

Asp 67766

2011-001440

Klamath County, Oregon



00096506201100014400210215

02/08/2011 03:10:01 PM

Fee: \$152.00

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:

Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
Burbank, CA 91504-3120

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

Affidavit of Mailing Notice of Sale
Affidavit of Publication
Affidavit of Service
Beneficiary Affidavit of Compliance
Affidavit of Non-Military Service

2. Direct Party (Grantor):

Irvin L. Smith

3. Indirect Party (Grantee):

4. True and Actual Consideration Paid:

5. Legal Description:

See attached

157AMJ

WHEN RECORDED MAIL TO:

Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
Burbank, California 91504-3120
(818) 260-1600 phone (818) 260-1850 fax

Space above line for Recorder's Use

T.S. NO.: OR-247457-C LOAN NO.: 0702150572

100291170

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF California} SS
COUNTY OF Los Angeles}

I, Cris Navarro, 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 sale of the real property described in the attached notice of sale by mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

NAME & ADDRESS

CERTIFIED NO.

SEE ATTACHED

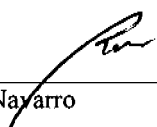
Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

Notice as required by and in accordance with ORS Chapter 646 was provided to Grantor and successor in interest, if any.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Maria DeBelen, for LSI Title Company of Oregon, LLC, 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 mail Los Angeles California, on 5/12/2010. 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.

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

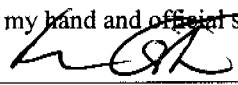
STATE California} SS
COUNTY Los Angeles}

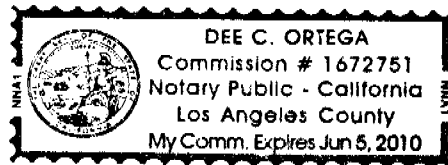

Cris Navarro

On 5/12/2010 before me, Dee C. Ortega, a Notary Public personally appeared Cris Navarro who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature 
Dee C. Ortega, Notary Public



AFFIDAVIT OF MAILING

Date: **5/12/2010**

T.S. No.: **OR-247457-C**

Loan No.: **0702150572**

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STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in Los Angeles County at Executive Trustee Services, LLC, and is not a party to the within action and that on 5/12/2010, (s)he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

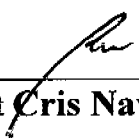
IRVIN L SMITH
6315 METRO STREET
KLAMATH FALLS, OR 97603
71923789001008130416

IRVIN L SMITH
PSC 41 BOX 655
APO, AE 09464
71923789001008130423

Tenant/Occupant
6315 METRO STREET
KLAMATH FALLS, Oregon 97603
71923789001008130430

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

X

Affiant  **Cris Navarro**

WHEN RECORDED MAIL TO:

Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
Burbank, California 91504-3120
(818) 260-1600 phone (818) 260-1850 fax

Space above line for Recorder's Use

T.S. NO.: OR-247457-C LOAN NO.: 0702150572

AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

STATE OF California} SS
COUNTY OF Los Angeles}

I, Cris Navarro, 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 foreclosure as required by Section 20 of Chapter 19, Oregon Laws 2008 ("Bill") by mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

SEE ATTACHED

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 to the occupant residing at the property.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Maria DeBelen, for LSI Title Company of Oregon, LLC, 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 mail Los Angeles California, on 5/12/2010. 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.

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

STATE California} SS
COUNTY Los Angeles}

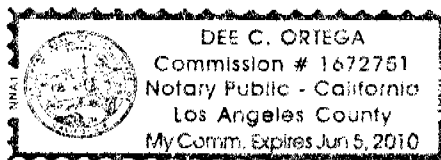

Cris Navarro

On 5/12/2010 before me, Dee C. Ortega, a Notary Public personally appeared Cris Navarro who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature 
Dee C. Ortega, Notary Public



5/12/2010

Mail List for file number: OR-247457-C

IRVIN L SMITH
6315 METRO STREET
KLAMATH FALLS, OR 97603

IRVIN L SMITH
PSC 41 BOX 655
APO, AE 09464

Tenant/Occupant
6315 METRO STREET
KLAMATH FALLS, Oregon 97603

WHEN RECORDED MAIL TO:

Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
Burbank, California 91504-3120
(818) 260-1600 phone (818) 260-1850 fax

Space above line for Recorder's Use

T.S. NO.: OR-247457-C LOAN NO.: 0702150572

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF California} SS
COUNTY OF Los Angeles}

I, Cris Navarro, 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 sale of the real property described in the attached notice of sale by mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

NAME & ADDRESS

SEE ATTACHED

CERTIFIED NO.

