

Ap 67828

2011-001032

Klamath County, Oregon



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01/27/2011 03:28:50 PM

Fee: \$157.00

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:

T.D. Service Company
1820 E. First St., Suite 210
P.O. Box 11988
Santa Ana, CA 92711-1988

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

Affidavit of Mailing Trustee's Notice of Sale
Proof of Service
Affidavit of Publication
Affidavit of Non-Military Service
Affidavit of Compliance

2. Direct Party (Grantor):

Steve Yuk-Ching Chan

3. Indirect Party (Grantee):

4. True and Actual Consideration Paid:

5. Legal Description:

See attached

157 AM

After recording Mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
AND ADDITIONAL DOCUMENTS AS ATTACHED.**

T.S. No: F513407 OR Unit Code: F Loan No: 0999342793/CHAN Investor No: 175214548

STATE OF CALIFORNIA, COUNTY OF ORANGE, ss:

I, Cindy Gasparovic, being first duly sworn, depose, and say and certify that: At all times ~~that I was~~ that I am 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 and not a party to the within action.

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 address, attached hereto.

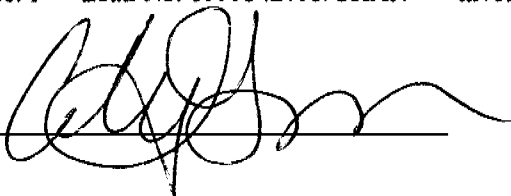
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee of the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien of 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 David Kubat, OSBA No. 84265, the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited in the United States mail at Santa Ana, CA on June 25, 2010. With respect to each person listed on the attached, one such notice was mailed with postage thereon sufficient for first-class delivery to the address indicated, and another such notice was mailed with 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.

T.S. No: F513407 OR Unit Code: F Loan No: 0999342793/CHAN Investor No: 175214548

By: _____



State of California)
County of ORANGE)

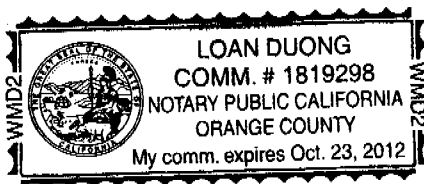
Subscribed and sworn to (or affirmed) before me on this 25th day of June, 2010, by
Loan Duong

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Notary Signature

(Area for Notary Seal)



DECLARATION OF MAILING BY CERTIFIED/REGISTERED MAIL

T.S.# F 513407

Date: 06/²⁵28/10

STEVE YUK-CHING CHAN
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

CERTIFIED 7105 2257 2920 1266 5671
RETURN RECEIPT REQUESTED

SPOUSE OF STEVE YUK-CHING CHAN
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

CERTIFIED 7105 2257 2920 1266 5688
RETURN RECEIPT REQUESTED

OCCUPANT
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

CERTIFIED 7105 2257 2920 1266 5695
RETURN RECEIPT REQUESTED

PIK YUK CHAN
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

CERTIFIED 7105 2257 2920 1266 5701
RETURN RECEIPT REQUESTED

SPOUSE OF PIK YUK. CHAN
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

CERTIFIED 7105 2257 2920 1266 5718
RETURN RECEIPT REQUESTED

TENANT OF THE PROPERTY
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

CERTIFIED 7105 2257 2920 1266 5725
RETURN RECEIPT REQUESTED

STATE OF CALIFORNIA
COUNTY OF ORANGE

The undersigned does hereby declare that he/she is over the age of 18 year and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by Certified/Registered mail, in a sealed envelope, a copy of the document which is attached to this declaration.

I certify or declare under penalty of perjury that the foregoing is true and correct.


Cindy Gasparovic

AFFIDAVIT OF MAILING
BY FIRST CLASS MAIL

T.S.# F 513407

²⁵
Date: 06/28/10

STATE OF CALIFORNIA
COUNTY OF ORANGE

SS.

