

MTA89377

**RECORDING COVER SHEET**

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

**2011-004126**

Klamath County, Oregon



00099629201100041260260267

03/29/2011 02:42:36 PM

Fee: \$182.00

**After Recording Return To:**  
**Default Resolution Network**  
**135 Main Street, Ste 1900**  
**San Francisco, CA 94105**

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

Affidavit of Non Military Service  
Affidavit of Compliance  
Affidavit of Mailing  
Affidavit of Service  
Affidavit of Publication

**2. Direct Party (Grantor):**

Monti, Martin and Janet

**3. Indirect Party (Grantee):**

N/A

**4. True and Actual Consideration Paid:**

N/A

**5. Legal Description:**

N/A

182A4T

**When recorded mail to:**  
**DEFAULT RESOLUTION NETWORK**  
**135 Main St. Ste.1900**  
**San Francisco, CA 94105**  
**Phone: 415-247-2450**  
**Fax: 415-520-0488**

**Loan # 115200753 / Monti**  
**TS # 10-01595-4 .**  
**Title Order # 89377**  
**Grantor: Martin Monti and Janet Monti, husband and wife**

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## **AFFIDAVIT OF NON-MILITARY SERVICE AND AFFIDAVIT OF COMPLIANCE**

WHEN RECORDED MAIL TO:  
Fidelity National Title Insurance Company  
135 Main St. Ste. 1900  
San Francisco, CA 94105

T.S. NO.: 10-01595-4  
LOAN NO.: 115200753 / Monti

**AFFIDAVIT OF MAILING**  
**PURSUANT TO OREGON LAWS HB 3630 AND SB 239**

STATE OF California  
COUNTY OF San Francisco

I, Grace Mancillas, 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 given under the terms of that certain trust deed described in said notice.

Notice was given as described 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**

Each of the notices so mailed was certified to be a true copy of the DANGER NOTICE by Grace Mancillas, for Fidelity National Title Insurance Company 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 in San Francisco, California on

1/10/11

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

  
\_\_\_\_\_  
Grace Mancillas

State of California }ss.

County of San Francisco }ss

On January 7, 2011 before me, Elida Rosado, a Notary Public in and for said county, personally appeared Grace Mancillas, 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.

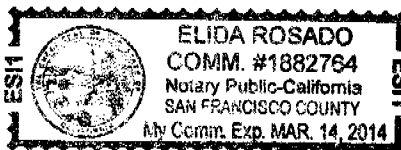
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Elida Rosado # 1882764

Elida Rosado # 1882764

My Commission Expires March 14, 2014



## DECLARATION OF NON-MILITARY SERVICE

Loan No: 115200753 / Monti  
T.S. No: 10-01595-4  
Owner(s): Martin Monti and Janet Monti, husband and wife

The undersigned, declares as follows:

I am informed and believe and on that ground allege that the matters stated in this declaration are true.

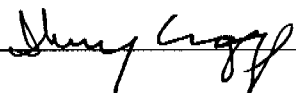
That Martin Monti and Janet Monti, husband and wife is not now, or within the period of three months prior to the making of this declaration, (a) in the Federal Service on active duty as a member of the Army of the United States, or the United States Navy, or the United States Air Force, or the Women's 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 Service Act of 1940; or (d) a member of the Enlisted Reserve Corps under orders to report to military service; or (e) an American Citizen, serving with the forces of any nation allied with the United States in the prosecution of the war, within the purview of the Soldiers' and Sailors' 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 declaration is made for the above referenced trustee's sale number for the purpose of inducing Fidelity National Title Company, as trustee, 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.