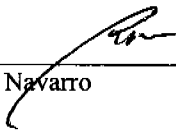
Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

Notice as required by and in accordance with ORS Chapter 646 was provided to Grantor and successor in interest, if any.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Maria DeBelen, for LSI Title Company of Oregon, LLC, 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 mail Los Angeles California, on 5/27/2010. 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.

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

STATE California} SS
COUNTY Los Angeles}

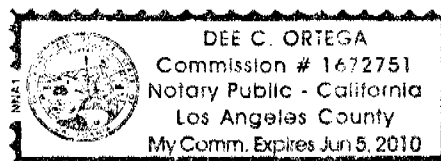

Cris Navarro

On 5/27/2010 before me, Dee C. Ortega, a Notary Public personally appeared Cris Navarro who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature 
Dee C. Ortega, Notary Public



AFFIDAVIT OF MAILING

Date: **5/27/2010**

T.S. No.: **OR-247457-C**

Loan No.: **0702150572**

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STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in Los Angeles County at Executive Trustee Services, LLC, and is not a party to the within action and that on 5/27/2010 , (s)he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

USAA FEDERAL SAVINGS BANK ("USAA FSB") LENDER IS BENEFICIARY
10750 MCDERMOTT FREEWAY
SAN ANTONIO, TX 78288-0558
71923789001008114874

USAA FEDERAL SAVINGS BANK
HOME EQUITY LOAN SERVICING
10750 MCDERMOTT FREEWAY
SAN ANTONIO, TX 78288-0558
71923789001008114881

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

X 
Affiant **Cris Navarro**

WHEN RECORDED MAIL TO:

Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
Burbank, California 91504-3120
(818) 260-1600 phone (818) 260-1850 fax

Space above line for Recorder's Use

T.S. NO.: OR-247457-C LOAN NO.: 0702150572

AFFIDAVIT OF MAILING NOTICE OF SALE

STATE OF California} SS
COUNTY OF Los Angeles}

I, Alejandra Perez, 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 sale of the real property described in the attached notice of sale by mailing a copy thereof by registered or certified mail and regular mail to each of the following named person's at their last known address, to-wit:

NAME & ADDRESS

CERTIFIED NO.

SEE ATTACHED

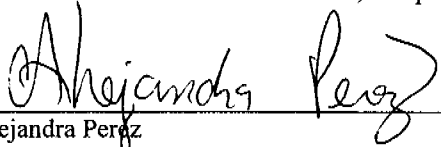
Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

Notice as required by and in accordance with ORS Chapter 646 was provided to Grantor and successor in interest, if any.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Maria DeBelen, for LSI Title Company of Oregon, LLC, 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 mail Los Angeles California, on 6/2/2010. 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.

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

STATE California} SS
COUNTY Los Angeles}

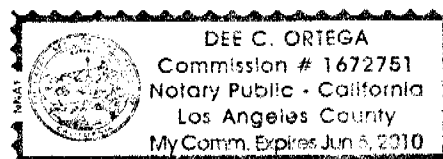

Alejandra Perez

On 6/2/2010 before me, Dee C. Ortega, a Notary Public personally appeared Alejandra Perez who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature 
Dee C. Ortega, Notary Public



AFFIDAVIT OF MAILING

Date: **6/2/2010**

T.S. No.: **OR-247457-C**

Loan No.: **0702150572**

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES

The declarant, whose signature appears below, states that (s)he is over the age of eighteen (18) years; is employed in Los Angeles County at Executive Trustee Services, LLC, and is not a party to the within action and that on 6/2/2010 , (s)he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, certified or registered mail and first class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

IRVIN L SMITH
PSC 41 BOX 655
APO, AE 09464
71923789001008118414

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

X


Affiant **Alejandra Perez**

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 6315 METRO STREET, KLAMATH FALLS, Oregon 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 to pay as of 5/11/2010 to bring your mortgage loan current was \$8,280.32. 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 (818) 260-1600 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: Executive Trustee Services, LLC, 2255 North Ontario Street, Suite 400, Burbank, California 91504-3120.