The undersigned does hereby declare that he/she is over the age of 18 years and that his/her business address is 1820 E. First Street, Ste# 300, Santa Ana, CA, 92705. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by First Class Mail, in a sealed envelope, a copy of the Notice of Default / Notice of Trustee's Sale (Circle)

Addressed to the following:

STEVE YUK-CHING CHAN
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

SPOUSE OF STEVE YUK-CHING CHAN
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

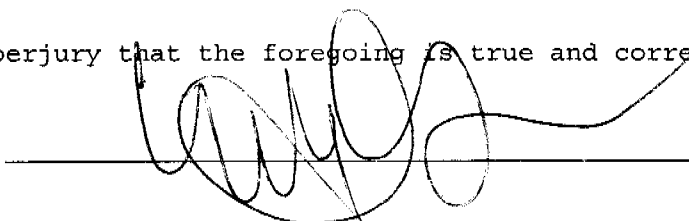
OCCUPANT
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

PIK YUK CHAN
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

SPOUSE OF PIK YUK. CHAN
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

TENANT OF THE PROPERTY
906 N 6TH ST
KLAMATH FALLS, OR 97601-3060

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


Cindy Gasparovic



DEBT VALIDATION NOTICE

Date: June 10, 2010
T.S. Number: F513407 OR
Unit Code: F
Loan No: 0999342793/CHAN
Investor No: 175214548

1. The enclosed document relates to a debt owed to:
WELLS FARGO BANK, N.A.
c/o America's Servicing Company
2. Your mortgage Loan with the above-referenced creditor has been referred to our office for foreclosure based upon a default under the terms of the subject Note and Deed of Trust. Pursuant to and in compliance with the Fair Debt Collection Practices Act (Federal(15USC 1601, as amended) our company on behalf of the above- named creditor hereby provides the following notification:
 - * We are attempting to collect a debt and any information we obtain will be used for that purpose.
 - * The amount required to reinstate or pay off the Debtor's account will be provided to the Debtor upon request. The Debtor should telephone our company or the creditor for a quotation of such amount.
 - * Written request or claims of dispute may be sent to the Creditor or to our company.
 - * You may send us a written request for the name and address of the original creditor, if different from the current creditor, and we will obtain and mail the information within thirty (30) days after we receive your written request.
3. As of June 10, 2010 the total delinquency owed was \$106,120.13, but this amount will increase daily after such date until the delinquency has been fully paid.
4. As of the date in item Number 3, the amount owed is \$100,000.00 for unpaid Principal, plus Accrued Interest and any Accrued NSF Fees, Escrow Advances, Late Charges, or Suspense Credits and Attorney and/or Trustee Fee and Costs that have been incurred. Because these charges may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after your check is received, in which event you will be informed before the check is deposited for collection. For further information you may contact T.D. SERVICE COMPANY by mail at 1820 E. FIRST ST., SUITE 210, P.O. BOX 11988, SANTA ANA, CA 92711-1988 or call (800) 843-0260 or call your lender directly.
5. You may dispute the validity of this debt, or any portion thereof, by contacting our office within thirty (30) days after receiving this notice. In that event, we will obtain and mail to you written verification of the debt. Otherwise, we will assume that the debt is valid. The foreclosure action can be withdrawn if it is determined by the Creditor that there has been no default or the default has been cured or corrected.
6. You have various rights and duties under state law, which may include the right to reinstate the loan or redeem the property from the foreclosure sale. This letter is not a notification or intent to notify you of your rights. You should seek independent advice with respect to your rights and obligations under this debt.

P.O. Box 11988, Santa Ana, CA 92711-1988 . 1820 E. First Street, Suite 210, Santa Ana, CA 92705
(714) 543-TDSC (8372) . (800) 843-0260 . FAX (714) 541-4130 . www.tdsf.com .

RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

Space above this line for recorder's use

OREGON TRUSTEE'S NOTICE OF SALE



T.S. No: F513407 OR Unit Code: F Loan No: 0999342793/CHAN Investor No: 175214548
AP #1: R368177
Title #: 100341953

Reference is made to that certain Trust Deed made by STEVE YUK-CHING CHAN as **Grantor**, to WELLS FARGO FINANCIAL NATIONAL BANK as **Trustee**, in favor of WELLS FARGO BANK, N.A. as **Beneficiary**.

