

2010-008012

Klamath County, Oregon



00086737201000080120200201

07/01/2010 01:17:39 PM

Fee: \$147.00

**RECONTRUST COMPANY, N.A.**

ATE 67465

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

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

TS No.: 10 -0000230

100002689/ 67465

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: MICHAEL R CHAPMAN

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.

Klamath CR

ATE 147

# 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, 05/03/2010. 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 

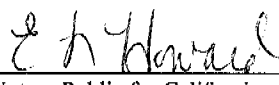
Subscribed and sworn to (or affirmed) before me on this 26<sup>th</sup> day of June, 20 10, by BERTHA QUEZADA, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

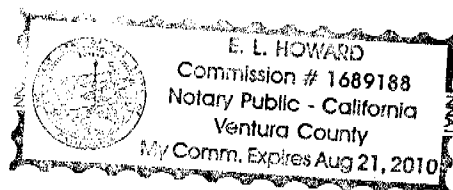
RE: Trust Deed from

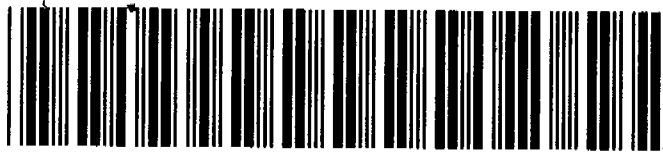
Grantor  
and MICHAEL R CHAPMAN

  
Notary Public for California  
Residing at VENTURA  
My commission expires: AUG 21 2010

RECONTRUST COMPANY, N.A.  
Trustee TS No. 10-0000230

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





02 100000230

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

**TS No. 10-0000230**

Internal Revenue Service

05/03/2010

915 2nd Avenue

Special Procedures Function MSW/245

Seattle, WA 98174

7187 7930 3131 7352 2247

# 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, 02/03/2010. 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 25<sup>th</sup> day of June, 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.

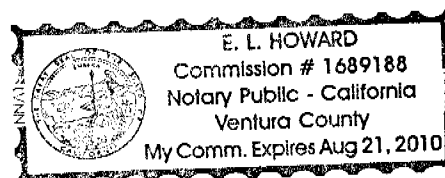
(seal)

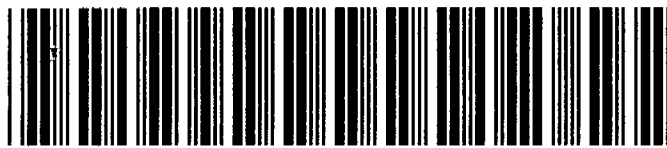
## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from  
Grantor  
and MICHAEL R CHAPMAN

[Signature]  
Notary Public for California  
Residing at VENTURA  
My commission expires: AUG 21 2010

RECONTRUST COMPANY, N.A.  
Trustee TS No. 10-0000230  
After Recording return to:  
400 COUNTRYWIDE WAY SV-35  
RECONTRUST COMPANY, N.A.  
SIMI VALLEY, CA 93065