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

Date and Time: Friday, October 1, 2010 at 10:00 AM

Place: On the front steps of the Circuit Court, 316 Main St, in the City of Klamath Falls, County of Klamath, 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 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 telephone number of an organization near you, please call the statewide telephone 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 website at www.osbar.org/public/ris/ris.html. 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 1-866-899-5308. 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.oregonlawhelp.org>.
- 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 **6/10/2010** 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: 5/11/2010

Executive Trustee Services, LLC

As Agent for Trustee



Maria DeBelen

(818) 260-1600

TRUSTEE'S NOTICE OF SALE

Loan No: 0702150572
T.S. No.: OR-247457-C

Reference is made to that certain deed made by, IRVIN L SMITH, A MARRIED MAN as Grantor to USAA FEDERAL SAVINGS BANK, as trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR USAA FEDERAL SAVINGS BANK A FEDERALLY CHARTERED SAVINGS BANK, as Beneficiary, dated 8/28/2007, recorded 8/31/2007, in official records of Klamath County, Oregon in book/reel/volume No. at page No. , fee/file/instrument/microfile/reception No. 2007-015444 (indicated which), covering the following described real property situated in said County and State, to-wit:

APN: R885800

LOT 17, TRACT 1343, SITUATED IN THE NORTHWEST QUARTER SECTION 12, TOWNSHIP 39 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as:
6315 METRO STREET
KLAMATH FALLS, Oregon 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:
Unpaid principal balance of \$178,077.98; plus accrued interest plus impounds and / or advances which became due on 2/1/2010 plus late charges, and all subsequent installments of principal, interest, balloon payments, plus impounds and/or advances and late charges that become payable.

Monthly Payment \$1,409.05

Monthly Late Charge \$60.31

By this 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 sum of \$178,077.98 together with interest thereon at the rate of 6.75% per annum from 1/1/2010 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 **LSI TITLE COMPANY OF OREGON, LLC**, the undersigned trustee will on **10/1/2010** at the hour of **10:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at **On the front steps of the Circuit Court, 316 Main St, in the City of Klamath Falls, County of Klamath, Oregon** 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 sale.

Loan No: 0702150572
T.S. No: OR-247457-C

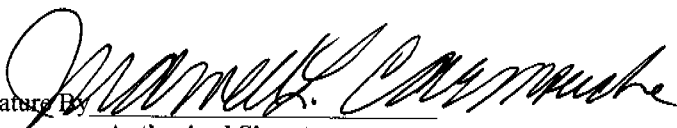
TRUSTEE'S NOTICE OF SALE

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an 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: 5/11/2010


LSI TITLE COMPANY OF OREGON, LLC
C/O Executive Trustee Services, LLC at 2255 North Ontario
Street, Suite 400 Burbank, California 91504-3120
Sale Line: 714-730-2727

Marvell L. Carmouche

Signature By 
Authorized Signatory

State of California) ss.
County of Los Angeles)

I, the undersigned, certify that I am the Trustee Sale Officer, and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.



Maria DeBelen
Trustee Sale Officer

Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
Burbank, California 91504-3120

(818) 260-1600

NOTICE TO TENANTS:

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is 9/1/2010. 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.

For the name and telephone number of an organization near you, please call the statewide telephone contact number at 1-888-610-8764. 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 website at www.osbar.org/public/ris/ris.html. 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.lawhelp.org/program/694/index.cfm>.

REQUEST FOR LOAN MODIFICATION

PROPERTY ADDRESS	6315 METRO STREET KLAMATH FALLS, Oregon 97603	TS#	OR-247457-C
	LSI TITLE COMPANY OF OREGON, LLC	APN	R885800
TRUSTEE		DOT	8/31/2007
		Inst /Book	2007-015444

*****ATTENTION*** YOU MUST ACT NO LATER THAN 6/10/2010**

You have been served with a Foreclosure Notice, a copy of which is enclosed, that could result in the loss of your home. You may want to consult with an attorney concerning your rights and responsibilities.