Dated November 13, 2006, Recorded December 12, 2006 as Instr. No. 2006-024519 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON

covering the following described real property situated in said county and state, to wit:
LOT 10, BLOCK 13, FIRST ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Both the beneficiary and the trustee have elected to sell the said real property. The property will be sold 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:

UNPAID PRINCIPAL BALANCE	\$100,000.00
INTEREST @ 7.7400 % FROM 11/15/09 THRU 06/10/10	\$4,429.00
ACCRUED LATE CHARGES	\$66.83
APPRAISAL FEE	\$180.00
MISCELLANEOUS FEES	\$20.00
 Sub-Total of Amounts in Arrears:	 \$104,695.83

Together with any default in the payment of recurring obligations as they become due.

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 Trust Deed, 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.

The street or other common designation if any, of the real property described above is purported to be :
906 N 6TH ST, KLAMATH FALLS, OR 97601-3060

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

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, to wit: Principal \$100,000.00, together with interest as provided in the note or other instrument secured from 11/15/09, and such other costs and fees are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned trustee will, on October 18, 2010, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 187.110, INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS, County of KLAMATH, State of OREGON, (which is the date, time and place set for said sale) 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 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 the right exists under O.R.S.86.753, 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 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 in the Notice of Default, that is capable of being cured by tendering the performance required under the obligation of the 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.

T.S. No: F 513407

Loan No:

It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check.

The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

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.

We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing.

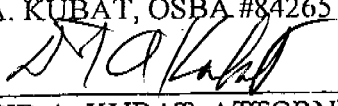
If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: (714)480-5690 or you may access sales information at www.ascentex.com/websales/.

DATED: 6-11-10

DAVID A. KUBAT, OSBA #84265

By


DAVID A. KUBAT, ATTORNEY AT LAW

DIRECT INQUIRIES TO:

**T.D. SERVICE COMPANY
FORECLOSURE DEPARTMENT
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988
(800)843-0260**

T.S. No: F513407 OR

Loan#: 0999342793/CHAN

Free legal assistance:

Oregon Law Center

Portland: (503) 473-8329

Coos Bay: 1-800-303-3638

Ontario: 1-888-250-9877

Salem: (503) 485-0696

Grants Pass: (541) 476-1058

Woodburn: 1-800-973-9003

Hillsboro: 1-877-726-4381

<http://www.oregonlawcenter.org/>

and Oregon Law Help Site (providing more information and a directory of legal aid programs)

<http://oregonlawhelp.org/OR/index.cfm>

and Oregon State Bar Lawyer Referral Service

503-684-3763 or toll-free in Oregon at 800-452-7636

<http://www.osbar.org>

<http://www.osbar.org/public/ris/ris.html#referral>

and information on federal loan modification programs at:

<http://www.makinghomeaffordable.gov/>

LOAN MODIFICATION REQUEST FORM

Your home is at risk of foreclosure. There may be options available to help you keep your home. If you want to request a loan modification, you must return this form to the address below by July 20, 2010.

**Wells Fargo Bank, N.A.
P.O. Box 4116
MAC Code P6050-015
Portland, Oregon 97208-4116**

There may be options available to you, including:

- 1) Modifying your loan terms
- 2) Temporarily lowering payments
- 3) Scheduling payments to cure the arrears
- 4) Temporary suspension of payments
- 5) Other options based on your lender and the type of loan.

In order to discuss your loan options, you should gather and provide the following documents:

- 1) Last year's filed tax returns with all schedules
- 2) Pay stubs for the last 2 months
- 3) Bank statements for the last 3 months
- 4) Other documents showing your financial hardship status
- 5) Your lender may request that you complete additional forms or provide additional information

RETURNING THIS REQUEST DOES NOT MODIFY YOUR LOAN. Your lender is required to contact you within 45 days after you return this form to discuss a possible loan modification. The foreclosure sale will not occur until your lender has contacted you about your request. **YOUR LENDER IS NOT REQUIRED TO MODIFY YOUR LOAN.** The foreclosure sale may proceed if your loan is not modified.