02 100000230

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

**TS No. 10-0000230**

MICHAEL R CHAPMAN

02/03/2010

5734 Homedale Rd

Klamath Falls, OR 97603

7187 7930 3131 6401 6182

MICHAEL R CHAPMAN

02/03/2010

5734 HOMEDALE RD

KLAMATH FALLS, OR 97603-8453

7187 7930 3131 6401 6199

Residents/Occupants

02/03/2010

5734 HOMEDALE RD

KLAMATH FALLS, OR 97603-8453

7187 7930 3131 6401 6236

MICHAEL R CHAPMAN

02/03/2010

522 S 5TH ST

KLAMATH FALLS, OR 97603-8453

7187 7930 3131 6401 6205

CARTER-JONES COLLECTION SERVICE, INC

02/03/2010

1143 PINE ST

KLAMATH FALLS, OR 97601

7187 7930 3131 6401 6243

CARTER-JONES COLLECTION SERVICE, INC

02/03/2010

C/O KENT PEDERSON

1143 PINE ST

KLAMATH FALLS, OR 97601

7187 7930 3131 6401 6250

CARTER-JONES COLLECTION SERVICE, INC

02/03/2010

435 OAK AVENUE

C/O NEAL G. BUCHANAN

KLAMATH FALLS, OR 97601

7187 7930 3131 6401 6267

PREMIER FINANCE COMPANY

02/03/2010

PO BOX 40

ATTN: LEDAWN KING

MEDFORD, OR 97501

7187 7930 3131 6401 6274



02 100000230

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

**TS No. 10-0000230**

PREMIER FINANCE COMPANY

02/03/2010

717 MURPHY ROAD

C/O HORNECKER, COWLING, HASSEN & HEYSELL, L.L.P.

JOSEPH E. KELLERMAN

MEDFORD, OR 97504

7187 7930 3131 6401 6281

PREMIER FINANCE COMPANY

02/03/2010

10415 SE STARK ST STE F

PORTLAND, OR 97216

7187 7930 3131 6401 6298

PREMIER FINANCE COMPANY

02/03/2010

503 AIRPORT RD

C/O RICHARD R HIEB

MEDFORD, OR 97504

7187 7930 3131 6401 6304

KLAMATH IRRIGATION DISTRICT

02/03/2010

6640 KID LANE

KLAMATH FALLS, OR 97603

7187 7930 3131 6401 6328

STATE OF OREGON EMPLOYMENT DEPARTMENT

02/03/2010

875 UNION ST. NE, ROOM 107

SALEM, OR 97311

7187 7930 3131 6401 6335

MICHAEL R CHAPMAN

02/03/2010

522 S 5TH ST

KLAMATH FALLS, OR 97601-6202

7187 7930 3131 6401 6229

CATHY OLHEISER REVENUE AGENT

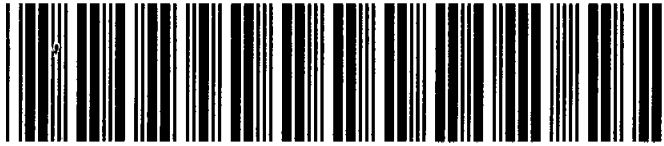
02/03/2010

P.O. BOX 14725

PTAC COMPLIANCE-BEND

SALEM, OR 97309-5018

7187 7930 3131 6401 6342



02 100000230

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

**TS No. 10-0000230**

EDWARD LUNDE

02/03/2010

6205 ROUND LAKE RD

KLAMATH FALLS, OR 97601

7187 7930 3131 6401 6359

ROSHELLE MUNSON

02/03/2010

C/O 411 PINE ST

KLAMATH FALLS, OR 97601

7187 7930 3131 6401 6366

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Michael R Chapman An Estate In Fee Simple As Tenants By The Entirety, as grantor(s), to Fidelity National Title Insurance Company, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 06/29/2007, recorded 07/20/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-012891, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED FOR LEGAL DESCRIPTION

PROPERTY ADDRESS: 5734 HOMEDALE RD  
KLAMATH FALLS, OR 97603-8453

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 \$1,912.12 beginning 10/01/2008; plus late charges of \$95.61 each month beginning with the 10/01/2008 payment plus prior accrued late charges of \$-294.55; plus advances of \$255.00; 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: \$266,783.50 with interest thereon at the rate of 8.25 percent per annum beginning 09/01/2008 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 Friday, May 28, 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 04/28/2010.

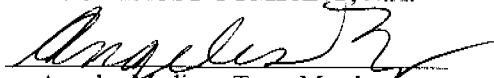
Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

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 20 2010, 20      

**RECONTRUST COMPANY, N.A.**

  
Angeles Medina, 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 -0000230**

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.**

**EXHIBIT 'A'**

File No.: **7029-1057274 (SDJ)**  
Property: **5734 Homedale Road, Klamath Falls, OR 97603**