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

Executed on 3/25/11  
(Date)

Sterling Savings Bank, Successor by merger of Klamath First Federal Savings and Loan Association

By: 

**THIS DECLARATION MUST BE COMPLETED AND RETURNED  
"PRIOR" TO THE DATE OF SALE.**

Department of Defense Manpower Data Center

Mar-25-2011 11:37:37



Military Status Report  
Pursuant to the Service Members Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
MONTI		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

***More information on "Active Duty Status"***

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

***Coverage Under the SCRA is Broader in Some Cases***

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.  
Report ID:8D19DB4SUR

Department of Defense Manpower Data Center

Mar-25-2011 11:38:18



Military Status Report  
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
MONTI		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

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Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.  
Report ID:FJ62LP3FM3



**When recorded mail to:**  
**DEFAULT RESOLUTION NETWORK**  
**135 Main St. Ste.1900**  
**San Francisco, CA 94105**  
**Phone: 415-247-2450**  
**Fax: 415-520-0488**

**Loan # 115200753 / Monti**  
**TS # 10-01595-4 .**  
**Title Order # 89377**  
**Grantor: Martin Monti and Janet Monti, husband and wife**

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## AFFIDAVIT OF MAILING



Walz Affidavit #: 2092196

## AFFIDAVIT OF MAILING

### **Default Resolution Network**

Date: 01/10/2011

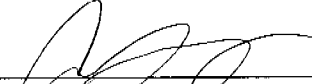
Ref. No.: 10-01595-4

MailbatchID: 329314

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

The declarant, whose signature appears below, states that he is over the age of eighteen (18) years; is employed in Riverside County, California; acting on behalf of Default Resolution Network; is not a party to the within action; and that on January 10, 2011, 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, sent Certified Mail, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X   
Affiant Anthony Gomez

ORGRNTR  
7196 9006 9294 9206 5637  
REF #: 10-01595-4  
Janet Monti  
2076 California Avenue  
Klamath Falls, OR 97601

ORGRNTR  
7196 9006 9294 9206 5644  
REF #: 10-01595-4  
Martin Monti  
2076 California Avenue  
Klamath Falls, OR 97601

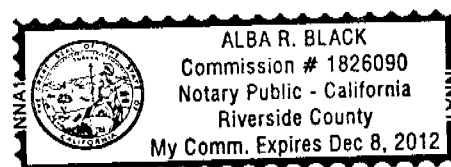
ORGRNTR  
7196 9006 9294 9206 5651  
REF #: 10-01595-4  
OCCUPANT  
2076 California Avenue  
Klamath Falls, OR 97601

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

Subscribed and sworn to (or affirmed) before me on this 11 day of Jan (month),  
2011 (year), by Anthony Gomez, proved to me on the basis of satisfactory evidence to be  
the person who appeared before me.

(Signature of Notary)

(Seal of Notary)





Walz Affidavit #: 2091658

## AFFIDAVIT OF MAILING

### **Default Resolution Network**

Date: 01/10/2011

Ref. No.: 10-01595-4

MailbatchID: 329258

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

The declarant, whose signature appears below, states that he is over the age of eighteen (18) years; is employed in Riverside County, California; acting on behalf of Default Resolution Network; is not a party to the within action; and that on January 10, 2011, 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, sent First Class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X   
Affiant Anthony Gomez

ORGRNTR  
2245309306  
REF #: 10-01595-4  
Janet Monti  
2076 California Avenue  
Klamath Falls, OR 97601

ORGRNTR  
2245309307  
REF #: 10-01595-4  
Martin Monti  
2076 California Avenue  
Klamath Falls, OR 97601

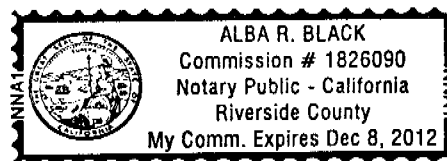
ORGRNTR  
2245309308  
REF #: 10-01595-4  
OCCUPANT  
2076 California Avenue  
Klamath Falls, OR 97601

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

Subscribed and sworn to (or affirmed) before me on this 11 day of Jan (month),  
2011 (year), by Anthony Gomez, proved to me on the basis of satisfactory evidence to be  
the person who appeared before me.

  
\_\_\_\_\_  
(Signature of Notary)

(Seal of Notary)



## **NOTICE:**

### **YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY**

**Re: TS#: 10-01595-4**

**Loan #: 115200753 / Monti**

**This notice is about your mortgage loan on your property at 2076 California Avenue, 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 had to pay as of December 10, 2010 to bring your mortgage loan current was \$13,466.54 . 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 509-227-0910 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: Sterling Savings Bank at 111 N. Wall Spokane, WA 99201

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

Date and time: May 16, 2011 at 10:00 AM

Place: At the main entrance to the County Courthouse, 316 Main St., Klamath Falls,

### **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 Sterling Savings Bank at 509-227-0910 to 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](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://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 509-227-0910. 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. 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 modifications 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 "LOAN MODIFICATION REQUEST FORM". YOUR LENDER MUST RECEIVE THE FORM BY January 14, 2011, 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 any questions, talk to a lawyer or one of the organizations mentioned above before signing.