The State of Oregon requires that a request for loan modification form is provided to homeowners whose owner occupied; primary residence is subject to foreclosure. The loan modification is a process through which the lender determines whether an agreement can be reached to cure any defaults in the loan or modify the terms of the loan to enable you to remain in your home.

Please be aware that you could be asked to disclose current information about your income and expenses, address, phone number and electronic mail address or other facts that may affect your eligibility for a loan modification.

Your Name: _____

Co-Owner's Name: _____

Address: _____

Address: _____

Phone No: () _____ (Telephone)

Phone No: () _____ (Telephone)

() _____ (Cellular)

() _____ (Cellular)

Email: _____

Email: _____

Signature of Property Owner _____ Date _____

Signature of Co-Owner _____ Date _____

IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT THIS FORM AND MAIL BACK TO THE ADDRESS SHOWN BELOW. YOUR RESPONSE MUST BE RECEIVED BY 6/10/2010

By completing and returning this form along with the enclosed loan modification application package you are requesting for your Beneficiary to contact you in regards to a review for a possible loan modification. You may go to www.gmacmortgage.com for addition information.

PLEASE RETURN THIS REQUEST FOR LOAN MODIFICATION REVIEW TO THE FOLLOWING ADDRESS:

**GMAC MORTGAGE, LLC FKA
GMAC MORTGAGE CORPORATION
Attn: Loss Mitigation
2711 North Haskell Avenue, Suite 900
Dallas, TX 75204**

Affidavit of Publication

PK

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 # 12504

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:

July 9, 16, 23, 30, 2010

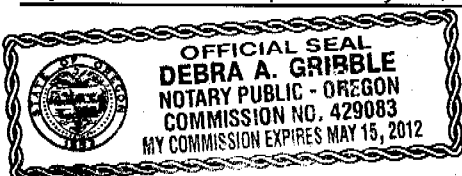
Total Cost: \$987.39

Subscribed and sworn by Jeanine P Day

before me on: July 30, 2010

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE Loan No: 0702150572 T.S. No.: OR-247457-C

Reference is made to that certain deed made by, IRVIN L SMITH, A MARRIED MAN as Grantor to USAA FEDERAL SAVINGS BANK, as trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR USAA FEDERAL SAVINGS BANK A FEDERALLY CHARTERED SAVINGS BANK, as Beneficiary, dated 8/28/2007, recorded 8/31/2007, in official records of Klamath County, Oregon in book/reel/volume No. at page No. , fee/file/instrument/microfile/reception No. 2007-015444 (indicated which), covering the following described real property situated in said County and State, to-wit: APN: R885800 LOT 17, TRACT 1343, SITUATED IN THE NORTHWEST QUARTER SECTION 12, TOWNSHIP 39 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. Commonly known as: 6315 METRO STREET KLAMATH FALLS, Oregon 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: Unpaid principal balance of \$178,077.98; plus accrued interest plus impounds and / or advances which became due on 2/1/2010 plus late charges, and all subsequent installments of principal, interest, balloon payments, plus impounds and/or advances and late charges that become payable. Monthly Payment \$1,409.05 Monthly Late Charge \$60.31

By this 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 sum of \$178,077.98 together with interest thereon at the rate of 6.75% per annum from 1/1/2010 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 LSI TITLE COMPANY OF OREGON, LLC, the undersigned trustee will on 10/1/2010 at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, at On the front steps of the Circuit Court, 316 Main St, in the City of Klamath Falls, County of Klamath, Oregon 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 sale.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an 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: 5/11/2010 LSI TITLE COMPANY OF OREGON, LLC C/O Executive Trustee Services, LLC at 2255 North Ontario Street, Suite 400 Burbank, California 91504-3120 Sale Line: 714-730-2727 Signature B Marvell L. Carmouche Authorized Signatory WE ARE ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION WE OBTAIN WILL BE USED FOR THAT PURPOSE. ASAP# 3566289 07/09/2010, 07/16/2010, 07/23/2010, 07/30/2010.
#12504 July 9, 16, 23, 30, 2010.

