

2010-011428

Klamath County, Oregon



00090825201000114280120126

09/27/2010 03:36:58 PM

Fee: \$92.00

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 67116

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

## COVER SHEET

### DOCUMENT:

**Affidavit of Mailing /Copy of Amended Trustees Notice of Sale**

### ORIGINAL GRANTOR ON TRUST DEED:

**Anthony David Phillips and Elizabeth A Phillips**

### ORIGINAL BENEFICIARY ON TRUST DEED:

**ABN Amro Mortgage Group, 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**

WHEN RECORDED MAIL TO:

Cal-Western Reconveyance Corporation  
P.O. Box 22004  
525 East Main Street  
El Cajon, CA 92022-9004

\*1237200-09\*      \*aaosxr\*

T.S. NO.: 1237200-09

**AFFIDAVIT OF MAILING AMENDED NOTICE OF SALE**

STATE OF CALIFORNIA                      }SS  
COUNTY OF SAN DIEGO                 }

I, **Brendan McMullen** being first duly sworn, depose, say and certify that:

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

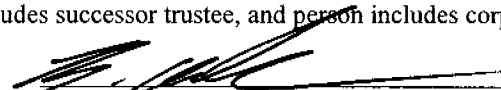
I gave notice of the sale of the real property described in the attached Amended Notice of Sale by mailing a copy thereof by certified mail and first class mail to each of the following named persons at their last known address, to-wit:

**SEE ATTACHED**

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

Each of the notices so mailed was certified to be a true copy of the original Amended Notice of Sale by an authorized officer CAL-WESTERN RECONVEYANCE CORPORATION, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage fully prepaid, and was deposited in the United States mail in SAN DIEGO COUNTY, CALIFORNIA, on August 19, 2010. Each of said notices was mailed after the Notice of Default and Election to Sell described in said Amended Notice of Sale was recorded and at least 20 days before the day fixed in said notice by the trustee for the trustee's sale.

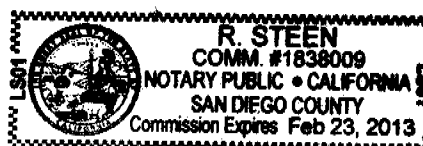
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

  
\_\_\_\_\_  
Affiant

**AUG 20 2010**

SUBSCRIBED AND SWORN to me this \_\_\_\_\_ day of \_\_\_\_\_, 20

  
\_\_\_\_\_  
Notary Public



**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:**

1330 CARLSON

KLAMATH FALLS OR 97603

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called "foreclosure."

The amount you would have had to pay as of April 23, 2010 to bring your mortgage loan current was \$17,460.82. 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 (866)272-4749 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:

CMI WORKOUT DEPARTMENT

1000 TECHNOLOGY DRIVE, MS 314

O FALLON MO 63368

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

Date and time: August 30, 2010 1:00pm

Place: AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY  
COURTHOUSE 316 MAIN STREET

KLAMATH FALLS, Oregon

### THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can request that your lender give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

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 telephone number of an organization near you, please call the statewide telephone contact number at **800-SAFENET (800-723-3638)**. You may also wish to talk to 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 website at: <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 programs by contacting your lender at (866)272-4749. 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 your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll-free consumer mortgage foreclosure information number: **800-SAFENET (800-723-3638)**. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: [www.makinghomeaffordable.gov](http://www.makinghomeaffordable.gov)

**IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "MODIFICATION REQUEST FORM." YOUR LENDER MUST RECEIVE THE FORM BY May 23, 2010 WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW.**

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

Dated: April 23, 2010

Trustee name: CAL-WESTERN RECONVEYANCE CORPORATION

*Tammy Gaud*

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

Trustee telephone number: (800) 546-1531 Ext. 8317

Trustee Sale No.: 1237200-09

TS #: 1237200-09

Loan #: 1119908549

Property Address: 1330 CARLSON  
KLAMATH FALLS OR 97603

**MODIFICATION REQUEST FORM**

Pursuant to Oregon Senate Bill 628, this Modification Request Form must be completed and returned to:

CMI WORKOUT DEPARTMENT

1000 TECHNOLOGY DRIVE, MS 314

O FALLON MO 63368

for receipt on or before May 23, 2010. As provided by Oregon Senate Bill 628, please complete and return this Modification Request Form and Financial Statement disclosing your current information including address, phone number and electronic e-mail address and other facts that may affect your eligibility for loan modification.