January 7, 2011

Trustee name: FIDELITY NATIONAL TITLE INSURANCE COMPANY

Trustee signature: \_\_\_\_\_

Grace Mancillas, Authorized Signature

Trustee telephone number: 415-247-2450

Trustee Address: 135 Main St. Ste.1900, San Francisco, CA 94105

440-4795 (8/09/COM)

# MODIFICATION REQUEST FORM

January 7, 2011

Trustee Sale Number: 10-01595-4  
Loan Number: 115200753 / Monti  
Trustor/Owner: Martin Monti and Janet Monti, husband and wife  
Property Address: 2076 California Avenue, Klamath Falls, OR 97601

**THIS MODIFICATION REQUEST FORM MUST BE RETURNED TO THE ADDRESS BELOW NO LATER THAN February 6, 2011 (30 DAYS FROM THE DATE OF THIS NOTICE).**

The lender then has 45 days to respond as to whether the homeowner qualifies for a loan modification.

You may request a meeting with your lender to discuss loan modification.

In consideration of your request for modification your lender may request that the grantor disclose current information about the grantor's income and expenses, the grantor's address, phone number and electronic mail address and other facts that may affect the grantor's eligibility for a loan modification. You may wish to return this information with your Modification Request Form.

I, \_\_\_\_\_ request the beneficiary to review the above referenced loan for modification.

Borrowers/Owners Contact information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Signed: \_\_\_\_\_

This form must be returned to your lender at the following address:

Sterling - WA  
111 N. Wall  
Spokane, WA 99201

Please include information about your income and expenses to expedite this process.



Walz Affidavit #: 2093655

## AFFIDAVIT OF MAILING

### ***Default Resolution Network***

Date: 01/11/2011

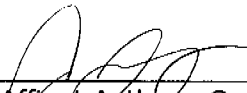
Ref. No.: 10-01595-4

MailbatchID: 329475

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

The declarant, whose signature appears below, states that he is over the age of eighteen (18) years; is employed in Riverside County, California; acting on behalf of Default Resolution Network; is not a party to the within action; and that on January 11, 2011, 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, sent First Class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X   
Affiant Anthony Gomez

ORNOS  
2245358030  
REF #: 10-01595-4  
Drew A. Humphrey  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

ORNOS  
2245358031  
REF #: 10-01595-4  
Janet L Monti  
133 Le Roy Cir  
Medford , OR 97501-1289

ORNOS  
2245358032  
REF #: 10-01595-4  
Janet Lucille Monti  
133 Le Roy Cir  
Medford , OR 97501-1289

ORNOS  
2245358033  
REF #: 10-01595-4  
Janet Monti  
133 Le Roy Cir  
Medford , OR 97501-1289

ORNOS  
2245358034  
REF #: 10-01595-4  
Martin I Monti  
2076 California Avenue  
Klamath Falls, OR 97601

ORNOS  
2245358035  
REF #: 10-01595-4  
Janet Monti  
2076 California Avenue  
Klamath Falls, OR 97601

ORNOS  
2245358036  
REF #: 10-01595-4  
Martin Monti  
2076 California Avenue  
Klamath Falls, OR 97601

ORNOS  
2245358037  
REF #: 10-01595-4  
OCCUPANT  
2076 California Avenue  
Klamath Falls, OR 97601

ORNOS  
2245358038  
REF #: 10-01595-4  
Penny L. Austin  
925 W. 8th St  
Medford, OR 97501

**AFFIDAVIT OF MAILING**

***Default Resolution Network***

Date: 01/11/2011

Ref. No.: 10-01595-4

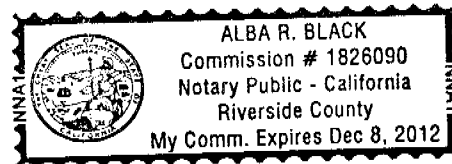
MailbatchID: 329475

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

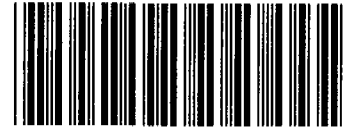
Subscribed and sworn to (or affirmed) before me on this 12 day of Jan (month),  
2011 (year), by Anthony Gomez, proved to me on the basis of satisfactory evidence to be  
the person who appeared before me.