**The South 120 feet of the following described tract:**

**A tract of land situated in the NW1/4 SE 1/4 of Section 14, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:**

**Beginning at a one-half inch iron pin on the Westerly right of way line of Homedale Road, said point being South 00°02'35" East 2169.24 feet (2170.00 feet by record) and South 89°48'28" West 30.00 feet from the Northeast corner of the SW 1/4 NE 1/4 of Section 14; thence South 00°02'35" East along said right of way line 240.00 feet to a 5/8 inch iron pin; thence South 89°48'28" West 703.77 feet to a 5/8 inch iron pin on the Easterly right of way line of U.S.B.R. A-3-B irrigation lateral; thence North 24°44'39" East along said Easterly right of way line 264.67 feet to a 5/8 inch iron pin; thence North 89°48'28" East along the Northerly edge of existing fence line 592.80 feet to the point of beginning.**

**A.P.N. R575443**

# 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 01/20/2010. 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 25th day of June, 20 10, by Bertha Quezada, 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

and MICHAEL R CHAPMAN

RECONTRUST COMPANY, N.A.

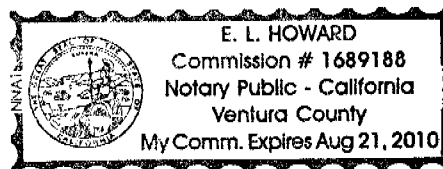
Trustee TS No. 10-0000230

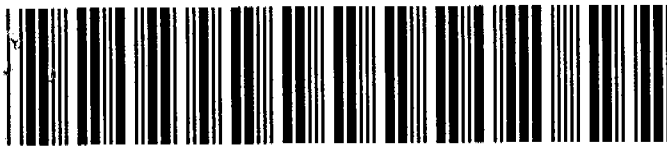
After Recording return to:  
400 COUNTRYWIDE WAY SV-35  
RECONTRUST COMPANY, N.A.  
SIMI VALLEY, CA 93065

  
Notary Public for California

Residing at VENTURA

My commission expires: AUG 21 2010





02 100000230

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

**TS No. 10-0000230**

MICHAEL R CHAPMAN

01/20/2010

5734 Homedale Rd

Klamath Falls, OR 97603

7187 7930 3131 6295 0860

MICHAEL R CHAPMAN

01/20/2010

5734 HOMEDALE RD

KLAMATH FALLS, OR 97603-8453

7187 7930 3131 6295 0877

Residents/Occupants

01/20/2010

5734 HOMEDALE RD

KLAMATH FALLS, OR 97603-8453

7187 7930 3131 6295 0884

**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: 5734 HOMEDALE RD

City: KLAMATH FALLS

State: OR

ZIP: 97603-8453

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 1-20-10 to bring your mortgage current was \$44,006.27. 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](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 02/19/2010.

**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 20, 2010

TS No.: 10 -00230

Trustee name: RECONTRUST COMPANY, N.A.

Trustee phone number: (800) 281-8219



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

**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 **5734 Homedale Rd. Klamath Falls, OR 97603**

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

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to Patti Potthast, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Josh Chapman & Emily Schuenberg

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

1<sup>st</sup> Attempt:

2<sup>nd</sup> Attempt:

3<sup>rd</sup> 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.

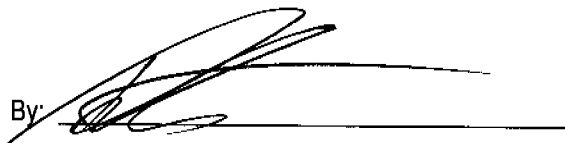
☒ **SUBSTITUTE SERVICE MAILER:** That on the day of January 27, 2010, I mailed a copy of the Trustee's Notice of Sale addressed to All Known Occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed Chelsea Meek

**5734 Homedale Rd. Klamath Falls, OR 97603  
ADDRESS OF SERVICE**

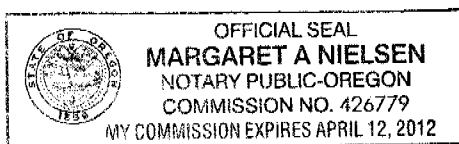
I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served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

January 25, 2010      1:59 PM  
**DATE OF SERVICE      TIME OF SERVICE**  
☐ or non occupancy

By:   
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 26<sup>th</sup> day of January, 2010.

Margaret A. Nielsen  
Notary Public for Oregon





# 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 # 12075

Trustee's Notice of Sale

Chapman

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 10, 17, 24, 31, 2010.

