denied.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in good faith within 45 days of receipt, but borrower, despite one or more additional requests from beneficiary or its agent, failed to provide sufficient information to enable beneficiary to determine in good faith whether borrower is eligible for a loan modification. Accordingly, within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied.
- ☐ Other (Specify):

DATED: 6/9/10

By: Rosemary Bare
Typed Name: Rosemary Bare
Title: Servicing Team Manager

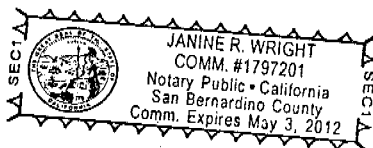
Name of Beneficiary or Beneficiary's Authorized Agent: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE-HOLDERS OF STRUCTURED ASSET MTG INVESTMENTS II TRUST 2006-AR3, MTG PASS-THROUGH CERTIFICATES, SERIES 2006-AR3.

State of California)

) ss.

County of Los Angeles)

This instrument was acknowledged before me on June 9, 2010 by Rosemary Bare as Servicing Team Manager of THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE-HOLDERS OF STRUCTURED ASSET MTG INVESTMENTS II TRUST 2006-AR3, MTG PASS-THROUGH CERTIFICATES, SERIES 2006-AR3..



[Signature]
Notary signature

My commission expires May 3, 2012