OR247457C / SMITH
ASAP# 3566289

10/1
EXEC

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, Debt Validation Notice and Notice to Tenants upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an OCCUPANT at the following "Property Address":

6315 Metro Street
Klamath Falls, OR 97603

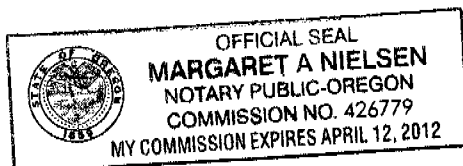
By delivering such copy, personally and in person to Trisha Clark, at the above Property Address on May 13, 2010 at 10:12 AM.

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

SUBSCRIBED AND SWORN BEFORE ME
this 19th day of May, 2010
by Robert Bolenbaugh.

Margaret A. Nielsen
Notary Public for Oregon

X
[Signature]
Robert Bolenbaugh
Nationwide Process Service, Inc.
420 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636
3566289



230655

Borrower(s): IRVIN L SMITH
Loan GMAC MORTGAGE, LLC FKA
Servicer: GMAC MORTGAGE CORPORATION
Property : 6315 METRO STREET
KLAMATH FALLS, Oregon 97603
Loan No: 0702150572

BENEFICIARY AFFIDAVIT OF COMPLIANCE

Pursuant to OR SB628 SECTION 3 (1) and (2)

Lance Ollendieck, being duly sworn, deposes and says; that the beneficiary or authorized agent for the beneficiary has complied with the required actions according to OR SB628 SECTION 3 (1) and (2) as follows:

X Request was not received by grantor for loan modification consideration.

_____ Beneficiary or authorized agent for the beneficiary has determined in good faith, after considering the most current financial information provided by the grantor that the Grantor is not eligible for a loan modification. Beneficiary or authorized agent for the beneficiary has informed the grantor that grantor is not eligible and provided notice how the beneficiary or authorized agent calculated that the Grantor is not eligible for a loan modification.

_____ Beneficiary or authorized agent for the beneficiary took reasonable steps to schedule a meeting pursuant to grantor s request. Grantor did not respond with in seven business days after beneficiary or authorized agent for the beneficiary attempted to make contact.

This affidavit is made for the above referenced loan. I certify (or declare) under penalty of perjury that the foregoing is true and correct and that I am duly authorized signatory beneficiary or authorized agent for the beneficiary

Dated: 1/25/11

By: Lance Ollendieck

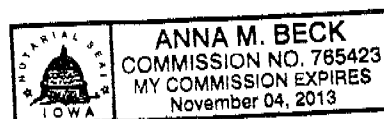
State of Iowa SS.
County of Blackhawk

Subscribed and sworn to (or affirmed) before me on this day of January 25th, 2011,
by Lance Ollendieck proved to me on the basis of satisfactory evidence to be
the person(s) who appeared before me.

(Seal)

Signature

Anna M. Beck



Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
Burbank, California 91504-3120


TS No. **OR-247457-C**
Loan No. **0702150572**

AFFIDAVIT OF NON-MILITARY SERVICE

Marvell Carmouche, being duly sworn, deposes and says; that **IRVIN L SMITH**, are (is) not now, or within the period of three months prior to the making of this affidavit, (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, the Women's volunteer Naval Reserve, or the Marine Corps., or Women's Auxiliary Marine Corps Reserve, or the Coast Guard Reserve, 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 and Service Act of 1940, or (d) a member of the Enlisted Reserves Corps under orders to report for military service, or (e) an American Citizen, serving with the force of any nation allied with the United States in the prosecution of war; within; the purview of the Soldier's 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.

That this affidavit is made for the above referenced Foreclosure for the purpose of inducing LSI TITLE COMPANY OF OREGON, LLC, without leave of court first obtained, to cause said property to be sold under the terms of said deed of trust pursuant to the power of sale contained therein.

Dated: 5/11/2010

By: 
Marvell Carmouche, Limited Signing Officer