

WTC 67782

2010-012412

Klamath County, Oregon

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10/20/2010 03:24:27 PM

Fee: \$127.00

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

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

TS No.: 10 -0025843

67782 / 100301287

- 1.AFFIDAVIT OF MAILING 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: MICHAEL NEALY and GLENN ELLEN NEALY

Beneficiary: NEW CENTURY MORTGAGE CORPORATION

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.

127pm

Affidavit of Compliance Oregon SB 628  
Re: Trust Deed from  
**MICHAEL NEALY & GLENN ELLEN NEALY**  
to  
Recon Trust Company File No. **2010-25843**

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

**Beneficiary:** DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2004-HE4, MOR TGAGE PASS THROUGH CERTIFICATES, SERIES 2004-HE4

**Original Loan Amount:** 108000

**Borrower name(s):** MICHAEL NEALY & GLENN ELLEN NEALY

**Property Address:** 5735 INDEPENDENCE AVENUE  
KLAMATH FALLS, OR 97603

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: 9/18/10

By: [Signature]

Typed Name: Adam Minkin

Title: Servicing Team Manager

Name of Beneficiary or Beneficiary's Authorized Agent: DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2004-HE4, MOR TGAGE PASS THROUGH CERTIFICATES, SERIES 2004-HE4

State of California )

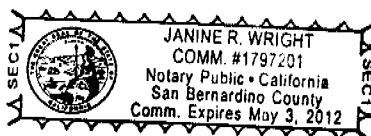
) ss.

County of Los Angeles )

This instrument was acknowledged before me on 9/18/10 by Adam Minkin as Servicing Team Manager of DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2004-HE4, MOR TGAGE PASS THROUGH CERTIFICATES, SERIES 2004-HE4.

Notary signature [Signature]

My commission expires 5/3/2012



# 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, 06/03/2010. 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 21<sup>st</sup> 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

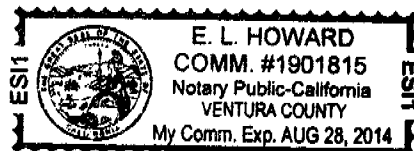
MICHAEL NEALY and GLENN ELLEN NEALY

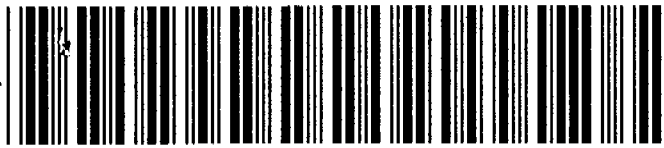
  
Notary Public for California  
Residing at VENTURA  
My commission expires: AUG 28 2014

RECONTRUST COMPANY, N.A.

