

2010-008750

Klamath County, Oregon



00087639201000087500170174

07/22/2010 02:02:43 PM

Fee: \$132.00

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

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

AFTER RECORDING RETURN TO:

Quality Loan Service Corp.
2141 5th Avenue
San Diego, CA 92101

ATE 67523

AFFIDAVIT OF MAILING NOTICE OF SALE

AFFIDAVIT OF PUBLICATION

PROOF OF SERVICE

Affidavit of Compliance

ORIGINAL GRANTOR: JIMMY D. JOHNSTON, ANGELA K. JOHNSTON

BENEFICIARY: Citibank, N.A., as Trustee for the Certificateholders of Structured Asset
Mortgage Investments II Trust 2007-AR1 Mortgage Pass-Through
Certificates, Series 2007-AR1

T.S. #: OR-10-339485-SH

Loan #: 0017390824

ATE 132

WHEN RECORDED MAIL TO:
Quality Loan Service Corp.
2141 5th Avenue
San Diego, CA 92101

T.S. NO.: OR-10-339485-SH

(Above Space is for Recorder's Use)

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF California } SS
COUNTY OF San Diego }

I, **David Fry** *David Fry*, being first duly sworn, depose, 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 his successor in interest named in the attached original or copy of notice of sale given under the terms of that certain trust deed described in said notice.

Notice of sale of the real property described in the attached Notice of Sale was provided as required under Section 20, Chapter 19, Oregon Law 2008, by the mailing of a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

NAME AND ADDRESS

SEE ATTACHED

CERTIFIED NO.

Said person(s) include the grantor of the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

"Notice as required by and in accordance with ORS Chapter 646 was provided to Grantor and successor in interest, if any"

Each of the notices so mailed was certified to be a true copy of the original notice of sale by **Nina Hernandez**, for **LSI TITLE COMPANY OF OREGON, LLC**, 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 mail, **San Diego, California**, on **3/24/2010**. 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 } SS
COUNTY OF San Diego }

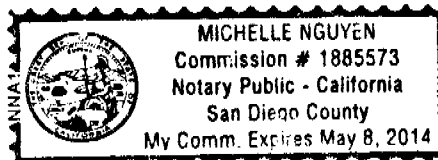
On **7-19-10** before me **Michelle Nguyen**, the undersigned, A Notary Public personally appeared **David Fry** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature

Michelle Nguyen
Michelle Nguyen



7/30

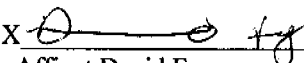
AFFIDAVIT OF MAILING

Date: 3/24/2010
T.S. No.: OR-10-339485-SH
Loan No.: 0017390824
Mailing: Notice of Sale

STATE OF California }
COUNTY OF San Diego }

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; and that on 3/24/2010, (s)he personally mailed the Notice of Sale, of which the annexed is a true copy, by causing to be deposited in the United States Mail a copy of such Notice of Sale in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X 
Affiant David Fry

JIMMY D. JOHNSTON
2877 IVAN LANE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594157598667

Occupant
2877 IVAN LANE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594157598735

COMMUNITY LENDING, INCORPORATED
P.O. BOX 2080
MORGAN HILL, CA 95038
First Class and Cert. No. 71039628594157598780

COMMUNITY LENDING, INCORPORATED
610 JARVIS DR STE 200
MORGAN HILL, CA 95037
First Class and Cert. No. 71039628594157598865

COMMUNITY LENDING, INCORPORATED
C/O CORPORATION SERVICE COMPANY
285 LIBERTY ST NE
SALEM, OR 97301
First Class and Cert. No. 71039628594157598902

COMMUNITY LENDING, INCORPORATED
C/O MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
P.O. BOX 2026

FLINT, MI 48501-2026
First Class and Cert. No. 71039628594157598988

JIMMY D. JOHNSTON
2877 IVAN LANE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594157599039

JIMMY D. JOHNSTON
2877 IVAN LANE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594157599114

JIMMY JOHNSTON
2877 IVAN LN
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594157599152

