

WTC 910130

2011-009535

Klamath County, Oregon



00106252201100095350220224

08/18/2011 03:13:55 PM

Fee: \$162.00

After recording return to:

Fidelity National Title Insurance Company

1920 Main Street, Suite 1120

Irvine, CA 92614

TS No.: 11-01657-6

Order No.: 110171404-OR-GNO

Loan No: 0000032318

## RECORDING COVER SHEET FOR NOTICE OF SALE PROOF OF COMPLIANCE,

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.

Affidavit of Mailing Trustee's Notice of Sale

Affidavit of Compliance

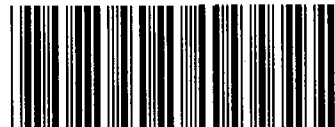
Affidavit of Posting

Affidavit of Publication

Affidavit of Non-Military Status

Original Grantor: HARVEY JOHNSON AND SHANNON JOHNSON AS TENANTS BY THE ENTIRETY  
Current Beneficiary: SRMOF 2009-1 Trust

162Amd



Walz Affidavit #: 2353617

## AFFIDAVIT OF MAILING

### Default Resolution Network

Date: 04/27/2011

Ref. No.: 11-01657-6

MailbatchID: 349119

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 April 27, 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 Eddie Solares

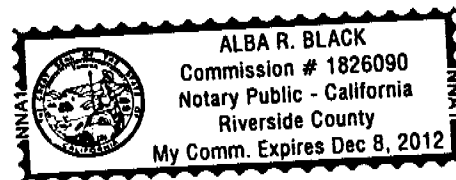
ORGRNTR  
2249577179  
REF #: 11-01657-6  
CURRENT OCCUPANT  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

ORGRNTR  
2249577180  
REF #: 11-01657-6  
HARVEY JOHNSON  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

ORGRNTR  
2249577181  
REF #: 11-01657-6  
HARVEY JOHNSON  
2109 GARY ST  
KLAMATH FALLS, OR 97603

ORGRNTR  
2249577182  
REF #: 11-01657-6  
SHANNON JOHNSON  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

ORGRNTR  
2249577183  
REF #: 11-01657-6  
SHANNON JOHNSON  
2109 GARY ST  
KLAMATH FALLS, OR 97603



STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

Subscribed and sworn to (or affirmed) before me on this 29 day of APR (month),  
2011 (year), by Eddie Solares, 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 #: 2353900

# **AFFIDAVIT OF MAILING**

## **Default Resolution Network**

Date: 04/27/2011

Ref. No.: 11-01657-6

MailbatchID: 349145

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 April 27, 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 Eddie Solares

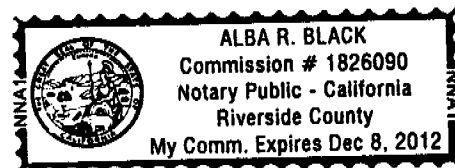
ORGRNTR  
7196 9006 9295 1636 9581  
REF #: 11-01657-6  
CURRENT OCCUPANT  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

ORGRNTR  
7196 9006 9295 1636 9598  
REF #: 11-01657-6  
HARVEY JOHNSON  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

ORGRNTR  
7196 9006 9295 1636 9604  
REF #: 11-01657-6  
HARVEY JOHNSON  
2109 GARY ST  
KLAMATH FALLS, OR 97603

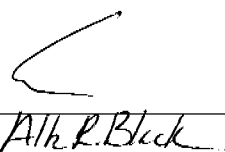
ORGRNTR  
7196 9006 9295 1636 9611  
REF #: 11-01657-6  
SHANNON JOHNSON  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

ORGRNTR  
7196 9006 9295 1636 9628  
REF #: 11-01657-6  
SHANNON JOHNSON  
2109 GARY ST  
KLAMATH FALLS, OR 97603



STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

Subscribed and sworn to (or affirmed) before me on this 29 day of Apr (month), 2011 (year), by Eddie Solares, 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#: 11-01657-6**

**Loan #: 0000032318**

**This notice is about your mortgage loan on your property at 2109 GARY ST,  
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."

The amount you would have had to pay as of April 27, 2011 to bring your mortgage loan current was **\$6,007.78**. 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 713-625-2032 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: SELENE FINANCE, L.P. at 9990 RICHMOND AVE SUITE 400 South HOUSTON, TX 77042

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

Date and time: August 31, 2011 at 10:00 AM

Place: on the front steps of the Circuit Court, 316 Main Street., in the City of 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 SELENE FINANCE, L.P. at 713-625-2032 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 713-625-2032. 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 May 27, 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.

