

1st 1605857

2010-012601

Klamath County, Oregon



00092177201000126010120127

10/26/2010 02:04:40 PM

Fee: \$107.00

RECORDING COVER SHEET

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

After Recording Return To:

**Max Default Services Corporation
43180 Business Park Drive, Suite 202
Temecula, CA 92590**

1. Name(s) of the Transaction(s):

Affidavit of Mailing	Affidavit of Service
Affidavit of Publication	Affidavit of Compliance

2. Direct Party (Grantor):

FATCO

3. Indirect Party (Beneficiary):

Smith, Deanna J.

4. True and Actual Consideration Paid:

n/a

5. Legal Description:

**Lot 20, KENNICOTT COUNTRY ESTATES, in the County of Klamath,
State of Oregon. Situated in the County of Klamath and State of Oregon.**

6. Reference deed:

2007-019603

✓

Recording Requested By

And When Recorded Mail To:
Max Default Services Corporation
43180 Business Park Drive, Suite 202
Temecula, CA 92590

Trustee Sale No. 7101548

Space Above for Recorder's Use Only

AFFIDAVIT OF MAILING NOTICE OF SALE

I, Yadira Durham, 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 original or copy of 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 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 at their last known address, to wit:

NAME & ADDRESS

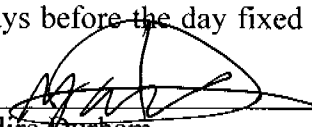
CERTIFIED NO.

SEE ATTACHED EXHIBIT "A"

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 copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Mail in Temecula, CA on 8/5/2010. 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.

Dated: 8/5/2010

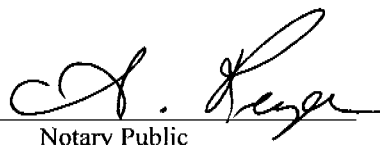

Yadira Durham

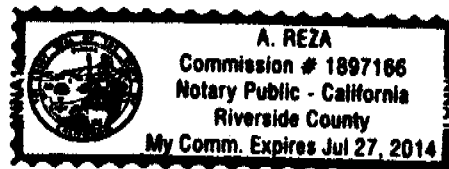
STATE OF CALIFORNIA }
COUNTY OF RIVERSIDE }

On October 22, 2010 before me, A. Reza the undersigned, a Notary Public in and for said State, personally appeared Yadira Durham personally known to me (or proved to me on the basis of satisfactory evidence) to 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.

Signature


Notary Public



(This Area for Official Notary Seal)

TRUSTEE'S NOTICE OF SALE

Loan No.: **1117091179**

T.S. No.: **7101598**

Reference is made to that certain deed made by **Deanna J. Smith, a married woman** as Grantor to **First American Title Insurance Company**, as Trustee, in favor of **Mortgage Electronic Registration Systems, Inc.** as Beneficiary, dated **8/28/2007**, recorded **11/19/2007**, in the official records of **Klamath County, Oregon** in book/reel/volume No. **xx** at page No. **xx**, fee/file/instrument/microfilm/reception No. **2007-019603** covering the following described real property situated in said County and State, to wit:

LOT 20, KENNICOTT COUNTRY ESTATES, IN THE COUNTY OF KLAMATH, STATE OF OREGON. SITUATED IN THE COUNTY OF KLAMATH AND STATE OF OREGON.

Commonly known as: **5873 Estate Dr, Klamath Falls, OR 97603**

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's failure to:

Make the monthly payments of **\$1,636.43** each, commencing with the payment due on **5/1/2010** and continuing each month until this trust deed is reinstated or goes to trustee's sale; plus a late charge of **\$66.36** on each installment not paid within fifteen days following the payment due date; trustee's fees and other costs and expenses associated with this foreclosure and any further breach of any term or condition contained in subject note and deed of trust.

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

The principal sum of **\$191,115.56** together with the interest thereon at the rate **5.250%** per annum from **4/1/2010** until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that the undersigned trustee will on **12/3/2010** at the hour of **11:00 A.M.**, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, at **the Front Steps of the Circuit Court, 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 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.

In construing this, the masculine gender includes the feminine and the successor in interest to the grantor as well as any other person owing obligation, the performance of which is secured by said trust deed; the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: **8/4/2010**

FIRST AMERICAN TITLE INSURANCE COMPANY, Trustee
C/O Max Default Services Corporation
43180 Business Park Drive, Suite 202
Temecula, CA 92590
(619) 465-8200



DENNIS CANLAS

STATE OF CALIFORNIA }SS
COUNTY OF ORANGE

NOTICE TO TENANT

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 11/3/2010.