ANGELA K. JOHNSTON
2877 IVAN LANE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594157599220

ANGELA K. JOHNSTON
2877 IVAN LANE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594157599275

ANGELA K. JOHNSTON
2877 IVAN LANE
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594157599312

KLAMATH COUNTY TAX DEPARTMENT
305 MAIN STREET, ROOM 121
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594157599374

KLAMATH COUNTY TAX DEPARTMENT
P.O. BOX 340
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594157599404

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
P.O. BOX 2026
FLINT, MI 48501-2026
Electronic notice pursuant to agreement

SHIELD CREST HOMEOWNERS ASSOCIATION
2769 IVAN LN
KLAMATH FALLS, OR 97603
First Class and Cert. No. 71039628594157599466

SHIELD CREST HOMEOWNERS ASSOCIATION

C/O MELVIN D FERGUSON
514 WALNUT AVE
KLAMATH FALLS, OR 97601
First Class and Cert. No. 71039628594157599503

TRUSTEE'S NOTICE OF SALE

T.S. No.: **OR-10-339485-SH**

Reference is made to that certain deed made by, **JIMMY D. JOHNSTON AND ANGELA K. JOHNSTON, HUSBAND AND WIFE** as Grantor to **ASPEN TITLE AND ESCROW INC**, as trustee, in favor of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR COMUNITY LENDING INCORPORATED A CALIFORNIA CORPORATION**, as Beneficiary, dated **8/24/2006**, recorded **8/28/2006**, in official records of **KLAMATH** County, Oregon in book/reel/volume No. **xxx** at page No. **xxx** fee/file/instrument/microfile/reception No **2006-017261**, covering the following described real property situated in said County and State, to-wit:

APN: R588974 MAP-R-3910005C004700000

LOT 11, BLOCK 2, TRACT NO. 1172, SHIELD CREST, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON, CODE 162 MAP 3910-005C0 TL 04700 KEY #588974 A.P.N.: MAP-R-3910005C004700000/ KEY #588974

Commonly known as:

2877 IVAN LANE

KLAMATH FALLS, OR 97603

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's:

The installments of principal and interest which became due on 10/1/2009, and all subsequent installments of principal and interest through the date of this Notice, plus amounts that are due for late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustee's fees, and any attorney fees and court costs arising from or associated with the beneficiaries efforts to protect and preserve its security, all of which must be paid as a condition of reinstatement, including all sums that shall accrue through reinstatement or pay-off. Nothing in this notice shall be construed as a waiver of any fees owing to the Beneficiary under the Deed of Trust pursuant to the terms of the loan documents.

Monthly Payment **\$2,710.22**

Monthly Late Charge **\$135.51**

By this reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to-wit: The sum of **\$538,538.33** together with interest thereon at the rate of **4.6250** per annum from **9/1/2009** until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that **LSI TITLE COMPANY OF OREGON, LLC**, the undersigned trustee will on **7/30/2010** at the hour of **10:00:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR** County of **KLAMATH**, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

For Sale Information Call: 714-573-1965 or Login to: www.priorityposting.com

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

Pursuant to Oregon Law, this sale will not be deemed final until the Trustee's deed has been issued by LSI TITLE COMPANY OF OREGON, LLC. If there are any irregularities discovered within 10 days of the date of this sale, that the trustee will rescind the sale, return the buyer's money and take further action as necessary.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's Attorney.

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 Deed of Trust 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 6/30/2010 the name of the Trustee and the Trustee's mailing address is set forth on this Notice of Sale below.

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 and ask for the lawyer referral service. Contact information for the Oregon State Bar is included below with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included below with this notice.

Oregon State Bar: (503) 684-3763; (800) 452-7636
Legal assistance: www.lawhelp.org/or/index.cfm

Dated: 3/24/2010

LSI TITLE COMPANY OF OREGON, LLC, as trustee
3220 El Camino Real
Irvine, CA 92602

Signature By 

Nina Hernandez, Assistant Secretary
Quality Loan Service Corp. of Washington as agent for
LSI TITLE COMPANY OF OREGON, LLC
2141 5th Avenue
San Diego, CA 92101
619-645-7711

For Non-Sale Information:

Quality Loan Service Corp. of Washington
2141 5th Avenue
San Diego, CA 92101
619-645-7711
Fax: 619-645-7716

If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only.

**THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE.**

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations.

OR-10-339485-SH

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 # 12161

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

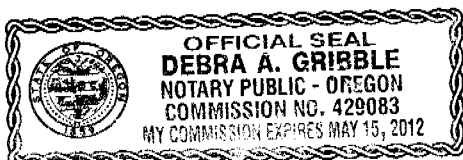
Insertion(s) in the following issues:

April 2, 9, 16, 23, 2010

Subscribed and sworn by Jeanine P Day
before me on: April 23, 2010

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE T.S. No.: OR-10-339485-SH

Reference is made to that certain deed made by JIMMY D. JOHNSTON AND ANGELA K. JOHNSTON, HUSBAND AND WIFE as Grantor to Aspen Title and Escrow Inc, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Community Lending Incorporated A California Corporation, as Beneficiary, dated 8/24/2006, recorded 08/28/2006, in official records of Klamath County, Oregon, in book/reel/volume No. xxx, at page No. xxx fee/file/instrument/microfile/reception No. 2006-017261 covering the following described real property situated in said County and State, to wit: APN: R588974 MAP-R-3910005C004700000 Lot 11, block 2, tract no. 1172, Shield Crest, According to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon, code 162 MAP 3910-005C0 TL 04700 KEY #588974 A.P.N.: MAP-R-3910005C004700000/ KEY #588974 Commonly known as: 2877 IVAN LANE KLAMATH FALLS, OR 97603.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice has been recorded pursuant to Section 86.735 (3) of Oregon Revised Statutes; the default for which the foreclosure is made is the grantor's: The installments of principal and interest which became due on 10/1/2009, and all subsequent installments of principal and interest through the date of this Notice, plus amounts that are due for late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustee's fees, and any attorney fees and court costs arising from or associated with the beneficiaries efforts to protect and preserve its security, all of which must be paid as a condition of reinstatement, including all sums that shall accrue through reinstatement or pay-off. Nothing in this notice shall be construed as a waiver of any fees owing to the Beneficiary under the Deed of Trust pursuant to the terms of the loan documents. Monthly Payment \$2,710.22 Monthly Late Charge \$135.51

By this reason of said default the beneficiary has declared all obligations secured by said trust deed immediately due and payable, said sums being the following, to wit: The sum of \$538,538.33 together with interest thereon at the rate of 4.6250 per annum from 9/1/2009 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that, LSI Title Company of Oregon, LLC, the undersigned trustee will, on 7/30/2010, at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, OR County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale. For Sale Information Call: 714-573-1965 or Login to www.priorityposting.com.

683450 07/30

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any. Pursuant to Oregon Law, this sale will not be deemed final until the Trustee's deed has been issued by LSI Title Company of Oregon, LLC. If there are any irregularities discovered within 10 days of the date of this sale, that the trustee will rescind the sale, return the buyer's money and take further action as necessary. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's Attorney. **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 Deed of Trust 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 6/30/2010 the name of the Trustee and the Trustee's mailing address is set forth on this Notice of Sale below. 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 and ask for the lawyer referral service. Contact information for the Oregon State Bar is included below with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included below with this notice. Oregon State Bar (503) 684-3763; (800) 452-7636 Legal assistance: www.lawhelp.org/or/index.cfm Dated: 3/24/2010 LSI Title Company of Oregon, LLC, as Trustee 3220 El Camino Real Irvine, CA 92602 Signature By: Nina Hernandez, Assistant Secretary Quality Loan Service Corp. of Washington, as agent for LSI Title Company of Oregon, LLC 2141 5th Avenue San Diego, CA 92101 619-645-7711 For Non-Sale Information: Quality Loan Service Corp. of Washington 2141 5th Avenue San Diego, CA 92101 619-645-7711 Fax: 619-645-7716 If you have previously been discharged through bankruptcy, you may have been released of personal liability for this loan in which case this letter is intended to exercise the note holder's rights against the real property only. This Office is attempting to collect a debt and any information obtained will be used for that purpose. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit report agency if you fail to fulfill the terms of your credit obligations. P683450 4/2, 4/9, 4/16, 04/23/2010. #12161 April 2, 9, 16, 23, 2010.

