

Asp 68167

2011-002148

Klamath County, Oregon



00097298201100021480230237

02/17/2011 03:17:42 PM

Fee: \$162.00

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
2255 North Ontario Street
Burbank, CA 91504-3120

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

Affidavit of Mailing Notice of Sale
Affidavit of Publication
Affidavit of Posting
Beneficiary Affidavit of Compliance

2. Direct Party (Grantor):

Steve R. Benner and Colleen R. Benner

3. Indirect Party (Grantee):

4. True and Actual Consideration Paid:

5. Legal Description:

See attached

162Awd

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-222166-C LOAN NO.: 0595824806

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

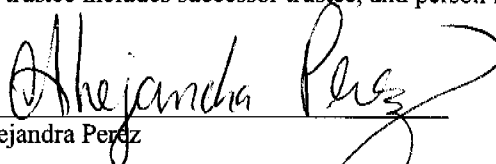
Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in 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 Jennifer Esteban, 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 9/20/2010. 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}

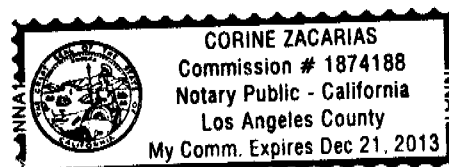

Alejandra Perez

On 9/20/2010 before me, Corine Zacarias, 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 
Corine Zacarias, Notary Public



AFFIDAVIT OF MAILING

Date: **9/20/2010**

T.S. No.: **OR-222166-C**

Loan No.: **0595824806**

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 9/20/2010 , (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.

STEVE R. BENNER
5995 MONTEREY RD
PASO ROBLES, OR 93446-7670
71923789001012344250

COLLEEN R. BENNER
5995 MONTEREY RD
PASO ROBLES, OR 93446-7670
71923789001012344267

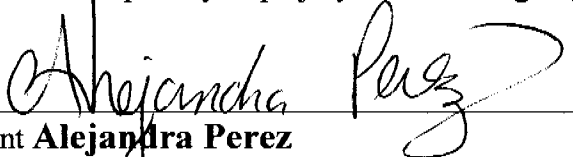
STEVE R. BENNER
730 MT WHITNEY ST
KLAMATH FALLS, OR 97601
71923789001012344274

COLLEEN R. BENNER
730 MT WHITNEY ST
KLAMATH FALLS, OR 97601
71923789001012344281

Tenant/Occupant
730 MT WHITNEY ST
KLAMATH FALLS, OR 97601
71923789001012344298

GMAC MORTGAGE, LLC
100 WITMER ROAD
HORSHAM, PA 19044-0963
71923789001012344304

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

X 
Affiant **Alejandra Perez**

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-222166-C LOAN NO.: 0595824806

AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

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 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

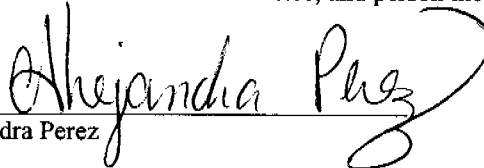
Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and to the occupant residing at the property.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Jennifer Esteban, 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 9/20/2010. 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



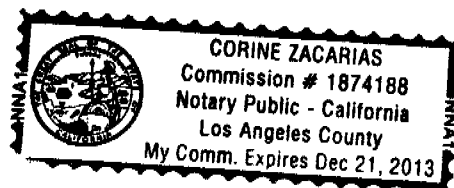
On 9/20/2010 before me, Corine Zacarias, a Notary Public personally appeared Alejandra Perez who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized 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

Corine Zacarias, Notary Public



9/20/2010

Mail List for file number: OR-222166-C

STEVE R. BENNER
5995 MONTEREY RD
PASO ROBLES, OR 93446-7670

COLLEEN R. BENNER
5995 MONTEREY RD
PASO ROBLES, OR 93446-7670

STEVE R. BENNER
730 MT WHITNEY ST
KLAMATH FALLS, OR 97601

COLLEEN R. BENNER
730 MT WHITNEY ST
KLAMATH FALLS, OR 97601

Tenant/Occupant
730 MT WHITNEY ST
KLAMATH FALLS, OR 97601

GMAC MORTGAGE, LLC
100 WITMER ROAD
HORSHAM, PA 19044-0963

WHEN RECORDED MAIL TO:

