

2010-010652

Klamath County, Oregon



00089922201000106520120126

09/08/2010 02:56:05 PM

Fee: \$107.00

Recording Requested By:  
Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

When Recorded Return To:

Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

ATE 67545

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

## COVER SHEET

### DOCUMENT:

Affidavit of Mailing /Copy of Trustees Notice of Sale

Affidavit of Service/Posting

Affidavit of Publication

Affidavit of Compliance

### ORIGINAL GRANTOR ON TRUST DEED:

Roy A. Morrison and Shelly A Morrison

### ORIGINAL BENEFICIARY ON TRUST DEED:

Ford Consumer Finance Company, Inc.

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

ATE 107

Roy & Shelly Morrison, Grantors  
12869 Hwy 66  
Klamath Falls, OR 97601

**After recording return to:**

John W. Weil, Successor Trustee  
1001 SW 5th Ave, Suite 2150  
Portland, OR 97204

**AFFIDAVIT OF SERVICE AND MAILING OF TRUSTEE'S NOTICE OF SALE AND "DANGER NOTICE"**

STATE OF OREGON     )  
                                  ) ss.  
County of Multnomah    )

I, John W. Weil, being first duly sworn, depose, and say that:

At all times hereinafter mentioned, I was and now am a resident of the State of Oregon, 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 Trustee's Notice of Sale given under the terms of that certain deed of trust (as described in the attached Trustee's Notice of Sale) dated June 24, 1996 and recorded June 28, 1996 in Book M96, Page 19245 in the Official Records of Klamath County, Oregon.

I hereby certify that I delivered true and correct copies of the attached Trustee's Notice of Sale to be served upon the occupant(s) of the property described in said notice, by posting and have attached hereto the original proof of service thereof. The Trustee's Notice of Sale was served no later than 120 days before the date of the sale.

I further certify that I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing copies 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 addresses, to-wit:

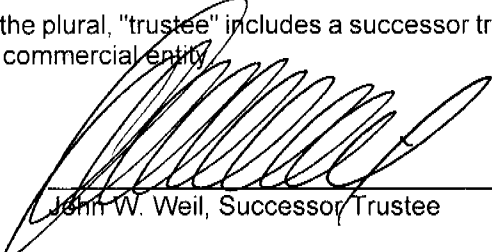
Occupant(s)	12869 Hwy 66 Klamath Falls, OR 97601
Roy Morrison	12869 Hwy 66 Klamath Falls, OR 97601
Shelly Morrison	12869 Hwy 66 Klamath Falls, OR 97601
Roy Morrison	PO Box 1036 Keno, OR 97627
Shelly Morrison	PO Box 1036 Keno, OR 97627
Credit Bureau of Klamath County	839 Main St Klamath Falls, OR 97601
District Director, IRS Attn: Chief, Special Procedures Desk	915 2nd Ave, M/S W245 Seattle, WA 98174

These persons include (a) the grantors 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(s), 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(s) requesting notice as set forth in ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original, attached Trustee's Notice of Sale. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited in the United States post office at Portland, Oregon, on May 3, 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the Trustee's Notice of Sale was recorded.

Included with the Notice of Default and Election to Sell dated and mailed April 9, 2010 to the Grantor by both first class mail and certified mail (with receipt requested) was the NOTICE YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY, that notice required by section 20 of Enrolled House Bill 3630 (HB 3630-B). Said Notice of Default and Election to Sell was recorded on April 13, 2010 as 2010-004496.

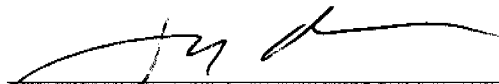
As used herein, the singular includes the plural, "trustee" includes a successor trustee, and "person" includes a corporation and any other legal or commercial entity.

  
\_\_\_\_\_  
John W. Weil, Successor Trustee

STATE OF OREGON, County of Multnomah ) ss.

Subscribed and sworn to before me on September 3, 2010 by John W. Weil.



