

2010-011083

Klamath County, Oregon



09/17/2010 03:35:49 PM

Fee: \$137.00

ATE 67789

RJ

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

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

TS No.: 10 -0060143

- 1100305257/67789
- 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: DAVID H MCDONALD and YVONNE M MCDONALD

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 # 137

# 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, 05/28/2010. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale. As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

State of California  
County of Ventura

Signature

Subscribed and sworn to (or affirmed) before me on this 15 day of Sept, 2010, by Blanca Duran, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal)

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Grantor

DAVID H MCDONALD and YVONNE M MCDONALD

Notary Public for California

Residing at VENTURA

My commission expires: DEC 08 2011

RECONTRUST COMPANY, N.A.

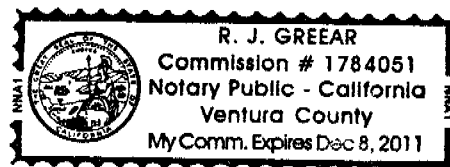
Trustee TS No. 10-0060143

After Recording return to:

400 COUNTRYWIDE WAY SV-35

RECONTRUST COMPANY, N.A.

SIMI VALLEY, CA 93065



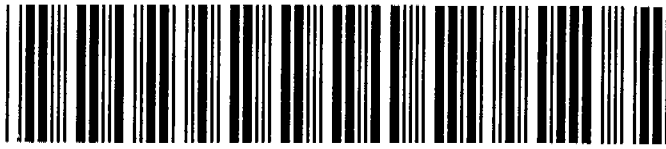


02 100060143

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

**TS No. 10-0060143**

DAVID H MCDONALD 5732 Hugo Rd Grants Pass, OR 97526 7187 7930 3131 7567 5590	05/28/2010
YVONNE M MCDONALD 5732 Hugo Rd Grants Pass, OR 97526 7187 7930 3131 7567 5620	05/28/2010
DAVID H MCDONALD SR 5732 Hugo Rd Grants Pass, OR 97526 7187 7930 3131 7567 5651	05/28/2010
DAVID H MCDONALD 39711 BRAYMILL DR CHILOQUIN, OR 97624 7187 7930 3131 7567 5606	05/28/2010
YVONNE M MCDONALD 39711 BRAYMILL DR CHILOQUIN, OR 97624 7187 7930 3131 7567 5637	05/28/2010
DAVID H MCDONALD SR 39711 BRAYMILL DR CHILOQUIN, OR 97624 7187 7930 3131 7567 5668	05/28/2010
Residents/Occupants 39711 BRAYMILL DR CHILOQUIN, OR 97624 7187 7930 3131 7567 5644	05/28/2010
EVERGREEN FEDERAL SAVINGS AND LOAN 969 S.E. 6TH STREET GRANTS PASS, OR 97526 7187 7930 3131 7567 5675	05/28/2010
EVERGREEN FEDERAL SAVINGS AND LOAN 969 SE SIXTH STREET	05/28/2010



02 100060143

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

**TS No. 10-0060143**

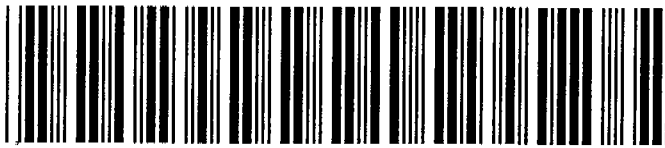
EVERGREEN FEDERAL SAVINGS AND LOAN

05/28/2010

ATTN: PROCESSING

GRANTS PASS, OR 97526

7187 7930 3131 7567 5682



02 100060143

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

**TS No. 10-0060143**

DAVID H MCDONALD

05/28/2010

5732 Hugo Rd

Grants Pass, OR 97526

YVONNE M MCDONALD

05/28/2010

5732 Hugo Rd

Grants Pass, OR 97526

DAVID H MCDONALD

05/28/2010

39711 BRAYMILL DR

CHILOQUIN, OR 97624

YVONNE M MCDONALD

05/28/2010

39711 BRAYMILL DR

CHILOQUIN, OR 97624

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by David H McDonald Sr And Yvonne M McDonald, as grantor(s), to Amerititle, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 06/28/2006, recorded 07/03/2006, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number M06-13542, covering the following described real property situated in said county and state, to wit:

LOT 9, BLOCK 2, TRACT NO. 1201, WILLIAMSON RIVER PINES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, TOGETHER WITH AN UNDIVIDED 1/40TH'S INTEREST IN LOT 4 IN BLOCK 2 OF SAID WILLIAMSON RIVER PINES, TRACT 1201.

PROPERTY ADDRESS: 39711 BRAYMILL DR  
CHILOQUIN, OR 97624

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,533.41 beginning 02/01/2010; plus late charges of \$69.63 each month beginning with the 02/01/2010 payment plus prior accrued late charges of \$-208.89; plus advances of \$30.00; 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: \$203,318.42 with interest thereon at the rate of 6.875 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 Friday, October 01, 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 09/01/2010.

