

1st 1635133

2011-000928

Klamath County, Oregon



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01/25/2011 03:27:23 PM

Fee: \$107.00

**RECORDING COVER SHEET FOR NOTICE
OF SALE PROOF OF COMPLIANCE PER
O.R.S. 205.234**

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

WHEN RECORDED MAIL TO

REGIONAL TRUSTEE SERVICES CORPORATION, as Trustee
616 1st Avenue, Suite 500
Seattle, WA 98104

Trustee's Sale No: 09-XFH-100713

4564273

1635133



MARK NAME(S) OF ALL THE TRANSACTION(S) described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service will be considered a transaction.

☒ **AFFIDAVIT OF MAILING NOTICE OF SALE** (must have trustee's notice of sale attached)

☒ **AFFIDAVIT OF PUBLICATION NOTICE OF SALE**

☒ **PROOF OF SERVICE /AFFIDAVIT OF NON-OCCUPANCY**

☒ **AFFIDAVIT OF COMPLIANCE (AS REQUIRED BY ORS.750(5))**

Original Grantor on Trust Deed

MARY D KEITH

Beneficiary

BEND MORTGAGE GROUP

REGIONAL TRUSTEE SERVICES CORPORATION

616 1st Avenue, Suite 500

Seattle, WA 98104

Phone: (206) 340-2550 / Fax:

Trustee Sale No.: 09-XFH-100713



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:

MARY DIANE KEITH, 141821 LAKE VISTA WAY, CRESCENT LAKE, OR, 97425
MARY DIANE KEITH, 859 NORTHEAST 1ST STREET, BEND, OR, 97701
MARY DIANE KEITH, PO BOX 339, BEND, OR, 97709
MARY DIANE KEITH, 141821 LAKE VISTA WAY, CRESCENT LAKE, OR, 97733
OCCUPANT, 141821 LAKE VISTA WAY, CRESCENT LAKE, OR, 97425
OCCUPANT, 141821 LAKE VISTA WAY, CRESCENT LAKE, OR, 97733
SPOUSE OF MARY DIANE KEITH, PO BOX 339, BEND, OR, 97709
SPOUSE OF MARY DIANE KEITH, 141821 LAKE VISTA WAY, CRESCENT LAKE, OR, 97425
SPOUSE OF MARY DIANE KEITH, 859 NORTHEAST 1ST STREET, BEND, OR, 97701
SPOUSE OF MARY DIANE KEITH, 141821 LAKE VISTA WAY, CRESCENT LAKE, OR, 97733

CASINO CAPITAL RESOURCES, INC, 2533 N CARSON ST STE 4372, CARSON CITY, NV, 89706
DORA JEAN COCHRAN, 7477 MCKAIG RD, FREDERICK, MD, 21701
DORA JEAN COCHRAN, C/O MARY DIANE KAITH, 1036 NW WALL STREET, BEND, OR, 97701
DORA JEAN COCHRAN, 65745 TWIN BRIDGES RD, BEND, OR, 97701
MICHAEL MCGEAN, FRANCIS HANSEN & MARTIN LLP, C/O MARY D KEITH, HIGHMARK
INVESTMENT GROUP, LLC, 1148 NW HILL STREET, RE : Case No.: 0902194CV, BEND, OR, 97701
ROGER E COCHRAN, 7477 MCKAIG RD, FREDERICK, MD, 21701
ROGER E COCHRAN, 65745 TWIN BRIDGES RD, BEND, OR, 97701
ROGER E COCHRAN, C/O MARY DIANE KAITH, 1036 NW WALL STREET, BEND, OR, 97701
STATE OF OREGON DEPARTMENT OF JUSTICE, ATTN: ATTORNEY GENERAL, JOHN KROGER,
1162 COURT STREET NORTHEAST, RE : Case No.: 0902194CV, SALEM, OR, 97301
TENANT, 141821 LAKE VISTA WAY, CRESCENT LAKE, OR, 97425
TENANT, 141821 LAKE VISTA WAY, CRESCENT LAKE, OR, 97425
WEST COAST BANK, C/O SHANNON RAYE MARTINEZ, SAALFELD GRIGGS PC, PO BOX 470, RE :
Case No.: 0902194CV, SALEM, OR, 97308

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

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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 10-18-2010. 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.