ALBA R. BLACK (Signature of Notary)

(Seal of Notary)







Walz Affidavit #: 2093332

## AFFIDAVIT OF MAILING

### ***Default Resolution Network***

Date: 01/11/2011

Ref. No.: 10-01595-4

MailbatchID: 329436

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

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

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Affiant Anthony Gomez

ORNOS  
7196 9006 9294 9233 2746  
REF #: 10-01595-4  
Drew A. Humphrey  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

ORNOS  
7196 9006 9294 9233 2753  
REF #: 10-01595-4  
Janet L Monti  
133 Le Roy Cir  
Medford , OR 97501-1289

ORNOS  
7196 9006 9294 9233 2760  
REF #: 10-01595-4  
Janet Lucille Monti  
133 Le Roy Cir  
Medford , OR 97501-1289

ORNOS  
7196 9006 9294 9233 2777  
REF #: 10-01595-4  
Janet Monti  
133 Le Roy Cir  
Medford , OR 97501-1289

ORNOS  
7196 9006 9294 9233 2784  
REF #: 10-01595-4  
Martin I Monti  
2076 California Avenue  
Klamath Falls, OR 97601

ORNOS  
7196 9006 9294 9233 2791  
REF #: 10-01595-4  
Janet Monti  
2076 California Avenue  
Klamath Falls, OR 97601

ORNOS  
7196 9006 9294 9233 2807  
REF #: 10-01595-4  
Martin Monti  
2076 California Avenue  
Klamath Falls, OR 97601

ORNOS  
7196 9006 9294 9233 2814  
REF #: 10-01595-4  
OCCUPANT  
2076 California Avenue  
Klamath Falls, OR 97601

ORNOS  
7196 9006 9294 9233 2821  
REF #: 10-01595-4  
Penny L. Austin  
925 W. 8th St  
Medford, OR 97501

**AFFIDAVIT OF MAILING**

***Default Resolution Network***

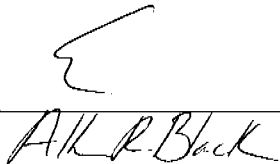
Date: 01/11/2011

Ref. No.: 10-01595-4

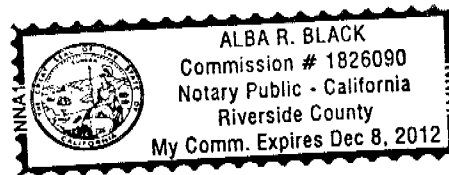
MailbatchID: 329436

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

Subscribed and sworn to (or affirmed) before me on this 12 day of Jan (month),  
2011 (year), by Anthony Gomez, proved to me on the basis of satisfactory evidence to be  
the person who appeared before me.

  
\_\_\_\_\_  
(Signature of Notary)

(Seal of Notary)



## TRUSTEE'S NOTICE OF SALE

Loan No: 115200753 / Monti  
T.S. No.: 10-01595-4

Reference is made to that certain Deed of Trust made by, Martin Monti and Janet Monti, husband and wife as Grantor to Fidelity Service Corporation, as trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS), as Beneficiary, recorded on June 6, 2005, Book M05 Page 41946 of Official Records in the office of the Recorder of Klamath County, OR to wit:

APN: R-3809-030AD-01003-000

Lots 1 and 2 and the West 25.00 feet, measured at right angles of Lot 3 in Block 121, Buena Vista Addition to the City of Klamath Falls, according to the Official Plat thereof on file in the Office of the Clerk of Klamath County, Oregon.