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 5/29, 2010

**RECONTRUST COMPANY, N.A.**

  
Lucy Mansourian, Team Member

For further information, please contact:

**RECONTRUST COMPANY, N.A.**  
**RECONTRUST COMPANY, N.A.**  
**1800 Tapo Canyon Rd., CA6-914-01-94**  
**SIMI VALLEY, CA 93063**  
**(800)-281-8219**  
**TS No. 10 -0060143**

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 05/26/2010. 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 *Juan Rodriguez*

State of California  
County of Ventura

Subscribed and sworn to (or affirmed) before me on this 15 day of Sept, 2010, 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

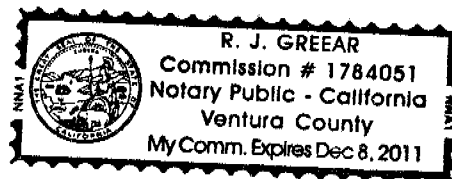
DAVID H MCDONALD and YVONNE M MCDONALD

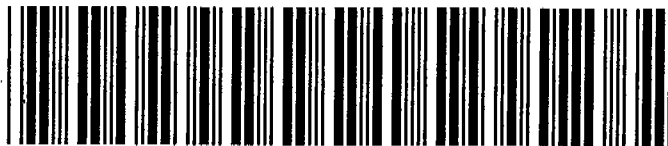
RECONTRUST COMPANY, N.A.

Trustee TS No. 10-0060143

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

*R. J. Greear*  
Notary Public for California  
Residing at VENTURA  
My commission expires: DEC 08 2011





02 100060143

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

**TS No. 10-0060143**

DAVID H MCDONALD  
5732 Hugo Rd  
Grants Pass, OR 97526  
7187 7930 3131 7556 2678

05/26/2010

YVONNE M MCDONALD  
5732 Hugo Rd  
Grants Pass, OR 97526  
7187 7930 3131 7556 2692

05/26/2010

DAVID H MCDONALD  
39711 BRAYMILL DR  
CHILOQUIN, OR 97624  
7187 7930 3131 7556 2685

05/26/2010

YVONNE M MCDONALD  
39711 BRAYMILL DR  
CHILOQUIN, OR 97624  
7187 7930 3131 7556 2708

05/26/2010

Residents/Occupants  
39711 BRAYMILL DR  
CHILOQUIN, OR 97624  
7187 7930 3131 7556 2722

05/26/2010

**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: 39711 BRAYMILL DR

City: CHILOQUIN

State: OR

ZIP: 97624

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 \$-26, 2010 to bring your mortgage current was \$12,851.80. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call 888-219-7773 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe.

You may also get these details by sending a request by certified mail to:

BAC Home Loans Servicing, LP  
400 COUNTRYWIDE WAY SV-35  
SIMI VALLEY, CA 93065

**THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION:** October 01, 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 06/25/2010.**

**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 26, 2010

TS No.: 10 -60143

Trustee name: RECONTRUST COMPANY, N.A.

Trustee phone number: (800) 281-8219

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

**FEI, LLC**  
**Affidavit of Posting and Service**

State of Oregon  
County of Klamath

ANDREW THOMPSON, being sworn, says:

- That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale:
- That my business address is 1135 Pine Street, Klamath Falls, OR.
- That I posted a copy of the Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 39711 BRAYMILL DR, CHILOQUIN, OR 97624 in a conspicuous place on:
  - 1st Attempt: 06/03/2010 at 12:02 pm
  - 2nd Attempt: 06/16/2010 at 06:44 pm
  - 3rd Attempt: 06/20/2010 at 12:00 pm

Signed in Klamath County, Oregon by:

A Thompson

Signature  
Date

1006.100629

State of Oregon

County of Klamath

On this 23rd day of June in the year of 2010, before me a Notary Public, Personally appeared Andrew Thompson, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Margaret A. Nielsen

Notary Public for Oregon

Residing at \_\_\_\_\_

Commission expires: \_\_\_\_\_



D1215401

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT  
(In Lieu of Personal Service)**

STATE OF WASHINGTON, County of KING) 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 Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

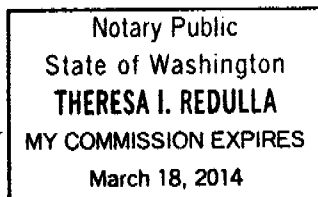
On June 23, 2010 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 39711 BRAYMILL DR, CHILOQUIN, OR, 97624 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.

STATE OF WASHINGTON            )  
  ) ss.  
COUNTY OF KING                )

Mataya Boggs

I certify that I know or have satisfactory evidence that Mataya Boggs is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 6/23/10



Theresa I. Redulla  
NOTARY PUBLIC in and for the State of  
Washington, residing at KING  
My commission expires 3-18-14

10-0060143 / MCDONALD, DAVID H and MCDONALD, YVONNE M  
Sales Group-OR

# 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 # 12517

Trustee's Notice of Sale

McDonald, Sr.