REQUEST A MEETING. Before the lender responds to your request for a loan modification, you may request **IN WRITING** or **FAX** to 714-541-3903 a meeting with the lender. Upon receipt of your written request for a meeting, the lender will attempt to contact you by mail, telephone or e-mail to schedule a meeting in person or by telephone at the lender's option. **NOTE:** It is important that you respond immediately to any contact from your lender to schedule a meeting that you have requested. If you do not respond within 7 days from the date your lender attempts to contact you to schedule a meeting, your lender may refuse to meet, deny your request for consideration of a loan modification and resume foreclosure activities.

File No.: F513407 OR
Loan No.: 0999342793/CHAN
Borrower Name: STEVE YUK-CHING CHAN
Property Address: 906 N 6TH ST, KLAMATH FALLS, OR 97601-3060

Please indicate where your lender may contact you:

Mailing Address:

Home Telephone Number: _____ Work Telephone Number: _____

Email: _____ providing your e-mail address authorizes the lender or its agent to communicate with you by e-mail concerning your request for loan modification consideration and for the purpose of scheduling and confirming a meeting.

NOTICE TO TENANTS

The Trustee is required to give you the following "Notice to Residential Tenants," which was written by the Oregon Legislature. However, it may not accurately or fully state your rights and responsibilities as a tenant under state and federal law. The Trustee cannot give you legal advice regarding these matters. If you have questions, you should consult with your own legal advisor.

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 09/18/10. The name of the trustee and the trustee's mailing address are listed on this notice.

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 and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for October 18, 2010. Unless the property owner (your landlord) pays the lender who is foreclosing on this property, the foreclosure will go through and someone new will own this property.

The following information applies to you only if you occupy and rent this property as a residential dwelling under a legitimate rental agreement. The information does not apply to you if you own this property or if you are a commercial tenant.

If the foreclosure goes through, the business or individual who buys this property at the foreclosure sale has the right to require you to move out. The buyer must first give you an eviction notice in writing that specifies the date by which you must move out. The buyer may not give you this notice until after the foreclosure sale happens. If you do not leave before the move-out date, the buyer can have the sheriff remove you from the property after a court hearing. You will receive notice of the court hearing.

FEDERAL LAW REQUIRES YOU TO BE NOTIFIED

IF YOU ARE OCCUPYING AND RENTING THIS PROPERTY AS A RESIDENTIAL DWELLING UNDER A LEGITIMATE RENTAL AGREEMENT, FEDERAL LAW REQUIRES THE BUYER TO GIVE YOU NOTICE IN WRITING A CERTAIN NUMBER OF DAYS BEFORE THE BUYER CAN REQUIRE YOU TO MOVE OUT. THE FEDERAL LAW THAT REQUIRES THE BUYER TO GIVE YOU THIS NOTICE IS EFFECTIVE UNTIL DECEMBER 31, 2012. Under federal law, the buyer must give you at least 90 days' notice in writing before requiring you to move out. If you are renting this property under a fixed-term lease (for example, a six-month or one-year lease), you may stay until the end of your lease term. If the buyer wants to move in and use this property as the buyer's primary residence, the buyer can give you written notice and require you to move out after 90 days, even if you have a fixed-term lease with more than 90 days left.

STATE LAW NOTIFICATION REQUIREMENTS

IF THE FEDERAL LAW DOES NOT APPLY BECAUSE YOU ARE NOT CONSIDERED TO BE A BONA FIDE TENANT, STATE LAW STILL REQUIRES THE BUYER TO GIVE YOU NOTICE IN WRITING BEFORE REQUIRING YOU TO MOVE OUT IF YOU ARE OCCUPYING AND RENTING THE PROPERTY AS A TENANT IN GOOD FAITH. EVEN IF THE FEDERAL LAW REQUIREMENT IS NO LONGER EFFECTIVE AFTER DECEMBER 31, 2012, THE REQUIREMENT UNDER STATE LAW STILL APPLIES TO YOUR SITUATION. Under state law, if you have a fixed-term lease (for example, a six-month or one-year lease), the buyer must give you at least 60 days' notice in writing

before requiring you to move out. If the buyer wants to move in and use this property as the buyer's primary residence, the buyer can give you written notice and require you to move out after 30 days, even if you have a fixed-term lease with more than 30 days left.