Trustee TS No. 10-0025843

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





02 100025843

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

**TS No. 10-0025843**

MICHAEL NEALY

06/03/2010

5735 Independence Ave

Klamath Falls, OR 97603

7187 7930 3131 7603 6895

GLENN ELLEN NEALY

06/03/2010

5735 Independence Ave

Klamath Falls, OR 97603

7187 7930 3131 7603 6925

MICHAEL NEALY

06/03/2010

5735 INDEPENDENCE AVENUE

KLAMATH FALLS, OR 97603

7187 7930 3131 7603 6901

GLENN ELLEN NEALY

06/03/2010

5735 INDEPENDENCE AVENUE

KLAMATH FALLS, OR 97603

7187 7930 3131 7603 6932

Residents/Occupants

06/03/2010

5735 INDEPENDENCE AVENUE

KLAMATH FALLS, OR 97603

7187 7930 3131 7603 6949

BENEFICIAL OREGON INC

06/03/2010

1345 CENTER DRIVE, SUITE D

MEDFORD, OR 97501

7187 7930 3131 7603 6956

BENEFICIAL OREGON INC

06/03/2010

577 LAMONT ROAD

C/O RECORDS PROCESSING SERVICES

ELMHURST, IL 60126

7187 7930 3131 7603 6963

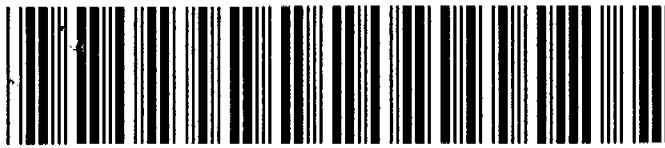
ANGELA NEALY

06/03/2010

1705 MISSOURI

LAKEVIEW, OR 97630

7187 7930 3131 7603 6970



02 100025843

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

**TS No. 10-0025843**

ANGELA NEALY

06/03/2010

3226 HOMEDALE RD #2

KLAMATH FALLS, OR 97603

7187 7930 3131 7603 6987

ANGELA NEALY

06/03/2010

C/O KLAMATH COUNTY DISTRICT ATTY

3300 VANDENBERG ROAD

KLAMATH FALLS, OR 97603

7187 7930 3131 7603 6994

BENEFICIAL OREGON INC.

06/03/2010

720 OLIVE WAY, SUITE 1301

C/O LAURIE K. FRIEDL, ET AL

SEATTLE, WA 98101

7187 7930 3131 7603 7007

BENEFICIAL OREGON INC.

06/03/2010

388 STATE ST STE 420

C/O C T CORPORATION SYSTEM

SALEM, OR 97301-3581

7187 7930 3131 7603 7021

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Michael Nealy And Glenn Ellen Nealy, As Tenants By The Entirety, as grantor(s), to Amerititle, as Trustee, in favor of New Century Mortgage Corporation, as Beneficiary, dated 02/19/2004, recorded 02/26/2004, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume No. M04 at Page No. 11136 as Recorder's fee/file/instrument/microfilm/reception Number -, covering the following described real property situated in said county and state, to wit:

THE EAST 100 FEET OF TRACT 21 OF INDEPENDENCE TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY OREGON.

PROPERTY ADDRESS: 5735 INDEPENDENCE AVENUE  
KLAMATH FALLS, OR 97603

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 \$874.41 beginning 10/01/2009; plus late charges of \$39.25 each month beginning with the 10/01/2009 payment plus prior accrued late charges of \$-78.50; plus advances of \$120.00; 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: \$96,042.42 with interest thereon at the rate of 7.90000009536743 percent per annum beginning 09/01/2009 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 Wednesday, October 06, 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 09/06/2010.

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 6/2, 2010

RECONTRUST COMPANY, N.A.

  
DANIEL RODRIGUEZ, Team Member



**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 -0025843**

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 06/01/2010. 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 21<sup>st</sup> 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

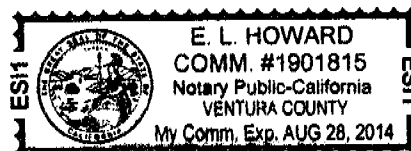
Grantor

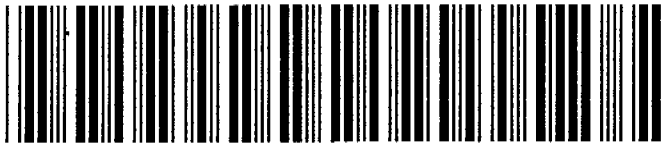
MICHAEL NEALY and GLENN ELLEN NEALY  
RECONTRUST COMPANY, N.A.

Trustee TS No. 10-0025843

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

\_\_\_\_\_  
Notary Public for California  
Residing at VENTURA  
My commission expires: AUG 28 2014





02 100025843

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

**TS No. 10-0025843**

MICHAEL NEALY  
5735 Independence Ave  
Klamath Falls, OR 97603  
7187 7930 3131 7590 0173

06/01/2010

GLENN ELLEN NEALY  
5735 Independence Ave  
Klamath Falls, OR 97603  
7187 7930 3131 7590 0197

06/01/2010

MICHAEL NEALY  
5735 INDEPENDENCE AVENUE  
KLAMATH FALLS, OR 97603  
7187 7930 3131 7590 0180

06/01/2010

GLENN ELLEN NEALY  
5735 INDEPENDENCE AVENUE  
KLAMATH FALLS, OR 97603  
7187 7930 3131 7590 0203

06/01/2010

Residents/Occupants  
5735 INDEPENDENCE AVENUE  
KLAMATH FALLS, OR 97603  
7187 7930 3131 7590 0227

06/01/2010

**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: 5735 INDEPENDENCE AVENUE

City: KLAMATH FALLS

State: OR

ZIP: 97603

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

The amount you would have had to pay as of 06-01 2010 to bring your mortgage current was \$12,211.42. 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 06, 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 07/01/2010.