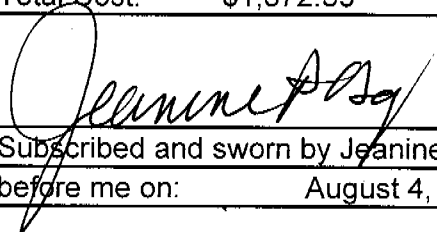
a printed copy of which is hereto annexed,  
was published in the entire issue of said  
newspaper for: ( 4 )

Four

Insertion(s) in the following issues:

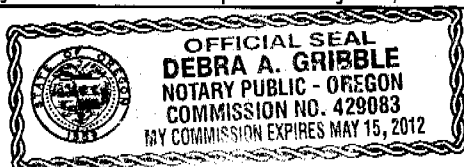
July 14, 21, 28, August 04, 2010

Total Cost: \$1,372.59

  
Subscribed and sworn by Jeanine P Day  
before me on: August 4, 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  
DAVID H MCDONALD SR AND YVONNE M MCDONALD,  
as grantor(s), to AMERITITLE, as Trustee, in favor of MORT-  
GAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as  
Beneficiary, dated 06/28/06, recorded 07/03/06, in the mort-  
gage records of Klamath County, OR, as Recorder's  
fee/file/instrument/microfilm/reception Number M06-13542,  
and subsequently assigned to MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC. by Assignment recorded  
05/25/2010 as Recorder's fee/file/instrument/microfilm/recep-  
tion No. 2010-6346, covering the following described real  
property situated in said county and state, to wit: LOT 9,  
BLOCK 2, TRACT NO. 1201, WILLIAMSON RIVER PINES,  
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE  
IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH  
COUNTY, OREGON, TOGETHER WITH AN UNDIVIDED  
1/40TH'S INTEREST IN LOT 4 IN BLOCK 2 OF SAID  
WILLIAMSON RIVER PINES, TRACT 1201. PROPERTY  
ADDRESS: 39711 BRAYMILL DR CHILOQUIN, OR 97624.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,533.41 beginning 02/01/2010; plus late charges of \$69.63 each month beginning with the 02/01/2010 payment plus prior accrued late charges of \$-208.89; plus advances of \$ 30.00; 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: \$203,318.42 with interest thereon at the rate of 6.875 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

the Beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Friday, October 01, 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 September 01, 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 29, 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# 10-0060143) 1006.100629-FEI. #12517 July 14, 21, 28, August 04, 2010.



Affidavit of Compliance Oregon SB 628  
Re: Trust Deed from  
**DAVID H MCDONALD & YVONNE M MCDONALD**  
to  
Recon Trust Company      File No. **2010-60143**

**Affidavit of Compliance with Oregon SB 628 (2009) & HB 3610 (2010)**

**Beneficiary:** THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN TRUST 2006-31CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-31CB

**Original Loan Amount:** 212000

**Borrower name(s):** DAVID H MCDONALD & YVONNE M MCDONALD

**Property Address:** 39711 BRAYMILL DR  
CHILOQUIN, OR 97624

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 Timely Received.** We are advised that the trustee duly mailed to the borrower(s) identified above the notice required by ORS 86.737 ("Notice"). With the Notice, the trustee also included the form contemplated by ORS 86.737 on which the borrower(s) could elect to ask the beneficiary to consider granting a loan modification and/or ask for a meeting with the beneficiary ("Form"). The Notice and/or request form instructed the borrower(s) to submit the request for modification and/or meeting to the beneficiary as and where provided in the Notice and/or Form. The Notice also provided a deadline date by which the beneficiary would need to receive from the borrower(s) a request for loan modification or request for a meeting. The beneficiary did not receive a returned Form from the borrower(s) requesting a loan modification or a meeting before the deadline set forth in the Notice.
- ☐ **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): \_\_\_\_\_

☐ **Loan Modification Requested. Request Denied. Decline Letter Provided.** 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 was deemed declined. A detailed decline letter was provided identifying the results of loan modification efforts

Date: \_\_\_\_\_

9/8/10

By: \_\_\_\_\_

Typed Name: Adam Minkin

Title: Servicing Team Manager

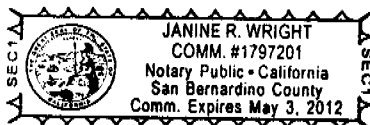
Name of Beneficiary or Beneficiary's Authorized Agent: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN TRUST 2006-31CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-31CB

State of California )

) ss.

County of Los Angeles )

This instrument was acknowledged before me on 9/8/10 by Adam Minkin as Servicing Team Manager of THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN TRUST 2006-31CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-31CB.



Notary signature \_\_\_\_\_

My commission expires \_\_\_\_\_

5/3/2012