Commonly known as: 2076 California Avenue, Klamath Falls, OR

Both the Beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said Deed of Trust and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default for which the foreclosure is made is that the grantor(s): failed to pay payments which became due; together with late charges due; failed to pay attorneys' fees and expenses; defaulted amounts total:\$13,466.54

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 \$216,841.70 together with interest thereon at the rate of 6.25000% per annum from June 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 FIDELITY NATIONAL TITLE INSURANCE COMPANY, the undersigned trustee will on **May 16, 2011** at the hour of **10:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, At the main entrance to the County Courthouse, 316 Main St., Klamath Falls, 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 of the said Deed of Trust, together with any interest which the grantor or his successor(s) in interest acquired after the execution of said Deed of Trust, 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 or attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or Deed of Trust, at any time prior to five days before the date last set for sale.

**FOR FURTHER INFORMATION, PLEASE CONTACT FIDELITY NATIONAL TITLE INSURANCE COMPANY, 135 Main St. Ste.1900, San Francisco, CA 94105 415-247-2450**

**SALE INFORMATION CAN BE OBTAINED ON LINE AT [www.priorityposting.com](http://www.priorityposting.com)  
AUTOMATED SALES INFORMATION PLEASE CALL 714-573-1965**

## 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 Deed of Trust, the words "trustee" and "Beneficiary" include their respective successors in interest, if any.

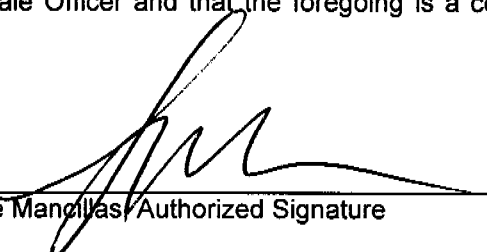
Dated: January 7, 2011

FIDELITY NATIONAL TITLE INSURANCE  
COMPANY, Trustee

  
\_\_\_\_\_  
Grace Manolas, Authorized Signature

State of California  
County of San Francisco

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.

  
\_\_\_\_\_  
Grace Manolas, Authorized Signature

## **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for May 16, 2011. 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 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 April 16, 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 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.**

**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/>**

**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: <http://www.osbar.org>.**

**When recorded mail to:**  
**DEFAULT RESOLUTION NETWORK**  
**135 Main St. Ste.1900**  
**San Francisco, CA 94105**  
**Phone: 415-247-2450**  
**Fax: 415-520-0488**

**Loan # 115200753 / Monti**  
**TS # 10-01595-4 .**  
**Title Order # 89377**  
**Grantor: Martin Monti and Janet Monti, husband and wife**

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## AFFIDAVIT OF SERVICE

790284  
10-01595-4  
(SFO)

**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 **2076 California Ave. Klamath Falls, OR 97601**

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to **Martin I Monti** at the address below.

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to **Martin I Monti**, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: **Martin L Monti & "Jane Doe"**

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

1<sup>st</sup> Attempt:

2<sup>nd</sup> Attempt:

3<sup>rd</sup> Attempt:

☐ **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 **January 12, 2011**, I mailed a copy of the Trustee's Notice of Sale addressed to **All Known Occupants** at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed Chelsea Meek

**2076 California Ave. 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.

January 11, 2010

1:54 PM

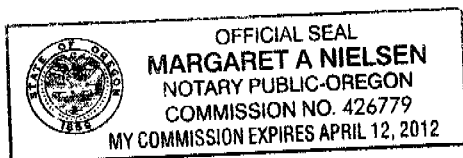
**DATE OF SERVICE**

**TIME OF SERVICE**

☐ or non occupancy

By [Signature]  
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 21<sup>st</sup> day of January, 2011.