Total Cost: \$1,582.25

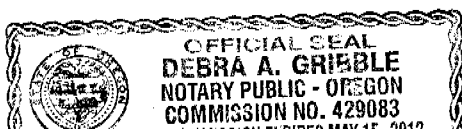
*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: April 5, 2010

*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 MICHAEL R CHAPMAN AN ESTATE IN FEE SIMPLE AS TENANTS BY THE ENTIRETY, as grantor(s), to FIDELITY NATIONAL TITLE INSURANCE COMPANY, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 06/29/07, recorded 07/20/07, in the mortgage records of Klamath County, OR, as Recorder's fee/file/instrument/microfilm/reception Number 2007-012891, and subsequently assigned to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. by Assignment recorded 01/15/2010 as Recorder's fee/file/instrument/microfilm/reception No. 2010-569, covering the following described real property situated in said county and state, to wit: LEGAL DESCRIPTION: THE SOUTH 120 FEET OF THE FOLLOWING DESCRIBED TRACT: A TRACT OF LAND SITUATED IN THE NW 1/4 SE 1/4 OF SECTION 14, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A ONE-HALF INCH IRON PIN ON THE WESTERLY RIGHT OF WAY LINE OF HOMEDALE ROAD, SAID PINT BEING SOUTH 00 DEGREES 02'35" EAST 2169.24 FEET (2170.00 FEET BY RECORD) AND SOUTH 89 DEGREES 48'28" WEST 30.00 FEET FROM THE NORTHEAST CORNER OF THE SW 1/4 NE 1/4 OF SECTION 14; THENCE SOUTH 00 DEGREES 02'35" EAST ALONG SAID RIGHT OF WAY LINE 240.00 FEET TO A 5/8 INCH IRON PIN; THENCE SOUTH 89 DEGREES 48'28" WEST 703.77 FEET TO A 5/8 INCH IRON PIN ON THE EASTERLY RIGHT OF WAY LINE



SOUTH 89 DEGREES 48'28" WEST 703.77 FEET TO A 5/8 INCH IRON PIN ON THE EASTERLY RIGH TOF WAY LINE OF U.S.B.R. A-3-B IRRIGATION LATERAL; THENCE NORTH 24 DEGREES 44'39" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE 264.67 FEET TO A 5/8 INCH IRON PIN; THENCE NORTH 89 DEGREES 48'28" EAST ALONG THE NORTHERLY EDGE OF EXISTING FENCE LINE 592.80 FEET TO THE POINT OF BEGINNING. PROPERTY ADDRESS: 5734 HOMEDALE RD KLAMATH FALLS, OR 97603-8453.

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 \$1,912.12 beginning 10/01/2008; plus late charges of \$95.61 each month beginning with the 10/01/2008 payment plus prior accrued late charges of \$-294.55; plus advances of \$255.00; 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: \$266,783.50 with interest thereon at the rate of 8.25 percent per annum beginning 09/01/2008 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 Friday, May 28, 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 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 the sale is April 28, 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 21, 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 No. 10-0000230 (TS# 10-0000230) 1006.82609-FEI. #12075 March 10, 17, 24, 31, 2010.

Affidavit of Compliance Oregon SB 628  
Re: Trust Deed from  
**MICHAEL R CHAPMAN**  
to  
Recon Trust Company File No. **2010-230**

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

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

**Original Loan Amount:** 267750

**Borrower name(s):** MICHAEL R CHAPMAN

**Property Address:** 5734 HOMEDALE RD  
KLAMATH FALLS, OR 976038453

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

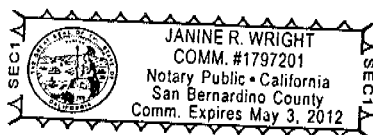
Name of Beneficiary or Beneficiary's Authorized Agent: BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP

State of California )

) ss.

County of Los Angeles )

This instrument was acknowledged before me on June 9, 2010 by Rosemary Bare as Servicing Team Manager of BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP.



[Signature]  
Notary signature  
My commission expires May 3, 2012