I wish to apply for a loan modification. A loan modification is a written agreement between me and the lender that permanently changes the terms of the loan. I fell behind on my mortgage payments because (hardship situation):

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Borrower #1

Borrower #2

You must also complete and return the Financial Statement contained on the following page for your application to be processed. Pursuant to SB 628, the lender may request additional information or documentation from you after review of this Modification Request Form in order to make a determination as to your eligibility for modification.

Loan No: XXX\*XXX8549

T.S. No: 1237200-09

I CERTIFY THIS TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
*Tammy J. David*

**AMENDED TRUSTEES NOTICE OF SALE**

Reference is made to that certain trust deed made by  
ANTHONY DAVID PHILLIPS, AND ELIZABETH A PHILLIPS

as grantor(s) to FIRST AMERICAN TITLE INSURANCE CO.

as trustee, in favor of ABN AMRO MORTGAGE GROUP, INC.

as beneficiary, recorded July 23, 2007 as no.2007-012977 in book XX, page XX, in the official records of KLAMATH  
County, Oregon, covering the following-described real property situated in said county and state, to wit:

LOT 6, MOYINA, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK  
OF KLAMATH COUNTY, OREGON.

Commonly known as:  
1330 CARLSON  
KLAMATH FALLS OR 97603

There is a default by the grantor(s) or other persons owing an obligation, the performance of which is secured by said  
trust deed, or by their successor in interest; The default is:

Failure to pay the monthly payment due May 1, 2009 of principal and interest and subsequent installments due thereafter;  
plus late charges; together with all subsequent sums advanced by beneficiary pursuant to the terms and conditions of said  
deed of trust.

Monthly Payment \$1,158.16      Monthly Late Charge \$51.89

By reason of said default, the beneficiary or the beneficiary's successor in interest has declared all obligations secured  
by said trust deed immediately due and payable, said sums being the following:  
\$153,294.76

with interest thereon at the rate of 7.000% per annum, from April 01, 2009 until paid, plus monthly late charges of \$51.89  
each, beginning May 01, 2009 until paid; together with title expenses, costs, trustee's fees and attorneys fees incurred  
herein by reason of said default; and any further sums advanced by the beneficiary or the beneficiary's successor in  
interest for protection of the above-described real property and its interest in it.

The beneficiary and trustee or their successors in interest, have elected and do hereby elect to cause the property to be  
sold at public auction to the highest bidder for cash to satisfy the obligations secured by said trust deed and the expenses  
of the sale, including the compensations of the trustee or successor trustee and the reasonable attorneys fees incurred.

The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would  
be sold on August 30, 2010

Loan No: XXXXXX8549  
T.S. No: 1237200-09

**AMENDED TRUSTEES NOTICE OF SALE**

at the hour of 1:00pm, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, at

AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY COURTHOUSE  
316 MAIN STREET

in the City of KLAMATH FALLS County of KLAMATH State of Oregon; however, subsequent to the recording of said Notice of Default the original sale proceedings were stayed by order of the Court or by proceedings under the National Bankruptcy Act or for other lawful reasons.

The beneficiary did not participate in obtaining such stay. Said stay was terminated on

WHEREOF, notice hereby is given that the undersigned trustee will on September 23, 2010 at the hour of 1:00pm Standard of Time, as established by section 187.110, Oregon Revised Statutes, at

AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY COURTHOUSE  
316 MAIN STREET

City of KLAMATH FALLS County of KLAMATH State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and by curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for the sale.

