

RECORDING COVER SHEET RE: Trust Deed From

Roberto Arias and Graciela Torres, Grantor

to

Aspen Title and Escrow, Inc., Trustee

After recording return to: Michael L. Spencer

**2011-007976**

**Klamath County, Oregon**



00104279201100079760140143

07/06/2011 02:07:47 PM

Fee: \$117.00

**RECORDING COVER SHEET**

Attached for recording are the following:

1. Affidavit of Mailing Trustee's Notice of Sale (5 pages)
2. Affidavit of Posting (5 pages)
3. Affidavit of Non-Occupancy (1 page)
4. Affidavit of No Timely Receipt of Request for Loan Modification (1 page)
5. Affidavit of Publication (1 page)

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE: Trust Deed From

Roberto Arias and Graciela Torres, Grantor

to

Aspen Title and Escrow, Inc., Trustee

After recording return to: Michael L. Spencer

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF OREGON, County of Klamath) ss.

I, Michael L. Spencer, being first duly sworn, depose, and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale (including the attached Notices) by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

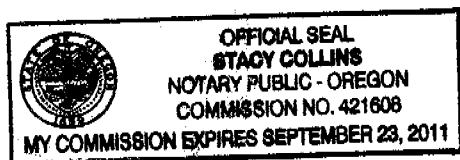
Roberto Arias, 4259 Arthur St., Klamath Falls, OR 97603  
Graciela Torres, 4259 Arthur St., Klamath Falls, OR 97603  
Tenant, 4259 Arthur St., Klamath Falls, OR 97603

Said Trustee's Notice of Sale was given in compliance with ORS 86.745 and the above named persons include all of those persons listed in ORS 86.740 and ORS 86.750.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Michael L. Spencer, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on March 8, 2011.

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

Subscribed and sworn to before me this <sup>July</sup> 28<sup>th</sup> day of ~~June~~, 2011 by Michael L. Spencer.



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 9-23-11

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Roberto Arias and Graciela Torres, as grantor, to Aspen Title and Escrow, Inc. as trustee, in favor of Dream Chaser Investment, LP, as beneficiary, dated August 8, 2006, recorded August 8, 2006, in the mortgage records of Klamath County, Oregon, in Book 2006 at page 15899, covering the following described real property situated in said county and state, to-wit:

Lot 42 Casitas, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

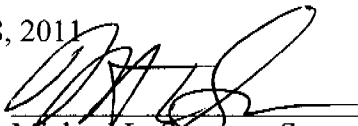
Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: Monthly payments of \$644.00 from September 8, 2010 until present and real property taxes for 2010 in the amount of \$985.92 and for failing to maintain insurance on the property.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: : \$76,355.92 plus interest at the rate of 9% from August 10, 2010.

WHEREFORE, notice hereby is given that the undersigned trustee will on July 11, 2011, at the hour of 9:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at 316 Main St. in the City of 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 by grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

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

DATED: March 8, 2011

  
\_\_\_\_\_  
Michael L. Spencer, Successor trustee

State of Oregon, County of Klamath) ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Michael L. Spencer, Attorney for said Trustee

**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 4259 Arthur Street, Klamath Falls, OR 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'.

In order to bring your mortgage loan current, the amount you need to pay as of today, March 8, 2011 is \$4,508.00 plus property taxes and foreclosure costs. You must also provide proof of insurance.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call this office at (541) 883-7139, 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:

Michael L. Spencer  
403 Main St.  
Klamath Falls, OR 97601

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

July 11, 2011, at the hour of 9:00 AM PT, at the main entrance of 316 Main St., in the City of Klamath Falls, Oregon.

## THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can 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 State of Oregon Department of Consumer and Business Services at (503) 378-4140. 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: <http://www.osbar.org/public/rislr.html#referral>. 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>.

**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.

DATED: March 8, 2011

Michael L. Spencer

Trustee signature:  
Trustee telephone number: (541) 883-7139

## NOTICE TO TENANTS:

1. 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 June 11, 2011. 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.