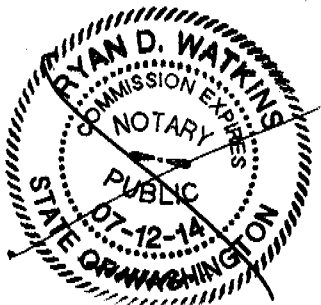
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Edward Gere
On behalf of Regional Trustee Services Corporation

SUBSCRIBED AND SWORN TO before me on

10-18-2010

Ryan D. Watkins
NOTARY PUBLIC for WASHINGTON
My commission expires:



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-XFH-100713



Reference is made to that certain Deed of Trust made by, MARY D KEITH, as grantor, to FIDELITY NATIONAL TITLE INSURANCE CO., as Trustee, in favor of BEND MORTGAGE GROUP, as beneficiary, dated 3/25/2005, recorded 4/1/2005 in Volume M05, page 22831- 39, of Deeds of Trust, under Instrument No. XXX, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by First Horizon Home Loans, a division of First Tennessee Bank National Association. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit:

LOT 5 IN BLOCK 5 OF TRACT 1119, LEISURE WOODS, UNIT 2, 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:

141821 LAKE VISTA WAY
CRESCENT LAKE, OR 97425

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 October 14, 2010
5 Delinquent Payments from May 23, 2010 (05-23-10 through 10-14-10)	\$ 13,690.15
Late Charges:	\$ 0.00
Beneficiary Advances:	\$ 0.00
Suspense Credit:	\$ 0.00
TOTAL:	\$ 13,690.15

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 \$302,062.37, PLUS interest thereon at 4.05% per annum from 04/23/10 to 6/23/2010, 4.05% per annum from 06/23/10 to 07/23/10, 4.05% per annum from 07/23/10 to 08/23/10, 4.05% per annum from 8/23/2010, 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 February 14, 2011, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at KLAMATH COUNTY COURTHOUSE, 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.

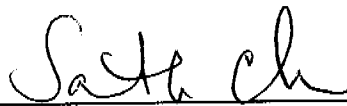
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion 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.

DATED: 10/14/2010

REGIONAL TRUSTEE SERVICES CORPORATION
Trustee

By 
SAMANTHA COHEN, AUTHORIZED AGENT
616 1st Avenue, Suite 500, Seattle, WA 98104
Phone: (206) 340-2550
Sale Information: <http://www.rtrustee.com>

STATE OF WASHINGTON }
 } ss.
COUNTY OF KING }

I certify that I am an authorized representative of trustee, and the foregoing is a complete and exact copy of the original trustee's notice of sale.

Authorized Representative of Trustee

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 # 12825

Trustee's Notice of Sale

Keith

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:

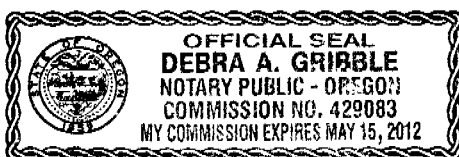
October 26, November 02, 09, 16, 2010

Total Cost: \$1,218.51

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: November 16, 2010

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



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-XFH-100713

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. Reference is made to that certain Deed of Trust made by, MARY D KEITH, as grantor, to FIDELITY NATIONAL TITLE INSURANCE CO., as Trustee, in favor of BEND MORTGAGE GROUP, as beneficiary, dated 3/25/2005, recorded 4/1/2005 in Volume M05, page 22831- 39, of Deeds of Trust, under Instrument No. -, records of KLAMATH County, OREGON. The beneficial interest under said Trust Deed and the obligations secured thereby are presently held by First Horizon Home Loans, a division of First Tennessee Bank National Association. Said Trust Deed encumbers the following described real property situated in said county and state, to-wit: LOT 5 IN BLOCK 5 OF TRACT 1119, LEISURE WOODS, UNIT 2, 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: 141821 LAKE VISTA WAY CRESCENT LAKE, OR 97425. 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 October 14, 2010 5 Delinquent Payments from May 23, 2010 \$13,690.15 (05-23-10 through 10-14-10) Late Charges: \$0.00 Beneficiary Advances: \$0.00 Suspense Credit: \$0.00 TOTAL: \$13,690.15 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 \$302,062.37, PLUS interest thereon at 4.05% per annum from 04/23/10 to 6/23/2010, 4.05% per annum from 06/23/10 to 07/23/10, 4.05% per annum from 07/23/10 to 08/23/10, 4.05% per annum from 8/23/2010, 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.