683450

OR-10-339485-S*

**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 **2877 Ivan Ln. 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 st Attempt:	March 29, 2010	2:33 PM	Posted
2 nd Attempt:	March 31, 2010	2:45 PM	Posted
3 rd Attempt:	April 2, 2010	2:55 PM	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 April 6, 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 Neal

**2877 Ivan Ln. 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.

March 29, 2010 2:33 PM
DATE OF SERVICE TIME OF SERVICE
☐ or non occupancy

By: Jake Doalsh

Subscribed and sworn to before on this 6th day of April, 2010.



Margaret A. Nielsen
Notary Public for Oregon

07/30

AFFIDAVIT OF COMPLIANCE WITH OREGON SB 628 (2009)

Original Loan Amount: \$500,000.00

Borrower Name(s): JIMMY D. JOHNSTON, ANGELA K. JOHNSTON

Property Address: 2877 IVAN LANE

KLAMATH FALLS, OR 97603

TS #: OR-10-339485-SH

Loan #: 0017390824

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. Borrower Approved for a Modification but Subsequently Defaulted.** 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 approved. Borrower subsequently failed to return the executed modification agreement, required down payment, or failed to timely make the payment(s) under the terms of the agreement.

[] **Loan Modification Requested. 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. Within 45 days of receipt of the Loan Modification the beneficiary, or its authorized agent, requested that the borrower(s) submit additional financial information. The requested financial information was received and within 45 days of its receipt a good faith review of the information was completed. Within 45 days of the beneficiary's receipt of the requested financial information the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied.

[] **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. Within 45 days of receipt of the Loan Modification the beneficiary, or its authorized agent, requested that the borrower(s) submit additional financial information. Despite the request for financial information from the borrower no financial information was received by the beneficiary or its authorized agent within 30 days of the request. Accordingly, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied.

[✓] Other (Specify):

occupancy - VACANT
For Sale by Broker

DATED: May 20, 2010

By [Signature]
Typed Name: Whitney K. Cook
Title: Vice President

State of Ohio)
County of Franklin) ss.

This instrument was acknowledged before me on May 20, 2010 by
Whitney K. Cook as Vice President of
EMC Mortgage Corporation



Nicole Knisley
Notary Public, State of Ohio
My Commission Expires
12/10/2013

[Signature]
Notary signature
My commission expires

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: **2877 IVAN LANE**

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 'foreclosure.'

The amount you would have had to pay as of **3/24/2010** to bring your mortgage loan current was **\$19,294.39**. 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 your lender at (800) 695-7695 Or

Quality Loan Service of Washington at 866-645-7711 x3704 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:

Quality Loan Service Corp. Of Washington

2141 5th Avenue

San Diego, CA 92101

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

Date and time: **7/30/2010 at 10:00:00 AM**

Place:

**At the main entrance to the County Courthouse, 316 Main St.,
Klamath Falls, 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 request that your lender give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

this page intentionally left blank

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 programs by contacting your lender at 888-708-7104. If you can't reach your lender, you may contact Quality Loan Service of Washington as agent for trustee at (877) 886-9757. If you have already entered into a loan modification with your lender, it is possible that you will not be able to modify your loan again unless your circumstances have changed. Your lender is not obligated to modify your loan.

You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have 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 BY 4/23/2010, WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW.

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

DATED: 3/24/2010

Trustee name (print): Quality Loan Service Corp. Of Washington as agent for
LSI TITLE COMPANY OF OREGON, LLC



Trustee signature: By: Nina Hernandez

Trustee telephone number: 866-645-7711