AFFIDAVIT OF POSTING RE: Trust Deed From

Roberto Arias and Graciela Torres, Grantor

to

Aspen Title and Escrow, Inc., Trustee

After recording return to: Michael L. Spencer

**AFFIDAVIT OF POSTING**

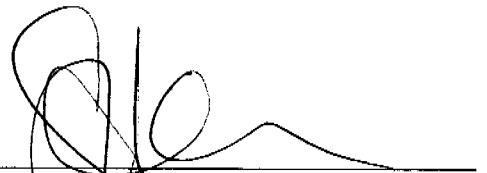
STATE OF OREGON, County of Klamath) ss.

I, Michael L. Spencer, being first duly sworn, depose, and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

On March 9, 2011, I posted the attached Notices on the front door of 4259 Arthur St., Klamath Falls, OR 97603, which appeared to be unoccupied at the time.

Subscribed and sworn to before me this 6th day of July, 2011 by Michael L. Spencer.



Notary Public for Oregon  
My Commission Expires:

9-23-11



## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Roberto Arias and Graciela Torres, as grantor, to Aspen Title and Escrow, Inc. as trustee, in favor of Dream Chaser Investment, LP, as beneficiary, dated August 8, 2006, recorded August 8, 2006, in the mortgage records of Klamath County, Oregon, in Book 2006 at page 15899, covering the following described real property situated in said county and state, to-wit:

Lot 42 Casitas, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

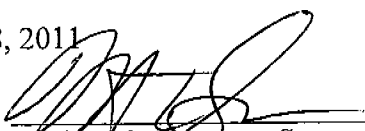
Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: Monthly payments of \$644.00 from September 8, 2010 until present and real property taxes for 2010 in the amount of \$985.92 and for failing to maintain insurance on the property.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: : \$76,355.92 plus interest at the rate of 9% from August 10, 2010.

WHEREFORE, notice hereby is given that the undersigned trustee will on July 11, 2011, at the hour of 9:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at 316 Main St. in the City of 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 by grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

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

DATED: March 8, 2011

  
Michael L. Spencer, Successor trustee

State of Oregon, County of Klamath) ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

\_\_\_\_\_  
Michael L. Spencer, Attorney for said Trustee

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 4259 Arthur Street,  
Klamath Falls, OR 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'.

In order to bring your mortgage loan current, the amount you need to pay as of today, March 8, 2011 is \$4,508.00 plus property taxes and foreclosure costs. You must also provide proof of insurance.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call this office at (541) 883-7139, 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:

Michael L. Spencer  
403 Main St.  
Klamath Falls, OR 97601

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

July 11, 2011, at the hour of 9:00 AM PT, at the main entrance of 316 Main St., in the City of Klamath Falls, Oregon.

## THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can 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 State of Oregon Department of Consumer and Business Services at (503) 378-4140. 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: <http://www.osbar.org/public/rislris.html#referral>. 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>.

**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.

DATED: March 8, 2011

Michael L. Spencer

Trustee signature:  
Trustee telephone number: (541) 883-7139

## NOTICE TO TENANTS:

1. 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 June 11, 2011. 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.

AFFIDAVIT OF NON-OCCUPANCY RE: Trust Deed From

Roberto Arias and Graciela Torres, Grantor

to

Aspen Title and Escrow, Inc., Trustee

After recording return to: Michael L. Spencer

**AFFIDAVIT OF NON-OCCUPANCY**


STATE OF OREGON, County of Klamath) ss.

I, Michael L. Spencer, being first duly sworn, depose, and say and certify that:

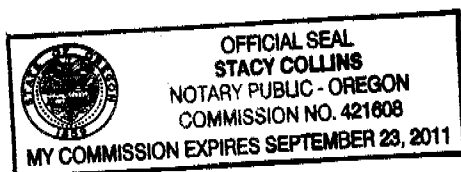
At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

At all times since the mailing of the Notice of Default in this matter, through the date of this Affidavit, the property subject to the Notice of Default, 4259 Arthur St., Klamath Falls, Oregon, has not been occupied in any manner by any person.

Subscribed and sworn to before me this <sup>2</sup>~~28~~ day of <sup>July</sup>~~June~~, 2011 by Michael L. Spencer.