If you are renting under a month-to-month or week-to-week rental agreement, the buyer must give you at least 30 days' notice in writing before requiring you to move out.

IMPORTANT: For the buyer to be required to give you notice under state law, you must prove to the business or individual who is handling the foreclosure sale that you are occupying and renting this property as a residential dwelling under a legitimate rental agreement. The name and address of the business or individual who is handling the foreclosure sale is shown on this notice under the heading 'TRUSTEE.' You must mail or deliver your proof not later than 09/18/10 (30 days before the date first set for the foreclosure sale). Your proof must be in writing and should be a copy of your rental agreement or lease. If you do not have a written rental agreement or lease, you can provide other proof, such as receipts for rent you paid.

ABOUT YOUR SECURITY DEPOSIT

Under state law, you may apply your security deposit and any rent you paid in advance against the current rent you owe your landlord. To do this, you must notify your landlord in writing that you want to subtract the amount of your security deposit or prepaid rent from your rent payment. You may do this only for the rent you owe your current landlord. If you do this, you must do so before the foreclosure sale. The business or individual who buys this property at the foreclosure sale is not responsible to you for any deposit or prepaid rent you paid to your landlord.

ABOUT YOUR TENANCY AFTER THE FORECLOSURE SALE

The business or individual who buys this property at the foreclosure sale may be willing to allow you to stay as a tenant instead of requiring you to move out. You should contact the buyer to discuss that possibility if you would like to stay. Under state law, if the buyer accepts rent from you, signs a new residential rental agreement with you or does not notify you in writing within 30 days after the date of the foreclosure sale that you must move out, the buyer becomes your new landlord and must maintain the property. If the buyer does not accept rent from you and does not notify you in writing that you must move out, there is no landlord and no one is responsible for maintaining the property.

YOU SHOULD CONTINUE TO PAY RENT TO YOUR LANDLORD UNTIL THE PROPERTY IS SOLD TO ANOTHER BUSINESS OR INDIVIDUAL OR UNTIL A COURT OR A LENDER TELLS YOU OTHERWISE. IF YOU DO NOT PAY RENT, YOU CAN BE EVICTED. BE SURE TO KEEP PROOF OF ANY PAYMENTS YOU MAKE.

IT IS UNLAWFUL FOR ANY PERSON TO TRY TO FORCE YOU TO LEAVE YOUR HOME WITHOUT FIRST GOING TO COURT TO EVICT YOU. FOR MORE INFORMATION ABOUT YOUR RIGHTS, YOU MAY WISH TO CONSULT A LAWYER. If you believe you need legal assistance, contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you do not have enough money to pay a lawyer and are otherwise eligible, you may be able to receive legal assistance for free. Information about whom to contact for free legal assistance is included with this notice.

Trustee name: **DAVID A. KUBAT, OSBA #84265**
c/o T.D. SERVICE COMPANY
Foreclosure Department
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988
(800) 843-0260

You are entitled to receive notice as provided under ORS 86.755 (5)(c) and you may have additional rights under Federal Law.

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: **<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>**.

T.S. Number: F513407 OR
Loan No: 0999342793/CHAN

**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: 906 N 6TH ST
City: KLAMATH FALLS

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 **June 10, 2010** to bring your mortgage loan current was **\$106,120.13**. 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) 843-0260** 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:

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

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

Date and time: **October 18, 2010 at 10:00 A.M.**

Place: **INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316
MAIN STREET KLAMATH FALLS, OREGON.**

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
 2. You can refinance or otherwise pay off the loan in full anytime before the sale.
 3. You can call (800) 843-0260 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 Home Equity Solutions at 866-467-0076. 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 July 10, 2010, WHICH IS AT LEAST 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: June 10, 2010

Trustee name: DAVID A. KUBAT, OSBA #84265

Trustee signature

Trustee telephone number: (206) 555-1231

Loan Number: 0999342793/CHAN

**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 **906 N. 6TH St. Klamath Falls, OR 97601** /

☐ **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.

