

2010-010655

Klamath County, Oregon

ATE 67759

L



00089925201000106550190194

09/08/2010 02:58:05 PM

Fee: \$142.00

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

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

TS No.: 10 -0057792 1100202915

1. AFFIDAVIT OF MAILING NOTICE OF SALE /copy of Notice of Sale
2. ~~NOTICE OF SALE~~
3. ~~AFFIDAVIT OF MAILING NOTICE TO GRANTOR~~
4. ~~NOTICE TO GRANTOR~~
5. AFFIDAVIT OF PUBLICATION
6. AFFIDAVIT OF POSTING AND SERVICE
7. ~~AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT (IF APPLICABLE)~~
8. AFFIDAVIT OF COMPLIANCE WITH OREGON SB 629 (2009) (BENE AFFIDAVIT)

Original Grantor on Trust Deed: CHARLES W MESSICK and KIMBERLY J MESSICK

Beneficiary: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC

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

ATE

Klamath

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

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

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

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

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

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

Each of the notices so mailed was certified to be a true copy of the original notice of sale by RECONTRUST COMPANY, N.A., the trustee named in said notice, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at VENTURA, CALIFORNIA, 05/20/2010. 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 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

Subscribed and sworn to (or affirmed) before me on this 2nd day of Sept, 20 10, by Juan Rodriguez, 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

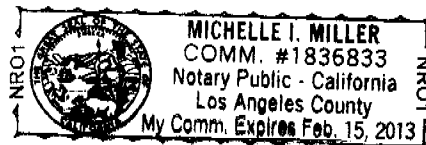
CHARLES W MESSICK and KIMBERLY J MESSICK

Signature [Signature]  
Notary Public for California  
Residing at Los Angeles County  
My commission expires: Feb 15 2013

RECONTRUST COMPANY, N.A.

Trustee TS No. 10-0057792

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





02 100057792

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

**TS No. 10-0057792**

CHARLES W MESSICK

05/20/2010

2110 Kimberly Dr

Klamath Falls, OR 97603

7187 7930 3131 7497 8500

KIMBERLY J MESSICK

05/20/2010

2110 Kimberly Dr

Klamath Falls, OR 97603

7187 7930 3131 7497 8531

CHARLES W MESSICK

05/20/2010

2110 KIMBERLY DR

KLAMATH FALLS, OR 97603-5338

7187 7930 3131 7497 8524

KIMBERLY J MESSICK

05/20/2010

2110 KIMBERLY DR

KLAMATH FALLS, OR 97603-5338

7187 7930 3131 7497 8548

Residents/Occupants

05/20/2010

2110 KIMBERLY DR

KLAMATH FALLS, OR 97603-5338

7187 7930 3131 7497 8555

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, RECONTRUST COMPANY, N.A., 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, 08/23/2010. 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

*Casey Booth*

Subscribed and sworn to (or affirmed) before me on this 2nd day of Sept., 20 10, by Casey Booth, 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

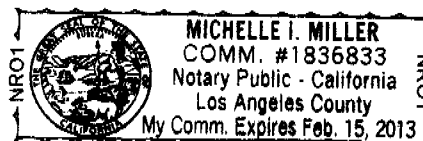
CHARLES W MESSICK and KIMBERLY J MESSICK

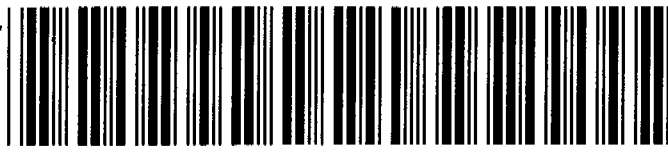
*Michelle I. Miller*  
Notary Public for California  
Residing at Los Angeles County  
My commission expires: Feb 15 2013

RECONTRUST COMPANY, N.A.

Trustee TS No. 10-0057792

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





02 100057792

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

**TS No. 10-0057792**

08/23/2010

Internal Revenue Service

915 2nd Avenue

Special Procedures Function MSW/245

Seattle, WA 98174

7187 7930 3131 8458 0076

# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, RECONTRUST COMPANY, N.A., 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, 08/24/2010. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale. As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

State of California

County of VENTURA

Signature C. Booth

Subscribed and sworn to (or affirmed) before me on this 2nd day of Sept, 2010, by CASEY BOOTH, 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

CHARLES W MESSICK and KIMBERLY J MESSICK

Michelle I. Miller  
Notary Public for California

Residing at Los Angeles County

My commission expires: Feb 15 2013

RECONTRUST COMPANY, N.A.