April 27, 2011

Trustee name: FIDELITY NATIONAL TITLE INSURANCE COMPANY

Trustee signature:

  
Michelle Ramos, Authorized Signature

Trustee telephone number: 949-252-4900

Trustee Address: 1920 Main Street, Suite 1120, Irvine, CA 92614

440-4795 (8/09/COM)



Walz Affidavit #: 2365322

## AFFIDAVIT OF MAILING

### **Default Resolution Network**

Date: 05/03/2011


Ref. No.: 11-01657-6

MailbatchID: 350269

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 May 03, 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 Eddie Solares

ORNOD  
2249721769  
REF #: 11-01657-6  
CARTER JONES COLLECTIONS LLC  
C/O NEAL G. BUCHANAN  
435 OAK ST  
KLAMATH FALLS, OR 97601

ORNOD  
2249721770  
REF #: 11-01657-6  
CARTER JONES COLLECTIONS,  
L.L.C.  
1143 PINE STREET  
P.O. BOX 145  
KLAMATH FALLS, OR 97601-0375

ORNOD  
2249721771  
REF #: 11-01657-6  
CURRENT OCCUPANT  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

ORNOD  
2249721772  
REF #: 11-01657-6  
DEPARTMENT OF HUMAN  
RESOURCES  
REF: CASE # 9202672 CV  
C/O DALE H FITZSIMMONS  
3230 WINTER CREEK DR  
EUGENE, OR 97405

ORNOD  
2249721773  
REF #: 11-01657-6  
DEPARTMENT OF JUSTICE  
CASE #: 9202672CV REF: JOHNSON,  
HARVEY  
CHILD SUPPORT SERVICES  
P.O. BOX 14506  
SALEM, OR 97309

ORNOD  
2249721774  
REF #: 11-01657-6  
HIGHLAND COMMUNITY FCU  
RE: CASE # 0202041CV  
C/O NEAL G BUCHANAN  
435 OAK  
KLAMATH FALLS, OR 97601

ORNOD  
2249721775  
REF #: 11-01657-6  
KLAMATH FIRST  
RE CASE #: 0201772CV  
ATTN: EMPLOYEE - HR  
540 MAIN ST.  
KLAMATH FALLS, OR 97601

**AFFIDAVIT OF MAILING**

***Default Resolution Network***

Date: 05/03/2011

Ref. No.: 11-01657-6

MailbatchID: 350269

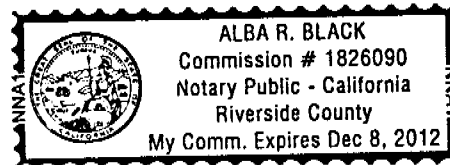
STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

Subscribed and sworn to (or affirmed) before me on this 4 day of MAY (month),  
2011 (year), by Eddie Solares, 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 #: 2365129

## AFFIDAVIT OF MAILING

### **Default Resolution Network**

Date: 05/03/2011

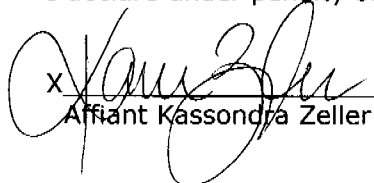
Ref. No.: 11-01657-6

MailbatchID: 350221

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

The declarant, whose signature appears below, states that she 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 May 03, 2011, she 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 Kassondra Zeller

ORNOD  
7196 9006 9295 1741 0770  
REF #: 11-01657-6  
CARTER JONES COLLECTIONS LLC  
C/O NEAL G. BUCHANAN  
435 OAK ST  
KLAMATH FALLS, OR 97601

ORNOD  
7196 9006 9295 1741 0787  
REF #: 11-01657-6  
CARTER JONES COLLECTIONS,  
L.L.C.  
1143 PINE STREET  
P.O. BOX 145  
KLAMATH FALLS, OR 97601-0375

ORNOD  
7196 9006 9295 1741 0794  
REF #: 11-01657-6  
CURRENT OCCUPANT  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

ORNOD  
7196 9006 9295 1741 0800  
REF #: 11-01657-6  
DEPARTMENT OF HUMAN  
RESOURCES  
REF: CASE # 9202672 CV  
C/O DALE H FITZSIMMONS  
3230 WINTER CREEK DR  
EUGENE, OR 97405

ORNOD  
7196 9006 9295 1741 0817  
REF #: 11-01657-6  
DEPARTMENT OF JUSTICE  
CASE #: 9202672CV REF: JOHNSON,  
HARVEY  
CHILD SUPPORT SERVICES  
P.O. BOX 14506  
SALEM, OR 97309

ORNOD  
7196 9006 9295 1741 0824  
REF #: 11-01657-6  
HIGHLAND COMMUNITY FCU  
RE: CASE # 0202041CV  
C/O NEAL G BUCHANAN  
435 OAK  
KLAMATH FALLS, OR 97601

ORNOD  
7196 9006 9295 1741 0831  
REF #: 11-01657-6  
KLAMATH FIRST  
RE CASE #: 0201772CV  
ATTN: EMPLOYEE - HR  
540 MAIN ST.  
KLAMATH FALLS, OR 97601



**AFFIDAVIT OF MAILING**

***Default Resolution Network***

Date: 05/03/2011

Ref. No.: 11-01657-6

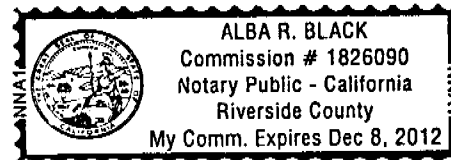
MailbatchID: 350221

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

Subscribed and sworn to (or affirmed) before me on this 4 day of MAY (month),  
2011 (year), by Kassondra Zeller, proved to me on the basis of satisfactory evidence to be  
the person who appeared before me.