  
\_\_\_\_\_  
Notary Public for Oregon

### TRUSTEE'S NOTICE OF SALE

Reference is made to the deed of trust under which Roy A. Morrison and Shelly A. Morrison, as grantor, Amerititle is the trustee, and Ford Consumer Finance Company, Inc., is the beneficiary, which was dated June 24, 1996 and recorded June 28, 1996 in Book M96, Page 19245 in the Official Records of Klamath County, Oregon. Said deed of trust cover the following described real property situated in the above-mentioned county and state, to-wit:

A parcel of land within that tract of real property recorded in Volume 259 at page 658 of Deed Records of Klamath County, Oregon, described therein as being situated in Sections 29 and 32, Township 39 South, Range 8 East of the Willamette Meridian said parcel of land being Parcel 2 of Partition #79-84, more particularly described as follows:

Beginning at the Northwest corner of the above mentioned tract of real property, which corner is recorded as being in an old established fence line distant 368 feet West, more or less, from the Northeast corner of the SE 1/4 of the SW 1/4 of Section 29, Township 39 South, Range 8 East of the Willamette Meridian; thence South 6° 21' East along the West boundary of said tract of real property a distance of 3289.58 feet to the true point of beginning of this description; thence North 67° 22' East, 658.62 feet; thence North 04° 11' 20" West 324.00 feet; thence South 70° 55' 45" West 660.53 feet; thence South 06° 21' East 362.00 feet to the point of beginning containing 5.00 acres, more or less, and being in Section 32, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING from the above described parcel, all that portion lying South of a line parallel with the South boundary thereof and 181.00 feet distant from said South boundary as measured along the East boundary.

TOGETHER WITH: the non-exclusive right of ingress and egress across a 60 foot strip of land more particularly described as follows:

Starting at the steel stake which marks the Northeast corner of that tract of land described in Volume M 66, page 7445 of Deed Records of Klamath County, Oregon; thence South 4° 11.3' East 317.41 feet along the Easterly line of the above described parcel to an iron pin; thence South 4° 11.3' East 546.30 feet to a steel stake lying on the Northerly right of way line of Oregon Highway 66 as constructed; thence North 72° 56.4' East 30.77 feet along said right of way line to a steel stake; thence North 4 degrees 11.3' West, 862.06 feet to a steel stake; thence South 74° 20.9' West 30.61 feet to a steel stake; thence South 74° 20.9' West 30.61 feet to the place of beginning of this description.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said deed of trust and a notice of default has been recorded pursuant to ORS 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Failure to make monthly payments of **\$704.55** each due on the 1st day of September 2009 through April 1, 2010.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said deed of trust immediately due and payable, said sums being the following, to-wit:

**\$59,807.34**; plus a per diem of \$15.04; plus attorney and trustee's fees and costs.

WHEREFORE, notice hereby is given that the undersigned trustee will, on **Friday, September 24, 2010** at the hour of **11:00 A.M.**, in accord with the standard of time established by ORS 187.110, at the **Klamath County Courthouse, 316 Main St, Klamath Falls, OR 97601**, 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 grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 trustee's and attorney's fees not exceeding the amounts provided by said 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, the performance of which is secured by said deed of trust, 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 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 sale is August 25, 2010. The name and mailing address of the trustee are listed on this notice.

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 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 also included with this notice.

Trustee: John W. Weil  
1001 SW 5th Ave, Suite 2150  
Portland, OR 97204

Oregon State Bar: P.O. Box 231935  
Tigard, OR 97281

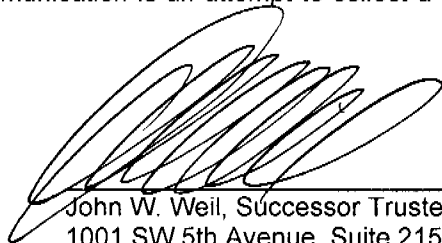
Lawyer Referral Service: 503-684-3763 or  
toll-free in Oregon at 800-452-7636

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Legal Aid: LASO Hotline for Klamath & Lake Counties: (541) 882-6982 or 1-800-480-9160.  
Answered on Thursdays, and on most Tuesdays, from 1:00 p.m. to 4:00 p.m. The hotline hours are subject to change; when clients and potential clients call the hotline, the message will tell them what the hours the hotline will be answered for that week.

*We are a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.*

DATED: May 3, 2010.