Executive Trustee Services, LLC
2255 North Ontario Street, Suite 400
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Space above line for Recorder's Use

T.S. NO.: OR-222166-C LOAN NO.: 0595824806

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

SEE ATTACHED

CERTIFIED NO.

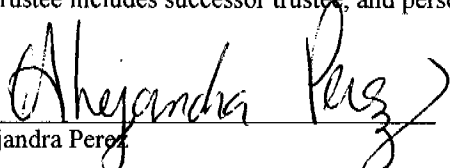
Said person(s) include the grantor in the trust deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in 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 Jennifer Esteban, 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 10/6/2010. 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}

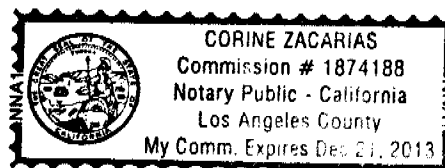

Alejandra Perez

On 10/6/2010 before me, Corine Zacarias, 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 
Corine Zacarias, Notary Public



AFFIDAVIT OF MAILING

Date: **10/6/2010**

T.S. No.: **OR-222166-C**

Loan No.: **0595824806**

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 10/6/2010 , (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.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
P.O. BOX 2026
FLINT, MI 48501-2026
71923789001012333964

GMAC MORTGAGE, LLC
C/O MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
P.O. BOX 2026
FLINT, MI 48501-2026
71923789001012333971

CAPITAL ONE BANK (USA), N.A.
PO BOX 6700
NORCROSS, GA 30091-6700
71923789001012333988

CAPITAL ONE BANK (USA), N.A.
C/O DERRICK E. MC GAVIC, P.C., OSB #63054
PO BOX 10163
EUGENE, OR 97440
71923789001012333995

HUNTER DOUGLAS NW
C/O C. THOMAS DAVIS
12220 SW FIRST ST.

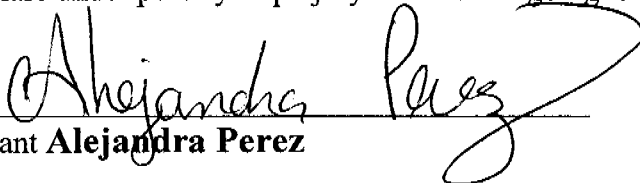
BEAVERTON, OR 97005
71923789001012334008

CARTER-JONES COLLECTION SERVICE, INC.
1143 PINE ST
KLAMATH FALLS, OR 97601
71923789001012334015

CARTER-JONES COLLECTION SERVICE, INC.
C/O KENT PEDERSON
1143 PINE ST
KLAMATH FALLS, OR 97601
71923789001012334022

DOUGLAS V. OSBORNE, ATTORNEY
439 PINE ST
KLAMATH FALLS, OR 97601
71923789001012334039

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 730 MT WHITNEY ST, KLAMATH FALLS, OR 97601

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 9/16/2010 to bring your mortgage loan current was \$9,437.27. 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: Wednesday, February 9, 2011 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 **10/16/2010** 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: 9/16/2010

Executive Trustee Services, LLC
As Agent for Trustee

Jennifer Esteban
(818) 260-1600

TRUSTEE'S NOTICE OF SALE

Loan No: 0595824806
T.S. No.: OR-222166-C

Reference is made to that certain deed made by, STEVE R. BENNER AND COLLEEN R. BENNER as Grantor to AMERITITLE, as trustee, in favor of "MERS" MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR GMAC MORTGAGE CORPORATION, as Beneficiary, dated 7/26/2006, recorded 7/31/2006, in official records of Klamath County, Oregon in book/reel/volume No. at page No. , fee/file/instrument/microfile/reception No. M06-15398 (indicated which), covering the following described real property situated in said County and State, to-wit:

