

WTCU 7846

2010-012770
Klamath County, Oregon



11/01/2010 11:10:35 AM

Fee: \$57.00

After Recording Returns to:
REGIONAL TRUSTEE SERVICES CORPORATION
616 1st Avenue, Suite 500
Seattle, WA 98104
Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-FBU-96613



Affidavit of Mailing Trustee's Notice of Sale

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

The undersigned, being first duly sworn, states that I am now, and at all times herein mentioned was a citizen of the United States a resident of the State of Washington, and over the age of eighteen years, and not the beneficiary or his successor in interest named in the attached original Notice of Sale given under the terms of that certain trust deed described in said Notice.

That 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 (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

- DAVID G. FILIPPE, 5145 BARRY AVENUE, KLAMATH FALLS, OR, 97603
- DAVID G. FILIPPE, 5145 BARRY, KLAMATH FALLS, OR, 97601
- DONNA FILIPPE, 5145 BARRY AVE, KLAMATH FALLS, OR, 97603
- DONNA J. FILIPPE, 5145 BARRY AVENUE, KLAMATH FALLS, OR, 97603
- DONNA J. FILIPPE, 5145 BARRY, KLAMATH FALLS, OR, 97601
- OCCUPANT, 5145 BARRY AVENUE, KLAMATH FALLS, OR, 97603
- OCCUPANT, 5145 BARRY, KLAMATH FALLS, OR, 97601

- TENANT, 5145 BARRY AVENUE, KLAMATH FALLS, OR, 97603
- TENANT, 5145 BARRY, KLAMATH FALLS, OR, 97601

Said persons include (a) the grantor in the trust deed, together with notice required by House Bill 3630 Section 20 and Servicemembers Civil Relief Act Notice, (b) successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice together with notice required by House Bill 3630 Section 20, (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 b ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by an authorized representative of 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 Seattle, WASHINGTON, on 6-28-2010. 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.

57Amf

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

Ryan D. Watkins - Ryan D. Watkins
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on 6-28-2010

Irene A. Lee

NOTARY PUBLIC for WASHINGTON
My commission expires: 7/9/11



Unofficial Copy

NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TRUSTEE'S NOTICE OF SALE

Pursuant to O.R.S. 86.705 et seq. and O.R.S. 79.5010, et seq.
Trustee's Sale No. 09-FBU-96613



Reference is made to that certain Deed of Trust made by, DONNA J FILIPPE AND DAVID G FILIPPE, WIFE AND HUSBAND, as grantor, to ESTHER SANTOS, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR BANKUNITED, FSB, as beneficiary, dated 8/10/2007, recorded 9/5/2007, under Instrument No. 2007-015668, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by BANKUNITED. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 9, LAMRON HOMES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

The street address or other common designation, if any, of the real property described above is purported to be:

5145 BARRY AVENUE
KLAMATH FALLS, OR 97603

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said 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:

	Amount due as of June 24, 2010
Delinquent Payments from March 01, 2010 4 payments at \$ 900.83 each (03-01-10 through 06-24-10)	\$ 3,603.32
Late Charges:	\$ 143.16
Beneficiary Advances:	\$ 13.00
Suspense Credit:	\$ 0.00
	=====
TOTAL:	\$ 3,759.48

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to

reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following:

UNPAID PRINCIPAL BALANCE OF \$191,346.40, PLUS interest thereon at 5.125% per annum from 2/1/2010, until paid, together with escrow advances, foreclosure costs, trustee fees, attorney fees, sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, notice hereby is given that the undersigned trustee, will on October 27, 2010, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at ON THE FRONT STEPS OF THE CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, County of KLAMATH, State of OREGON, sell at public auction to the highest bidder for cash, the interest in the said described property which the grantor had, or had the 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 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 trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the same.