Notary Public for Oregon  
My Commission Expires: 9-23-11



AFFIDAVIT OF NO TIMELY RECEIPT OF REQUEST FOR  
LOAN MODIFICATION OR MEETING RE: Trust Deed From

Roberto Arias and Graciela Torres, Grantor

to

Aspen Title and Escrow, Inc., Trustee

After recording return to: Michael L. Spencer

**AFFIDAVIT OF NO TIMELY RECEIPT OF REQUEST FOR LOAN MODIFICATION/MEETING**


STATE OF OREGON, County of Klamath) ss.

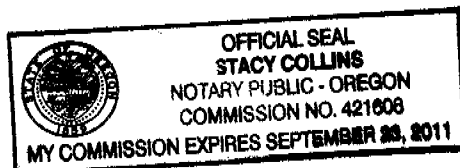
I, Michael L. Spencer, being first duly sworn, depose, and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I duly mailed to the borrower(s) identified above the notice required by ORS 86.737 ("Notice"). With the Notice, I also included the form contemplated by ORS 86.737 on which the borrower(s) could elect to ask the beneficiary to consider granting a loan modification ("Form"). The Notice also invited the borrower(s) to request a meeting. The Notice and/or request form instructed the borrower(s) to submit the request for modification and/or meeting to the Trustee at the address provided in the Notice and/or form. The Notice also provided a deadline date by which the Trustee would need to receive from the borrower(s) a request for loan modification or request for a meeting. I did not receive a request for loan modification form or request for meeting from the borrower(s) before the deadline set forth in the Notice.

Subscribed and sworn to before me this <sup>6<sup>th</sup></sup> ~~28th~~ day of <sup>July</sup> ~~June~~, 2011 by Michael L. Spencer.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 9-23-11



**AFFIDAVIT OF PUBLICATION  
STATE OF OREGON,  
COUNTY OF KLAMATH**

I, Jeanine P. Day, Finance Director, being duly sworn, depose and say that I am the principle 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#13344 ARIAS/TORRES

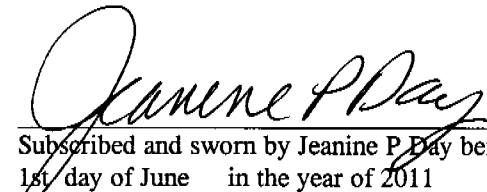
**TRUSTEE'S NOTICE OF SALE**


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

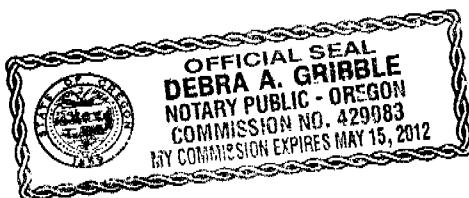
Insertion(s) in the following issues:

05/11/2011 05/18/2011 05/25/2011 06/01/2011

Total Cost: \$880.22

  
Subscribed and sworn by Jeanine P. Day before me on:  
1st day of June in the year of 2011

  
Notary Public of Oregon  
My commission expires on May 15, 2012



**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain trust deed made by Roberto Arias and Graciela Torres, as grantor, to Aspen Title and Escrow, Inc. as trustee, in favor of Dream Chaser Investment, LP, as beneficiary, dated August 8, 2006, recorded August 8, 2006, in the mortgage records of Klamath County, Oregon, in Book 2006 at page 15899, covering the following described real property situated in said county and state, to-wit:

•Lot 42 Casitas, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: Monthly payments of \$644.00 from September 8, 2010 until present and real property taxes for 2010 in the amount of \$600.00 and insurance on the property.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: : \$76,355.92 plus interest at the rate of 9% from August 10, 2010.

WHEREFORE, notice hereby is given that the undersigned trustee will on July 11, 2011, at the hour of 9:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at 316 Main St. in the City of 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 by grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

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

DATED: March 8, 2011

/s/Michael L. Spencer, Successor trustee

State of Oregon, County of Klamath) ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

/s/ Michael L. Spencer, Attorney for said Trustee  
#13344 May 11, 18, 25, June 01, 2011.