APN: R-3809-029CD-10700-000 / R368266 / R368275

LOT 2, BLOCK 15, FIRST ADDITION TO KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

Commonly known as:
730 MT WHITNEY ST
KLAMATH FALLS, OR 97601

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 \$150,862.39; plus accrued interest plus impounds and / or advances which became due on 5/1/2010 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 \$973.28 Monthly Late Charge \$31.85

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 \$150,862.39 together with interest thereon at the rate of 2.25% per annum from 4/1/2010 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that **LSI TITLE COMPANY OF OREGON, LLC**, the undersigned trustee will on **2/9/2011** 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: 0595824806
T.S. No: OR-222166-C

TRUSTEE'S NOTICE OF SALE

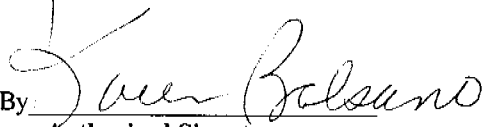
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words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

Dated: 9/16/2010

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

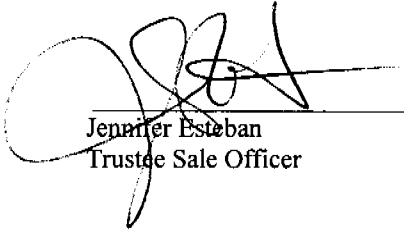
Karen Balsano

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.


Jennifer Esteban
Trustee Sale Officer

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

(818) 260-1600

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for 2/9/2011. Unless the lender who is foreclosing on this property is paid, 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 not a residential 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, 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 1/10/2011 (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.

Otherwise, the buyer is not your landlord and is not responsible for maintaining the property on your behalf and you must move out by the date the buyer specifies in a notice to you.

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. AS EXPLAINED ABOVE, YOU MAY BE ABLE TO APPLY A DEPOSIT YOU MADE OR PREPAID RENT YOU PAID AGAINST YOUR CURRENT RENT OBLIGATION. BE SURE TO KEEP PROOF OF ANY PAYMENTS YOU MAKE AND OF ANY NOTICE YOU GIVE OR RECEIVE CONCERNING THE APPLICATION OF YOUR DEPOSIT OR YOUR PREPAID RENT.

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.

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

OR-222166-C

information and a directory of legal aid programs, go to
<http://www.lawhelp.org/program/694/index.cfm>.

REQUEST FOR LOAN MODIFICATION

PROPERTY ADDRESS	730 MT WHITNEY ST KLAMATH FALLS, OR 97601	TS#	OR-222166-C
		APN	R-3809-029CD-10700-000 / R368266 / R368275
TRUSTEE	LSI TITLE COMPANY OF OREGON, LLC	Inst	
		DOT	7/31/2006 /Book M06-15398

*****ATTENTION*** YOU MUST ACT NO LATER THAN 10/16/2010**

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 10/16/2010

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

222166

2/01

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 # 12903

Trustee's Notice of Sale

Benner

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:

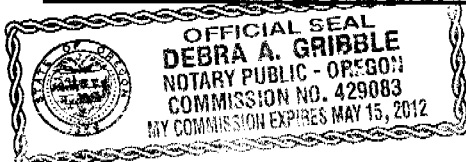
November 16, 23, 30, December 07, 2010

Total Cost: \$936.03

Subscribed and sworn by Jeanine P Day
before me on: December 7, 2010

Notary Public of Oregon

My commission expires May 15, 2012



TRUSTEE'S NOTICE OF SALE

Loan No: 0595824806 T.S. No.: OR-222166-C

Reference is made to that certain deed made by, STEVE R. BENNER AND COLLEEN R. BENNER as Grantor to AMERITITLE, as trustee, in favor of "MERS" MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR GMAC MORTGAGE CORPORATION, as Beneficiary, dated 7/26/2006, recorded 7/31/2006, in official records of Klamath County, Oregon in book/reel/volume No. at page No. , fee/file/instrument/microfile/reception No. M06-15398 (indicated which), covering the following described real property situated in said County and State, to-wit: APN: R-3809-029CD-10700-000 / R368266 / R368275 LOT 2, BLOCK 15, FIRST ADDITION TO KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON Commonly known as: 730 MT WHITNEY ST KLAMATH FALLS, OR 97601.