Trustee TS No. 10-0057792

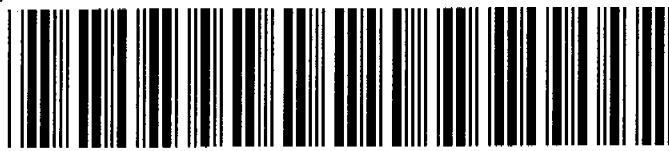
After Recording return to:

400 COUNTRYWIDE WAY SV-35

RECONTRUST COMPANY, N.A.

SIMI VALLEY, CA 93065





02 100057792

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

**TS No. 10-0057792**

08/24/2010

Internal Revenue Service

915 2nd Avenue

Special Procedures Function MSW/245

Seattle, WA 98174

7187 7930 3131 8476 1291

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Charles W Messick And Kimberly J Messick, As Tenants By The Entirety, as grantor(s), to Amerititle, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc, as Beneficiary, dated 07/17/2008, recorded 07/24/2008, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2008-010552, covering the following described real property situated in said county and state, to wit:

LOT 19 IN BLOCK 3 OF TRACT 1120, SECOND ADDITION TO EAST HILLS ESTATES, ACCORDING TO THE OFFICAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATE COUNTY, OREGON.

PROPERTY ADDRESS: 2110 KIMBERLY DR  
KLAMATH FALLS, OR 97603-5338

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$2,742.89 beginning 02/01/2010; plus late charges of \$117.02 each month beginning with the 02/01/2010 payment plus prior accrued late charges of \$-468.08; plus advances of \$0.00; 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: \$359,767.59 with interest thereon at the rate of 6.625 percent per annum beginning 01/01/2010 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 Thursday, September 23, 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 St., Klamath Falls, Klamath County, OR

, 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 08/24/2010.

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

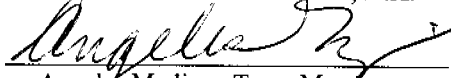
You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

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

Dated

May 18, 2010

**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 -0057792**

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

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

WITNESS my hand and official seal.

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

(SEAL)

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

# AFFIDAVIT OF MAILING NOTICE TO GRANTOR

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

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

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

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

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

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

Each of the notices so mailed was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at VENTURA, CALIFORNIA, on 05/17/2010. 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 2nd day of Sept, 2010, by Dustin Burke, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.  
(seal)

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

CHARLES W MESSICK and KIMBERLY J MESSICK

RECONTRUST COMPANY, N.A.

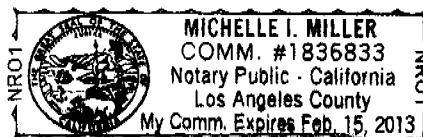
Trustee TS No. 10-0057792

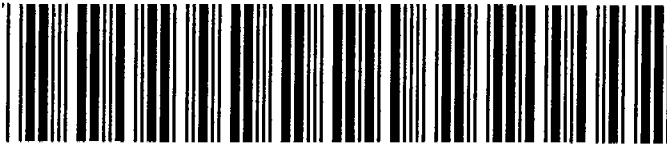
After Recording return to:  
400 COUNTRYWIDE WAY SV-35  
RECONTRUST COMPANY, N.A.  
SIMI VALLEY, CA 93065

Notary Public for California

Residing at Los Angeles County

My commission expires: Feb 15 2013





02 100057792

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

**TS No. 10-0057792**

CHARLES W MESSICK  
2110 Kimberly Dr  
Klamath Falls, OR 97603  
7187 7930 3131 7475 2582

05/17/2010

KIMBERLY J MESSICK  
2110 Kimberly Dr  
Klamath Falls, OR 97603  
7187 7930 3131 7475 2605

05/17/2010

CHARLES W MESSICK  
2110 KIMBERLY DR  
KLAMATH FALLS, OR 97603-5338  
7187 7930 3131 7475 2599

05/17/2010

KIMBERLY J MESSICK  
2110 KIMBERLY DR  
KLAMATH FALLS, OR 97603-5338  
7187 7930 3131 7475 2629

05/17/2010

Residents/Occupants  
2110 KIMBERLY DR  
KLAMATH FALLS, OR 97603-5338  
7187 7930 3131 7475 2636

05/17/2010

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

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

Street address: 2110 KIMBERLY DR

City: KLAMATH FALLS

State: OR

ZIP: 97603-5338

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 5/17/ 2010 to bring your mortgage current was \$22,524.98. 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:** September 23, 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 06/16/2010.