**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: June 1, 2010

TS No.: 10 -25843

Trustee name: RECONTRUST COMPANY, N.A.

Trustee phone number: (800) 281-8219

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

**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 **5735 Independence Ave. Klamath Falls, OR 97603**

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

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

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1<sup>st</sup> Attempt: June 4, 2010

12:18 PM Posted

2<sup>nd</sup> Attempt: June 7 2010

12:44 PM Served

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 \_\_\_, 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

*Chelsa Neely*

**5735 Independence Ave. 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.

June 4, 2010

12:18 PM

**DATE OF SERVICE**

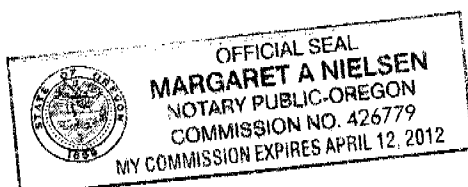
**TIME OF SERVICE**

☐ or non occupancy

By:

*Robert W. Bolenbaugh*  
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 27<sup>th</sup> day of September, 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 # 12559

Trustee's Notice of Sale

Nealy

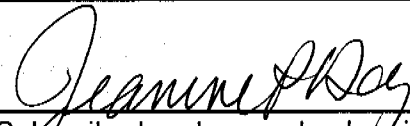
a printed copy of which is hereto annexed,  
was published in the entire issue of said  
newspaper for: ( 4 )

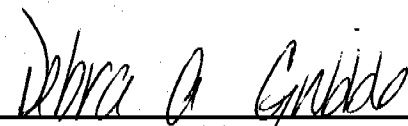
Four

Insertion(s) in the following issues:

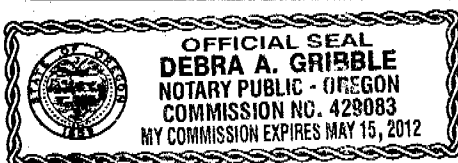
July 22, 29, August 05, 12, 2010

Total Cost: \$1,372.59

  
Subscribed and sworn by Jeanine P Day  
before me on: August 12, 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 MICHAEL NEALY AND GLENN ELLEN NEALY, AS TENANTS BY THE ENTIRETY, as grantor(s), to AMERITITLE, as Trustee, in favor of NEW CENTURY MORTGAGE CORPORATION, as Beneficiary, dated 02/19/04, recorded 02/26/04, in the mortgage records of Klamath County, OR, in Book/Reel/Volume No. M04 at Page No. 11136 as Recorder's fee/file/instrument/microfilm/reception Number - and subsequently assigned to NEW CENTURY MORTGAGE CORPORATION by Assignment recorded 02/05/2010 as Recorder's fee/file/instrument/microfilm/reception No. 2010-001948, covering the following described real property situated in said county and state, to wit: THE EAST 100 FEET OF TRACT 21 OF INDEPENDENCE TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY OREGON. PROPERTY ADDRESS: 5735 INDEPENDENCE AVENUE KLAMATH FALLS, OR 97603.

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 \$874.41 beginning 10/01/2009; plus late charges of \$39.25 each month beginning with the 10/01/2009 payment plus prior accrued late charges of \$-78.50; plus advances of \$120.00; 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 owed on the obligation secured by the Trust Deed im-

sums owing on the obligation secured by the Trust Deed immediately due and payable, said sums being the following to wit: \$96,042.42 with interest thereon at the rate of 7.90000009536743 percent per annum beginning 09/01/2009 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 Wednesday, October 06, 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 06, 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: June 02, 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# 10-0025843) 1006.100999-FEI. #12559 July 22, 29, August 05, 12, 2010.