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 \$150,862.39; plus accrued interest plus impounds and / or advances which became due on 5/1/2010 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 \$973.28 Monthly Late Charge \$31.85.

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 \$150,862.39 together with interest thereon at the rate of 2.25% per annum from 4/1/2010 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Whereof, notice hereby is given that LSI TITLE COMPANY OF OREGON, LLC, the undersigned trustee will on 2/9/2011 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: 9/16/2010 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 By: Karen Balsano Authorized Signatory ASAP# 3739482 11/16/2010, 11/23/2010, 11/30/2010, 12/07/2010. #12903 November 16, 23, 30, December 07, 2010.

exec

OR222166C / BENNER
ASAP# 3739482

2/9
EXEC

AFFIDAVIT OF POSTING

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 Residential 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":

730 Mt Whitney St
Klamath Falls, OR 97601

As follows:

On 09/20/2010 at 2:36 PM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

On 09/22/2010 at 2:40 PM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

On 09/24/2010 at 2:58 PM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

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

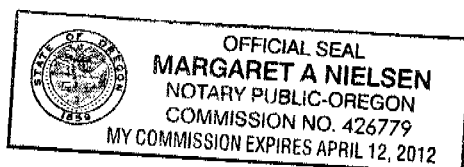
SUBSCRIBED AND SWORN BEFORE ME
this 27 day of September, 20 10
by Robert Bolenbaugh

Margaret A. Nielsen
Notary Public for Oregon

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



242987



OR222166C / BENNER
ASAP# 3739482

EXEC

AFFIDAVIT OF MAILING

STATE OF OREGON

County of Multnomah

ss.

I, Brandy Socha, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On September 28, 2010, I mailed a copy of the Trustee's Notice of Sale, Debt Validation Notice, and Notice to Residential Tenants, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.750(1)(b)(C).

The envelope was addressed as follows:

OCCUPANT
730 Mt Whitney St
Klamath Falls, OR 97601


This mailing completes service upon an occupant at the above address with an effective date of 09/20/2010 as calculated pursuant to ORS 86.750 (1)(c).

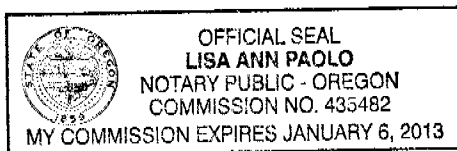
I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 28 day of September, 2010
by Brandy Socha.

Notary Public for Oregon

X


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



242967

Borrower(s): STEVE R. BENNER AND COLLEEN R. BENNER
Loan GMAC MORTGAGE, LLC FKA
Servicer: GMAC MORTGAGE CORPORATION
Property : 730 MT WHITNEY ST
KLAMATH FALLS, OR 97601
Loan No: 0595824806

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:

_____ 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: 2/1/11

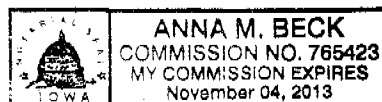
By: Lance Ollendieck

State of Iowa, SS.
County of Blackhawk

Subscribed and sworn to (or affirmed) before me on this day of February 1st, 20 11
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-222166-C**
Loan No. **0595824806**

AFFIDAVIT OF NON-MILITARY SERVICE

Marvell Carmouche, being duly sworn, deposes and says; that **STEVE R. BENNER AND COLLEEN R. BENNER**, 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: 9/15/2010

By: 

Marvell Carmouche, Limited Signing Officer