John W. Weil, Successor Trustee  
1001 SW 5th Avenue, Suite 2150  
Portland, Oregon 97204  
Telephone No. (503) 226-0500

STATE OF OREGON     )  
                                      ) ss.  
County of Multnomah    )

I, the undersigned, certify that I am the attorney or one of the attorneys for the above-named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Attorney for Successor Trustee

If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in opposite the name and address of party to be served:

# Affidavit of Process Server

(NAME OF COURT)

Ford Consumer Finance / Beneficiary

vs Roy A. Morrison and Shelly A. Morrison / Grantor

PLAINTIFF/PETITIONER

DEFENDANT/RESPONDENT

CASE NUMBER

I DAVE DAVIS, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served POSTED TO FRONT DOOR, DATES BELOW / ALL OCCUPANTS

NAME OF PERSON / ENTITY BEING SERVED

with (list documents) TRUSTEE'S NOTICE OF SALE

by leaving with \_\_\_\_\_ At \_\_\_\_\_

☒ Residence 12869 HWY. 66 KLAMATH FALLS, OREGON, 97601

ADDRESS

CITY / STATE

☐ Business \_\_\_\_\_

ADDRESS

CITY / STATE

On 1st posting 05/07/2010 AT 7:45 pm

DATE

TIME

☐ Inquired if subject was a member of the U.S. Military and was informed they are not.

Thereafter copies of the documents were mailed by prepaid, first class mail on 05/14/2010

DATE

from KLAMATH FALLS OREGON 97601

CITY

STATE

ZIP

## Manner of Service:

☐ **Personal:** By personally delivering copies to the person being served.

☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of \_\_\_\_\_ and explaining the general nature of the papers.

☐ **Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.

☒ **Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

**Non-Service:** After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Cancelled by Litigant ☐ Unable to Serve in Timely Fashion

☐ Address Does Not Exist ☐ Other \_\_\_\_\_

Service Attempts: Service was attempted on: (1) 05/07/2010 7:45 PM (2) 05/10/2010 2:10 PM

DATE

TIME

DATE

TIME

(3) 05/12/2010 5:15 pm (4) \_\_\_\_\_ (5) \_\_\_\_\_

DATE

TIME


DATE

TIME

DATE

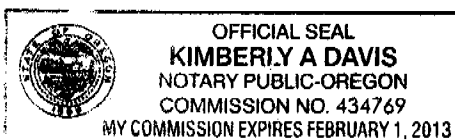
TIME


Description: Age \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Beard \_\_\_\_\_ Glasses \_\_\_\_\_



SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 14th day of MAY, 20 10, by Dave Davis  
Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



  
SIGNATURE OF NOTARY PUBLIC  
NOTARY PUBLIC for the state of 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 # 12566

Trustee's Notice of Sale

Morrison

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:

July 27, August 3, 10, 17, 2010.

Total Cost: \$1,253.88

Subscribed and sworn by Jeanine P Day  
before me on: August 17, 2010

Notary Public of Oregon

My commission expires May 15, 2012

### TRUSTEE'S NOTICE OF SALE

Reference is made to the deed of trust under which Roy A. Morrison and Shelly A. Morrison, as grantor, Amerititle is the trustee, and Ford Consumer Finance Company, Inc., is the beneficiary, which was dated June 24, 1996 and recorded June 28, 1996 in Book M96, Page 19245 in the Official Records of Klamath County, Oregon. Said deed of trust cover the following described real property situated in the above-mentioned county and state, to-wit:

•A parcel of land within that tract of real property recorded in Volume 259 at page 658 of Deed Records of Klamath County, Oregon, described therein as being situated in Sections 29 and 32, Township 39 South, Range 8 East of the Willamette Meridian said parcel of land being Parcel 2 of Partition #79-84, more particularly described as follows:

•Beginning at the Northwest corner of the above mentioned tract of real property, which corner is recorded as being in an old established fence line distant 368 feet West, more or less, from the Northeast corner of the SE 1/4 of the SW 1/4 of Section 29, Township 39 South, Range 8 East of the Willamette Meridian; thence South 6° 21' East along the West boundary of said tract of real property a distance of 3289.58 feet to the true point of beginning of this description; thence North 67° 22' East, 658.62 feet; thence North 04° 11' 20" West 324.00 feet; thence South 70° 55' 45" West 660.53 feet; thence South 06° 21' East 362.00 feet to the point of beginning containing 5.00 acres, more or less, and being in Section 32, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

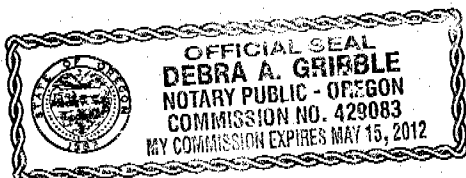
•EXCEPTING from the above described parcel, all that portion lying South of a line parallel with the South boundary thereof and 181.00 feet distant from said South boundary as measured along the East boundary.