Margaret A. Nielsen  
Notary Public for Oregon

05/16



**When recorded mail to:**  
**DEFAULT RESOLUTION NETWORK**  
**135 Main St. Ste.1900**  
**San Francisco, CA 94105**  
**Phone: 415-247-2450**  
**Fax: 415-520-0488**

**Loan # 115200753 / Monti**  
**TS # 10-01595-4 .**  
**Title Order # 89377**  
**Grantor: Martin Monti and Janet Monti, husband and wife**

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## **AFFIDAVIT OF PUBLICATION**

10-01595-4  
(SFO)

# 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 # 13041

Trustee's Notice of Sale

Monti

a printed copy of which is hereto annexed,  
was published in the entire issue of said  
newspaper for: ( 4 )

Four

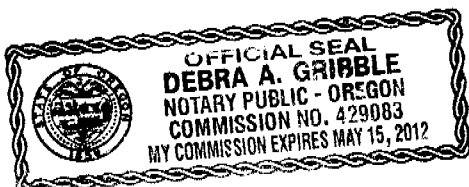
Insertion(s) in the following issues:

January 18, 25, February 01, 08, 2011

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day  
before me on: February 14, 2011

*Debra A Gribble*  
Notary Public of Oregon

My commission expires May 15, 2012



Loan No.: 115200753 / Monti TS #: 10-01595-4  
TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Mar-  
tin Monti and Janet Monti, husband and wife, as Grantor, to  
Fidelity Service Corporation, as Trustee, in favor of MORT-  
GAGE ELECTRONIC REGISTRATION SYSTEMS, INC.  
(MERS), as Beneficiary, recorded 06/06/2005, Book M05  
Page 41946 of Official Records in the office of the Recorder  
Klamath County, OR to wit: APN: R-3809-030AD-01003-000  
Lots 1 and 2 and the West 25.00 feet, measured at right an-  
gles of Lot 3 in Block 121, Buena Vista Addition to the City of  
Klamath Falls, according to the Official Plat thereof on file in  
the Office of the Clerk of Klamath County, Oregon. Common-  
ly known as: 2076 California Avenue Klamath Falls, OR.

Both the Beneficiary and the trustee have elected to sell this  
said real property to satisfy the obligations secured by said  
Deed of Trust and notice has been recorded pursuant to  
Section 86.735(3) of Oregon Revised Statutes: the default  
for which the foreclosure is made is that the grantor(s): failed  
to pay payments which became due; together with late  
charges due; failed to pay attorneys' fees and expenses; de-  
faulted amounts total: \$13,466.54

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 \$216,841.70 together with interest thereon at the rate of  
6.25000% per annum from June 1, 2010 until paid; plus all  
accrued late charges thereon; and all trustee's fees, foreclo-  
sure costs and any sums advanced by the Beneficiary pur-  
suant to the terms of said deed of trust.

Whereof, notice hereby is given that FIDELITY NATIONAL  
TITLE INSURANCE COMPANY, the undersigned trustee will  
on 5/16/2011 at the hour of 10:00 AM, Standard of Time, as  
established by section 187.110, Oregon Revised Statutes, At  
the main entrance to the County Courthouse, 316 Main St.,  
Klamath Falls, 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 of the said  
Deed of Trust, together with any interest which the grantor or  
his successor(s) in interest acquired after the execution of  
said Deed of Trust, to satisfy the foregoing obligations there-  
by 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 dis-  
missed and the trust deed reinstated by payment to the Ben-  
eficiary of the entire amount then due (other than such por-  
tion of said principal as would not then be due had no default  
occurred), together with the costs, trustee's or attorney's  
fees and curing any other default complained of in the Notice  
of Default by tendering the performance required under the  
obligation or Deed of Trust, at any time prior to five days be-  
fore the date last set for sale. FOR FURTHER INFORMA-  
TION, PLEASE CONTACT FIDELITY NATIONAL TITLE IN-  
SURANCE COMPANY, 135 Main St. Ste. 1900, San Francis-  
co, CA 94105 415-247-2450 SALE INFORMATION CAN BE  
OBTAINED ON LINE AT [www.priorityposting.com](http://www.priorityposting.com) AUTO-  
MATED SALES INFORMATION PLEASE CALL 714-573-  
1985.

In construing this notice, 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 the Trust Deed, and the  
words "Trustee" and "Beneficiary" include their respective  
successors in interest, if any. Dated 1/7/2011 Fidelity National  
Title Insurance Company, Trustee Grace Mancillas, Author-  
ized Signature State of California County of San Francisco 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. Grace Mancillas, Author-  
ized Signature P790284 1/18, 1/25, 2/1, 02/08/2011.  
#13041 January 18, 25, February 01, 08, 2011.