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.

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: **5873 Estate Dr**

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 'foreclosure.'

The amount you would have had to pay as of **8/5/2010** (date) to bring your mortgage loan current was \$ **\$4,340.42**. 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 **800-696-8199** to find out the exact amount you must pay bring your to 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:

Provident Funding Associates LP

1235 N. Dutton Ave #E

Santa Rosa, CA 95401

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

Date and time: **12/3/2010 at 11:00 AM**

Place: **On the front steps of the Circuit Court, 316 Main Street in
the City of Klamath Falls, County of Klamath, OR 97601**

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 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. 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 **800-696-8199**. 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: <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 **9/4/2010**, 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 questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: **8/5/2010**

Trustee name (print): **First American Title Co.**

Trustee signature: 

Trustee telephone number: **877-914-3498**

EXHIBIT "A"

TS#	loan#	First Name	Middle Name	Last Name	address1	address2	city	State	zip	Certified #
7101598		Deanna	J	Smith	5873 Estate Dr		Klamath Falls	OR	97603	7009 1410 0000 9140 6392

Documents Mailed:

Date Mailed:

NOS

8/5/2010

Oregon Notice

Request for Loan Modification

7101598 / SMITH
ASAP# 3683881

MAXDEF**AFFIDAVIT OF SERVICE**

STATE OF OREGON

County of Klamath

ss.

I, Robert Bolenbaugh, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale; Exhibit A; Notice to Tenant upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an OCCUPANT at the following "Property Address":

**5873 Estate Drive
Klamath Falls, OR 97603**

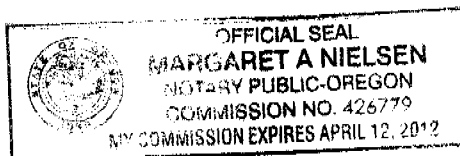
By delivering such copy, personally and in person to Deanna Smith, at the above Property Address on August 06, 2010 at 10:56 AM.

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 07th day of Aug, 2010
by Robert Bolenbaugh.

Margaret A. Nielsen
Notary Public for Oregon

Robert Bolenbaugh
Robert Bolenbaugh
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



236938

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Heidi Wright, Publisher,
being first duly sworn, depose and say
that I am 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 # 12614

Trustee's Notice of Sale

Smith

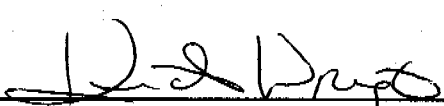
a printed copy of which is hereto annexed,
was published in the entire issue of said
newspaper for: (4)

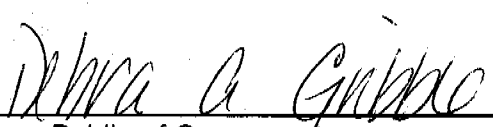
Four

Insertion(s) in the following issues:

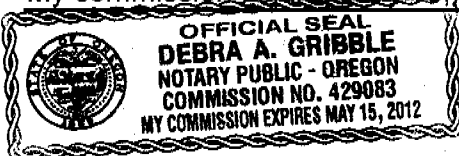
August 13, 20, 27, September 03, 2010

Total Cost: \$884.67


Subscribed and sworn by Heidi Wright
before me on: September 3, 2010


Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE Loan No.: 1117091179 T.S. No.: 7101598

Reference is made to that certain deed made by Deanna J. Smith, a married woman as Grantor to First American Title Insurance Company, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc. as Beneficiary, dated 8/28/2007, recorded 11/19/2007, in the official records of Klamath County, Oregon in book/reel/volume No. xx at page No. xx, fee/file/instrument/microfilm/reception No. 2007-019603 covering the following described real property situated in said County and State, to wit: LOT 20, KENNICOTT COUNTRY ESTATES, IN THE COUNTY OF KLAMATH, STATE OF OREGON, SITUATED IN THE COUNTY OF KLAMATH AND STATE OF OREGON. Commonly known as: 5873 Estate Dr, Klamath Falls, OR 97603.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is the grantor's failure to: Make the monthly payments of \$1,636.43 each, commencing with the payment due on 5/1/2010 and continuing each month until this trust deed is reinstated or goes to trustee's sale; plus a late charge of \$66.36 on each installment not paid within fifteen days following the payment due date; trustee's fees and other costs and expenses associated with this foreclosure and any further breach of any term or condition contained in subject note and deed of trust.