Dated: August 19, 2010

CAL-WESTERN RECONVEYANCE CORPORATION, Trustee  
525 EAST MAIN STREET  
P.O. BOX 22004  
EL CAJON CA 92022-9004  
(619)590-9200

Signature/by

*Tammy Land*

8/19/2010 6:45:00 PM Sender: CalWestern Reconveyance  
525 E Main  
El Cajon CA 92020

Postal Class: First Class

Type of Mailing: Window

Affidavit Attachment: 1634744-01 000 08191011 CWR

Postal Number Sequence Recipient Name

11041994141045278494  
1

ANTHONY D PHILLIPS

Address Line 1/3

1330 CARLSON

Address Line 2/4

KLAMATH FALLS OR 97603

11041994141045278500  
2

ELIZABETH A PHILLIPS

1330 CARLSON

KLAMATH FALLS OR 97603

11041994141045278517  
3

ANTHONY D PHILLIPS

6324 JUNIPER WAY

KLAMATH FALLS OR 97603

11041994141045278524  
4

ELIZABETH A PHILLIPS

6324 JUNIPER WAY

KLAMATH FALLS OR 97603

11041994141045278531  
5

Occupant(s) / Tenant(s)

1330 CARLSON

KLAMATH FALLS OR 97603

11041994141045278555  
6

ANTHONY DAVID PHILLIPS

1330 CARLSON

KLAMATH FALLS OR 97603

11041994141045278562  
7

A. DAVID PHILLIPS

6324 JUNIPER WAY

KLAMATH FALLS OR 97603

11041994141045278579  
8

ANTHONY DAVID PHILLIPS

6324 JUNIPER WAY

KALMATH FALLS OR 97603

11041994141045278586  
9

ELIZABETH A. PHILLIPS

1330 CARLSON

KLAMATH FALLS OR 97603

11041994141045278593  
10

ELIZABETH A. PHILLIPS

6324 JUNIPER WAY

KLAMATH FALLS OR 97603

11041994141045278609  
11

SUTTELL & HAMMER, P.S.

CONIFER BUILDING  
BELLEVUE WA 98004

1450-114TH AVE SE. #240

11041994141045278616  
12

UNITED PIPE & SUPPLY CO., INC

90099 PRAIRIE ROAD

EUGENE OR 97402

11041994141045278630

UNITED PIPE & SUPPLY CO., C/O ALAN L MIT

LLC FILE NO: UNITEDE019  
PORTLAND OR 92793

P.O. BOX 14247

8/19/2010 6:45:01 PM

Sender:

CalWestern Reconveyance  
525 E Main  
El Cajon CA 92020

Postal Class: Certified - Ret

Type of Mailing: Window

Affidavit Attachment: 1634744-01 000 08191011 CWR

Postal Number Sequence Recipient Name

Address Line 1/3

Address Line 2/4

71041994141054414045

1

ANTHONY D PHILLIPS

1330 CARLSON

KLAMATH FALLS OR 97603

71041994141054414052

2

ELIZABETH A PHILLIPS

1330 CARLSON

KLAMATH FALLS OR 97603

71041994141054414076

3

ANTHONY D PHILLIPS

6324 JUNIPER WAY

KLAMATH FALLS OR 97603

71041994141054414090

4

ELIZABETH A PHILLIPS

6324 JUNIPER WAY

KLAMATH FALLS OR 97603

71041994141054414113

5

Occupant(s) / Tenant(s)

1330 CARLSON

KLAMATH FALLS OR 97603

71041994141054414137

6

ANTHONY DAVID PHILLIPS

1330 CARLSON

KLAMATH FALLS OR 97603

71041994141054414144

7

A. DAVID PHILLIPS

6324 JUNIPER WAY

KLAMATH FALLS OR 97603

71041994141054414168

8

ANTHONY DAVID PHILLIPS

6324 JUNIPER WAY

KALMATH FALLS OR 97603

71041994141054414182

9

ELIZABETH A. PHILLIPS

1330 CARLSON

KLAMATH FALLS OR 97603

71041994141054414199

10

ELIZABETH A. PHILLIPS

6324 JUNIPER WAY

KLAMATH FALLS OR 97603

71041994141054414212

11

SUTTELL & HAMMER, P.S.

CONIFER BUILDING  
BELLEVUE WA 98004

1450-114TH AVE SE, #240

71041994141054414236

12

UNITED PIPE & SUPPLY CO., INC

90099 PRAIRIE ROAD

EUGENE OR 97402

71041994141054414250