•TOGETHER WITH: the non-exclusive right of ingress and egress across a 60 foot strip of land more particularly described as follows:

•Starting at the steel stake which marks the Northeast corner of that tract of land described in Volume M 66, page 7445 of Deed Records of Klamath County, Oregon; thence South 4° 11.3' East 317.41 feet along the Easterly line of the above described parcel to an iron pin; thence South 4° 11.3' East 546.30 feet to a steel stake lying on the Northerly right of way line of Oregon Highway 66 as constructed; thence North 72° 56.4' East 30.77 feet along said right of way line to a steel stake; thence North 4 degrees 11.3' West, 862.06 feet to a steel stake; thence South 74° 20.9' West 30.61 feet to a steel stake; thence South 74° 20.9' West 30.61 feet to the place of beginning of this description.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said deed of trust and a notice of default has been recorded pursuant to ORS 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: Failure to make monthly payments of \$704.55 each due on the 1st day of September 2009 through April 1, 2010.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said deed of trust immediately due and payable, said sums being the following, to-wit: \$59,807.34; plus a per diem of \$15.04; plus attorney and trustee's fees and costs.





WHEREFORE, notice hereby is given that the undersigned trustee will, on **Friday, September 24, 2010** at the hour of **11:00 A.M.**, in accord with the standard of time established by ORS 187.110, at the **Klamath County Courthouse, 316 Main St, Klamath Falls, OR 97601**, 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 grantor of the said trust deed, together with any interest which the grantor or grantor's 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 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 trustee's and attorney's fees not exceeding the amounts provided by said 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, the performance of which is secured by said deed of trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

We are a debt collector. *This communication is an attempt to collect a debt and any information obtained will be used for that purpose.*

DATED: May 3, 2010.

John W. Weil, Successor Trustee, 1001 SW 5th Avenue,  
Suite 2150, Portland, Oregon 97204,  
Telephone No. (503) 226-0500.  
#12566 July 27, August 3, 10, 17, 2010.

Roy & Shelly Morrison, Grantors  
12869 Hwy 66  
Klamath Falls, OR 97601

**After recording return to:**

John W. Weil, Successor Trustee  
1001 SW 5th Ave, Suite 2150  
Portland, OR 97204

**AFFIDAVIT OF COMPLIANCE WITH OREGON LAWS 2009, CHAPTER 864 SECTION 3(1) AND (2)**

STATE OF TENNESSEE            )  
  ) ss.  
County of Blount                )

I, Jennifer Wilder, being first duly sworn, depose, and say and certify that:

At all times mentioned herein, I was and now am a resident of the State of Tennessee, a competent person over the age of eighteen years, and I am authorized to sign on behalf of Ford Consumer Finance Company, Inc., the beneficiary or the beneficiary's successor in interest given under the terms of that certain deed of trust dated June 24, 1996 and recorded June 28, 1996 in Book M96, Page 19245 in the Official Records of Klamath County, Oregon (the "Deed of Trust"), and covering the following described real property (the "property") situated in the above mentioned county and state, to wit:

A parcel of land within that tract of real property recorded in Volume 259 at page 658 of Deed Records of Klamath County, Oregon, described therein as being situated in Sections 29 and 32, Township 39 South, Range 8 East of the Willamette Meridian said parcel of land being Parcel 2 of Partition #79-84, more particularly described as follows:

Beginning at the Northwest corner of the above mentioned tract of real property, which corner is recorded as being in an old established fence line distant 368 feet West, more or less, from the Northeast corner of the SE 1/4 of the SW 1/4 of Section 29, Township 39 South, Range 8 East of the Willamette Meridian; thence South 6° 21' East along the West boundary of said tract of real property a distance of 3289.58 feet to the true point of beginning of this description; thence North 67° 22' East, 658.62 feet; thence North 04° 11' 20" West 324.00 feet; thence South 70° 55' 45" West 660.53 feet; thence South 06° 21' East 362.00 feet to the point of beginning containing 5.00 acres, more or less, and being in Section 32, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING from the above described parcel, all that portion lying South of a line parallel with the South boundary thereof and 181.00 feet distant from said South boundary as measured along the East boundary.

TOGETHER WITH: the non-exclusive right of ingress and egress across a 60 foot strip of land more particularly described as follows:

Starting at the steel stake which marks the Northeast corner of that tract of land described in Volume M 66, page 7445 of Deed Records of Klamath County, Oregon; thence South 4° 11.3' East 317.41 feet along the Easterly line of the above described parcel to an iron pin; thence South 4° 11.3' East 546.30 feet to a steel stake lying on the Northerly right of way line of Oregon Highway 66 as constructed; thence North 72° 56.4' East 30.77 feet along said right of way line to a steel stake; thence North 4 degrees 11.3' West, 862.06 feet to a steel stake; thence South 74° 20.9' West 30.61 feet to a steel stake; thence South 74° 20.9' West 30.61 feet to the place of beginning of this description.