By the reason of said default the beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to wit: The principal sum of \$191,115.56 together with the interest thereon at the rate 5.250% per annum from 4/1/2010 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that the undersigned trustee will on 12/3/2010 at the hour of 11:00 A.M., Standard of Time, as established by Section 187.110, Oregon Revised Statutes, at the Front Steps of the Circuit Court, 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 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.

In construing this, the masculine gender includes the feminine and the successor in interest to the grantor as well as any other person owing obligation, the performance of which is secured by said trust deed; the words "trustee" and "beneficiary" include their respective successors in interest, if any. Dated: 8/4/2010 FIRST AMERICAN TITLE INSURANCE COMPANY, Trustee C/O Max Default Services Corporation 43180 Business Park Drive, Suite 202 Temecula, CA 92590 (619) 465-8200 DENNIS CANLAS ASAP# 3683881 08/13/2010, 08/20/2010, 08/27/2010, 09/03/2010. #12614 August 13, 20, 27, September 03, 2010.

DECLARATION OF NON-MILITARY SERVICE

Title No. **4501250**

T.S. No.: **7101598**

Owner(s): **Deanna J Smith**

The undersigned, declares as follows:

I am informed and believe and on that ground allege that the matters stated in this declaration are true.

That **Deanna J Smith** is not now, or within the period of three months prior to the making of this declaration, (a) in the Federal Service on active duty as a member of the Army of the United States, or the United States Navy, or the United States Air Force, or the Women's Army Corps, or as an officer of the Public Health Service; or (b) in training or being educated under the supervision of the United States preliminary to induction into the military service; or (c) under orders to report for induction under the Selective Training Service Act of 1940; or (d) a member of the Enlisted Reserve Corps under orders to report to military service; or (e) an American Citizen, serving with the forces of any nation allied with the United States in the prosecution of the war, within the purview of the Soldiers' and Sailor's Civil Relief Act of 1940, as amended; or (f) serving in the armed forces of the United States pursuant to the Selective Service Act of 1948.

I declare under penalty of perjury under the laws of the State of CA that the foregoing is true and correct.

Executed on August 13, 2010 at Temecula, CA

Provident Funding Associates, L.P.

Kevin A Durham
Kevin A Durham, Authorized Signatory

Affidavit of Compliance Oregon SB628

RE:

The Foreclosure of a Deed of Trust executed by **Deanna J. Smith, a married woman to First American Title Insurance Company**, Trustee, recorded on **11/19/2007** as Instrument No. **2007-019603** in Book **xx** at Page **xx** at the **Klamath** County Recorder

AFFIDAVIT OF COMPLIANCE WITH
OREGON SB 628 (2009)

Original Loan Amount: **\$109,000.00**

Borrower Name(s): **Deanna J Smith**

Property Address: **5873 Estate Dr, Klamath Falls, OR 97603**

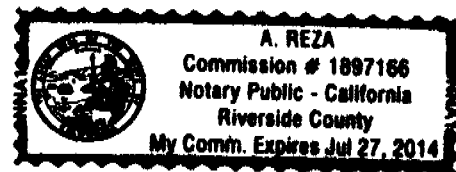
The undersigned is an agent of the beneficiary under the trust deed securing the above-referenced loan for the limited purpose of this affidavit. The undersigned is at least 18 years of age and competent to testify in a court of law and, having personal knowledge of the matters set forth below, represents and avers, under the penalty of perjury, that the following is true and correct:

No Request for Meeting or Loan Modification Received. No request for a meeting or loan modification was timely received from borrower.

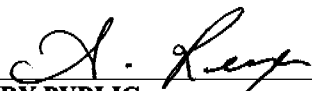
Issued this **October 14, 2010**


Kevin A. Durham

Subscribed and Sworn to (or affirmed) before me
A. Reza on this October 14, 2010
by the affiant, Kevin A. Durham, who is
personally known to me or proved to me on the basis
of satisfactory evidence to be the person who
appeared before me.



WITNESS my hand and official seal.


NOTARY PUBLIC
7101598

(This area for Official Notary Seal)