1 st Attempt:	June 16, 2010	1:29 PM	Posted
2 nd Attempt:	June 21, 2010	2:12 PM	Posted
3 rd Attempt:	July 1, 2010	2:00 PM	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 July 1, 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

Chelsa Meek

906 N. 6TH St. Klamath Falls, OR 97601

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.

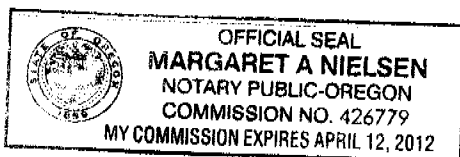
June 16, 2010 1:29 PM
DATE OF SERVICE TIME OF SERVICE

☐ or non occupancy

By

Carlton

Subscribed and sworn to before on this 2nd day of July, 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 # 12685

Oregon Trustee's Notice of Sale

CHAN

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:

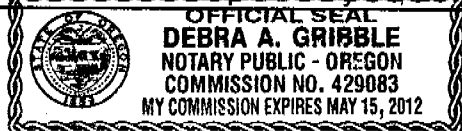
September 01, 08, 15, 22, 2010

Total Cost:

Jeanine P Day
Subscribed and sworn by Jeanine P Day
before me on: September 22, 2010

Debra A Gribble
Notary Public of Oregon

My commission expires May 15, 2012



OREGON TRUSTEE'S NOTICE OF SALE
T.S. No: F513407 OR Unit Code: F Loan No:
0999342793/CHAN Investor No: 175214548 AP #1:
R368177 Title #: 100341953

Reference is made to that certain Trust Deed made by
STEVE YUK-CHING CHAN as Grantor, to WELLS FARGO
FINANCIAL NATIONAL BANK as Trustee, in favor of
WELLS FARGO BANK, N.A. as Beneficiary. Dated November
13, 2006, Recorded December 12, 2006 as Instr. No.
2006-024519 in Book --- Page --- of Official Records in
the office of the Recorder of KLAMATH County, OREGON
covering the following described real property situated in said
county and state, to wit: LOT 10, BLOCK 13, FIRST ADDI-
TION TO THE CITY OF KLAMATH FALLS, ACCORDING
TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OF-
FICE OF THE COUNTY CLERK OF KLAMATH COUNTY,
OREGON.

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 pur-
suant 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: UNPAID PRINCIPAL BAL-
ANCE \$100,000.00 INTEREST @ 7.7400 % FROM 11/15/09
THRU 06/10/10 \$4,429.00 ACCRUED LATE CHARGES
\$66.83 APPRAISAL FEE \$180.00 MISCELLANEOUS FEES
\$20.00 Sub-Total of Amounts in Arrears: \$104,695.83 To-
gether with any default in the payment of recurring obliga-
tions as they become due. 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 Trust Deed, 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 in-
surance premiums. These requirements for reinstatement
should be confirmed by contacting the undersigned Trustee.
The street or other common designation if any, of the real
property described above is purported to be: 906 N 6TH
ST, KLAMATH FALLS, OR 97601-3060 The undersigned
Trustee disclaims any liability for any incorrectness of the
above street or other common designation.

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,
to wit: Principal \$100,000.00, together with interest as pro-
vided in the note or other instrument secured from
11/15/09, and such other costs and fees are due under the
note or other instrument secured, and as are provided by
statute.