☐ The Deed of Trust is held by a government agency for a loan the government agency funded through a government program, and, therefore, the obligations of the beneficiary or the beneficiary's agent under Sections 3(1) and (2), Chapter 864, Oregon Laws 2009 do not apply, as provided in Section 8(2), Chapter 864, Oregon Laws 2009.

☐ The Deed of Trust is not a "Residential Deed of Trust" as defined by ORS 86.705(3) and therefore the obligations of the beneficiary or the beneficiary's agent under Sections 3(1) and (2), Chapter 864, Oregon Laws 2009 do not apply.

☐ The beneficiary or the beneficiary's agent did not receive a modification request form within 30 days after the date on which the trustee signed the notice required under ORS 86.737 (1) - the "danger" notice. Therefore, the obligations of the beneficiary or the beneficiary's agent under Sections 3(1) and (2), Chapter 864, Oregon Laws 2009 do not apply.

☒ The beneficiary determined, in good faith, after considering the most current financial information the grantor provided, that the grantor is not eligible for a loan modification and the beneficiary informed the grantor that the grantor is not eligible. Therefore, the obligations of the beneficiary or the beneficiary's agent under Sections 3(1) and (2), Chapter 864, Oregon Laws 2009 do not apply, as provided in Section 3(4), Chapter 864, Oregon Laws 2009.

☐ The beneficiary or the beneficiary's agent reviewed the information the grantor provided in the modification request form and, in good faith, processed the grantor's request. The beneficiary or the beneficiary's agent notified the grantor not later than 45 days after receiving the form that the beneficiary denied the request or required additional information. The grantor did not request a meeting with the beneficiary; therefore, the obligations of the beneficiary or the beneficiary's agent under Sections 3(2), Chapter 864, Oregon Laws 2009 do not apply.

☐ The beneficiary or the beneficiary's agent reviewed the information the grantor provided in the modification request form and, in good faith, processed the grantor's request. The grantor timely requested a meeting with the beneficiary. Before the beneficiary or the beneficiary's agent responded to the grantor's request to modify the loan, the beneficiary or the beneficiary's agent [CIRCLE ALL THAT APPLY]:

- met with the grantor in person, and/or
- spoke with the grantor by telephone.

The beneficiary or beneficiary's agent that met with the grantor had or was able to obtain the authority to modify the loan. The beneficiary or the beneficiary's agent notified the grantor, not later than 45 days after receiving the form, that the beneficiary denied the request or required additional information.

☐ The beneficiary or the beneficiary's agent reviewed the information the grantor provided in the modification request form and, in good faith, processed the grantor's request. The grantor timely requested a meeting with the beneficiary. Before the beneficiary or beneficiary's agent responded to the grantor's request to modify the loan, the beneficiary or beneficiary's agent took reasonable steps to schedule the meeting by contacting the grantors at [CIRCLE ALL THAT APPLY]:

- the grantor's last known address;
- the grantor's telephone number, and/or
- the grantor's electronic mail address, because the grantor indicated on the loan modification form that the beneficiary or beneficiary's agent could contact the grantor at the electronic mail address provided.

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The beneficiary or the beneficiary's agent did not speak to or meet with the grantor. However, under Section 3(2)(b), Chapter 864, Oregon Laws 2009, within 7 business days after the beneficiary or the beneficiary's agent attempted to contact the grantor, the grantor did not respond. The beneficiary or the beneficiary's agent notified the grantor, not later than 45 days after receiving the form, that the beneficiary denied the request or required additional information.

DATED: May 26, 2010.

FORD CONSUMER FINANCE COMPANY, INC. BY  
VANDERBILT MORTGAGE AND FINANCE, INC.,  
ATTORNEY IN FACT

By: Jennifer Wilder

Name: Jennifer Wilder

Title: Legal Affairs Representative

STATE OF TENNESSEE       )  
County of Blount       ) ss.

This instrument was acknowledged before me by Jennifer Wilder as  
Legal Affairs Rep of Vanderbilt Mortgage and Finance, Inc., on 5/26/10,  
2010.

Nicole Baillie  
Notary Public for Tennessee  
My commission expires: 9/10/12