Receives

WHEREFORE, notice hereby is given that the undersigned trustee, will on February 14, 2011, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at KLAMATH COUNTY COURTHOUSE, 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. DATED: 10/14/2010 REGIONAL TRUSTEE SERVICES CORPORATION Trustee By SAMANTHA COHEN, AUTHORIZED AGENT 616 1st Avenue, Suite 500, Seattle, WA 98104 Phone: 206-340-2550 Sale Information: <http://www.rtrustee.com> ASAP# 377778 10/26/2010, 11/02/2010, 11/09/2010, 11/16/2010. #12825 October 26, November 02, 09, 16, 2010.

**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 **141821 Lake Vista Way Crescent Lake, OR 97425**

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

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

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

1st Attempt: **October 15, 2010** **8:00 AM** **Posted**

2nd Attempt: **October 21, 2010** **2:23 PM** **Posted**

3rd Attempt: **November 2, 2010** **7:00 AM** **Posted**

☐ **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 **November 2, 2010**, 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 Chelsea Meek

141821 Lake Vista Way Crescent Lake, OR 97425
ADDRESS OF SERVICE

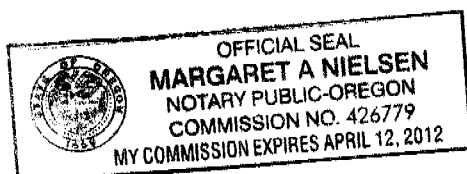
I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

October 15, 2010 **DATE OF SERVICE** 8:00 AM **TIME OF SERVICE**

☐ or non occupancy

By: A. Thompson

Subscribed and sworn to before on this 2nd day of November, 2010.



Margaret A. Nielsen
Notary Public for Oregon

09-XEH-100713

When recorded mail to:

Trustee Sale No: 09-XFH-100713
Loan No: 10204OR10

AFFIDAVIT OF COMPLIANCE
(As Required by ORS 86.750)

STATE OF TN)
COUNTY OF Knox) SS.

I, Angie Howard, being first duly sworn, depose and say the following:

Section 1: Modification Request Form

- ☒ The grantor **did not** return the modification request form provided by the Trustee.
- ☐ The grantor **did not** return the modification request form provided by the Trustee within the requisite time frame pursuant to ORS 86.750(6).
- ☐ The grantor **did** return the form requesting a loan modification within the time frame required under ORS 87.750(6). Upon receipt of the modification request form, the beneficiary or an authorized agent of the beneficiary, reviewed the information the grantor provided and, in good faith, processed the grantor's request. After considering the information the grantor provided, it was determined that: **(**If selecting this option, choose only one of the following**)**
- ☐ The grantor **was not eligible** for a loan modification and the grantor was notified of this decision within **45 days** of the receipt of the loan modification request form, or
- ☐ The grantor **was eligible** for a loan modification and the grantor was notified of this decision within **45 days** of the receipt of the loan modification request form, or
- ☐ The beneficiary or beneficiary's agent **requires additional information** and the grantor was notified of the need for additional information within **45 days** of the receipt of the loan modification form.

Section II: Request for Meeting

☒ The grantor **did not request a meeting** with the beneficiary.

☐ The grantor **made a timely request for a meeting** with the beneficiary and following such request:

☐ The beneficiary or the authorized agent of the beneficiary, who had or was able to obtain authority to modify the loan, either met with the grantor in person or spoke with the grantor by telephone and said meeting was prior to the beneficiary's response to the grantor's request to modify the loan, or

☐ The beneficiary or the authorized agent of the beneficiary attempted to contact the grantor by either contacting the grantor at the grantor's last known address or telephone number or at the grantor's electronic mail address, if the grantor indicated on the loan modification request form that the beneficiary or the beneficiary's agent could contact that grantor at the electronic mail address but the **grantor did not respond** within seven business days of the attempt(s) to contact the grantor.

DATED this 10th day of December, 2010.

By:

**FIRST TENNESSEE BANK NATIONAL
ASSOCIATION SUCCESSOR THRU
MERGER WITH FIRST HORIZON
HOME LOAN CORPORATION**

Beneficiary or Authorized Agent

Angie Howard

Angie Howard

Name (printed)

Its: Foreclosure Specialist

SUBSCRIBED AND SWORN TO before me this 10th day of December, 2010.



Kimberly K. Bryan

NOTARY PUBLIC in and for

the State of TN

residing at Knoxville

Kimberly K. Bryan
(printed or typed name)

My appointment expires: _____

**My Commission Expires:
September 1, 2013**