WHEREFORE, notice is hereby given that the undersigned trustee will, on October 18, 2010, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 167.110, INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS, County of KLAMATH, State of OREGON, (which is the new date, time and place set for said sale) 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 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 O.R.S.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 herein that is capable of being cured by tendering the performance required under the obligation of the 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. It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check. The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

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. We are assisting the Beneficiary to collect a debt and any information we obtain will be used for that purpose whether received orally or in writing. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse. If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: (714) 480-5690 or you may access sales information at www.tacforeclosures.com/sales DATED: 06/10/10 DAVID A. KUBAT, OSBA #84265 By DAVID A. KUBAT, ATTORNEY AT LAW DIRECT INQUIRIES TO: T.D. SERVICE COMPANY FORECLOSURE DEPARTMENT 1820 E. FIRST ST., SUITE 210 P.O. BOX 11988 SANTA ANA, CA 92711-1988 (800) 843-0260 TAC# 911509 PUB: 09/01/10, 09/08/10, 09/15/10, 09/22/10, #12685 September 01, 08, 15, 22, 2010.

AFFIDAVIT OF NON-MILITARY SERVICE

Date: June 22, 2010
T.S. Number: F513407 OR
Unit Code: F
Loan No: 0999342793/CHAN
Investor No: 175214548

STATE OF South Carolina)
COUNTY OF York)ss.

Anne Neely BEING FIRST DULY SWORN, DEPOSES AND SAYS:

TO THE BEST OF OUR KNOWLEDGE:

STEVE YUK-CHING CHAN

ARE NOT, AND NEITHER IS, IN THE MILITARY SERVICE OF THE UNITED STATES, WITHIN THE MEANING OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT, AS AMENDED; THAT NEITHER PERSON IS A MEMBER OF THE UNITED STATES MARINE CORPS, WOMEN'S RESERVE, OR WOMEN'S ARMY AUXILIARY CORPS OR WOMEN'S ARMY CORPS (WACS), OR WOMEN'S COAST GUARD RESERVE UNDER ORDERS TO REPORT FOR INDUCTION UNDER THE SELECTIVE TRAINING AND SERVICE ACT OF 1940, AS AMENDED, OR AS A MEMBER OF THE ENLISTED RESERVE CORPS UNDER ORDERS TO REPORT FOR MILITARY SERVICE OR AN AMERICAN CITIZEN SERVING WITH THE FORCES OF ANY NATION ALLIED WITH THE UNITED STATES IN THE PROSECUTION OF A WAR, OR IN THE FEDERAL SERVICE OR ACTIVE DUTY AS A MEMBER OF THE ARMY OF THE UNITED STATES, OR THE UNITED STATES NAVY, OR THE MARINE CORPS, OR THE COAST GUARD, OR AS AN OFFICER OF THE PUBLIC HEALTH SERVICE WITHIN THE PURVIEW OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940, AS AMENDED.

THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF INDUCING DAVID A. KUBAT, AS TRUSTEE WITHOUT LEAVE OF COURT FIRST OBTAINED, TO CAUSE CERTAIN PROPERTY TO BE SOLD UNDER THE TERMS OF A DEED OF TRUST PURSUANT TO THE POWER OF SALE CONTAINED THEREIN.

DATED: June 23, 2010

BY: Anne Neely
Anne Neely
Vice President of Loan Documentation

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF June 2010

Carolyn M. Evans
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

MY COMMISSION EXPIRES ON _____

LTRMILAF

CAROLYN M. EVANS
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 08/18/2019

FS13407

Affidavit of Compliance with SB 628 of 2009

Original Loan Amount: \$100,000.00

Borrower name(s): Steve Y C Chan & Pik Yuk Chan

Property Address: 906 N 6th St, Klamath Falls, OR 97601

The undersigned is an employee of the beneficiary of the trust deed securing the above-referenced loan or of its authorized agent 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 Received.** No request for a meeting or loan modification was received from borrower.
- ☐ **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 in writing that borrower is ineligible for a loan modification and the reason for this determination.
- ☐ **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 in writing that borrower's request for a loan modification was denied and the reason for this determination.

- ☐ **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 in writing that borrower's request for a loan modification was denied and the reason for this determination.

- ☐ Other (Specify):

DATED: January 18, 2011

By [Signature]
Typed Name: Hollie Watson
Title: AVP

State of Oregon)
) ss.
County of Washington)

This instrument was acknowledged before me on 1/18/11 by
Hollie Watson as AVP of
Wells Fargo Bank, N.A.



[Signature]
Notary signature
My commission expires 11/29/12