**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: May 17, 2010

TS No.: 10 -57792

Trustee name: RECONTRUST COMPANY, N.A.

Trustee phone number: (800) 281-8219

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

1006, 99316

**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 **2110 Kimberly Dr. Klamath Falls, OR 97603**

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

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

☐ **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 **May 21, 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*

**2110 Kimberly Dr. 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.

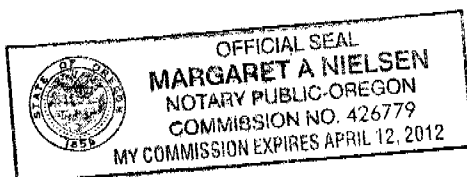
May 20, 2010                      2:15 PM  
**DATE OF SERVICE              TIME OF SERVICE**

☐ or non occupancy

By: *Jake Doan*

Subscribed and sworn to before on this 24 day of May, 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 # 12498

Trustee's Notice of Sale

Messick

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 7, 14, 21, 28, 2010

Total Cost: \$1,321.23

Subscribed and sworn by Jeanine P Day

before me on: July 28, 2010

Notary Public of Oregon

My commission expires May 15, 2012

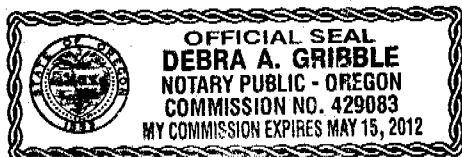
### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by CHARLES W MESSICK AND KIMBERLY J MESSICK, AS TENANTS BY THE ENTIRETY, as grantor(s), to AMERITITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC, as Beneficiary, dated 07/17/08, recorded 07/24/08, in the mortgage records of Klamath County, OR, as Recorder's fee/file/instrument/microfilm/reception Number 2008-010552, covering the following described real property situated in said county and state, to wit: LOT 19 IN BLOCK 3 OF TRACT 1120, SECOND ADDITION TO EAST HILLS ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. PROPERTY ADDRESS: 2110 KIMBERLY DR KLAMATH FALLS, OR 97603-5338.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$2,742.89 beginning 02/01/2010; plus late charges of \$117.02 each month beginning with the 02/01/2010 payment plus prior accrued late charges of \$-468.08; plus advances of \$ 0.00; 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: \$359,767.59 with interest thereon at the rate of 6.625 percent per annum beginning 01/01/2010 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 Thursday, September 23, 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, OR, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure the default by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and attorney's fees not exceeding the amounts provided by OSRS 86.753.





In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. NOTICE TO TENANTS: If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of sale. If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out. To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. ~~If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement.~~ The date that is 30 days before the date of sale is August 24, 2010. Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law. You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar's lawyer referral service at 503-684-3763 or toll-free in Oregon at 800-452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to <http://oregonlawhelp.org> or contact the Oregon State Bar's lawyer referral service at the phone numbers referenced above. Dated: May 18, 2010 RECONTRUST COMPANY, N.A. For further information, please contact: RECONTRUST COMPANY, N.A. 1800 Tapo Canyon Rd., CA6-914-01-94 SIMI VALLEY, CA. 93063 (800) 281-8219 (TS# 10-0057792) 1006.99316-FEI.  
#12498 July 7, 14, 21, 28, 2010.

Affidavit of Compliance Oregon SB 628  
Re: Trust Deed from  
**CHARLES W MESSICK & KIMBERLY J  
MESSICK**  
to  
Recon Trust Company File No. **2010-57792**

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

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

**Original Loan Amount:** 365500

**Borrower name(s):** CHARLES W MESSICK & KIMBERLY J MESSICK

**Property Address:** 2110 KIMBERLY DR  
KLAMATH FALLS, OR 976035338

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: 8/11/10

By: Rosemary Bare

Typed Name: Rosemary Bare

Title: Servicing Unit Manager

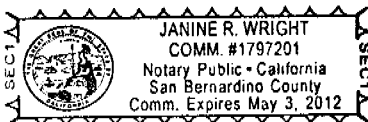
Name of Beneficiary or Beneficiary's Authorized Agent: BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP

State of California )

) ss.

County of Los Angeles )

This instrument was acknowledged before me on 8/11/10 by Rosemary Bare as Servicing Unit Manager of BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP.



[Signature]  
Notary signature

My commission expires May 3, 2012