ALR Black (Signature of Notary)

(Seal of Notary)





Walz Affidavit #: 2365180

**AFFIDAVIT OF MAILING****Default Resolution Network**

Date: 05/03/2011

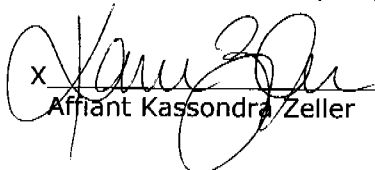
Ref. No.: 11-01657-6

MailbatchID: 350235

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

The declarant, whose signature appears below, states that she 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 May 03, 2011, she 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.

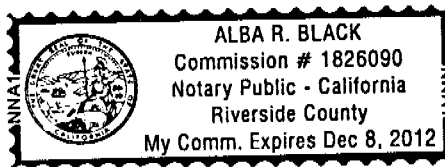
x   
Affiant Kassondra Zeller

ORNOD  
7196 9006 9295 1741 1036  
REF #: 11-01657-6  
HARVEY JOHNSON  
2109 GARY ST  
KLAMATH FALLS, OR 97603

ORNOD  
7196 9006 9295 1741 1043  
REF #: 11-01657-6  
HARVEY JOHNSON  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

ORNOD  
7196 9006 9295 1741 1050  
REF #: 11-01657-6  
SHANNON JOHNSON  
2109 GARY ST  
KLAMATH FALLS, OR 97603

ORNOD  
7196 9006 9295 1741 1067  
REF #: 11-01657-6  
SHANNON JOHNSON  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

Subscribed and sworn to (or affirmed) before me on this 4 day of MAY (month), 2011 (year), by Kassondra Zeller, 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)



Waiz Affidavit #: 2365424

# **AFFIDAVIT OF MAILING**

## **Default Resolution Network**

Date: 05/03/2011

Ref. No.: 11-01657-6

MailbatchID: 350284

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 May 03, 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.

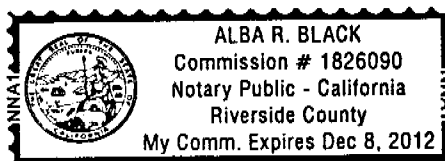
X Eddie Solares  
Affiant Eddie Solares

ORNOD  
2249721795  
REF #: 11-01657-6  
HARVEY JOHNSON  
2109 GARY ST  
KLAMATH FALLS, OR 97603

ORNOD  
2249721796  
REF #: 11-01657-6  
HARVEY JOHNSON  
2109 GARY STREET  
KLAMATH FALLS, OR 97603

ORNOD  
2249721797  
REF #: 11-01657-6  
SHANNON JOHNSON  
2109 GARY ST  
KLAMATH FALLS, OR 97603

ORNOD  
2249721798  
REF #: 11-01657-6  
SHANNON JOHNSON  
2109 GARY STREET  
KLAMATH FALLS, OR 97603



STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

Subscribed and sworn to (or affirmed) before me on this 4 day of MAY (month), 2011 (year), by Eddie Solares, 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)

## TRUSTEE'S NOTICE OF SALE

Loan No: 0000032318

T.S. No.: 11-01657-6

Reference is made to that certain Deed of Trust dated as of May 12, 2006 made by, HARVEY JOHNSON AND SHANNON JOHNSON AS TENANTS BY THE ENTIRETY, was the original Grantor to AMERITITLE, was the original trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR GATEWAY FINANCIAL SERVICES, was the original beneficiary, recorded on May 17, 2006, as Instrument No. M06-09983 of Official Records in the office of the Recorder of Klamath County, Oregon (the "Deed of Trust") to wit:

APN: 3909-002BC-00700-000

THE NORTH ONE-HALF OF LOT 7, BLOCK 6, PLEASANT VIEW TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE RIGHT OF WAY OF GARY STREET

Commonly known as: 2109 GARY STREET, KLAMATH FALLS, OR

The current beneficiary is: SRMOF 2009-1 Trust

Both the Beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by the Deed of Trust and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default(s) for which the foreclosure is made is that the grantor(s): failed to pay payments which became due; together with late charges due; and which defaulted amounts total: \$6,007.78 as of April 27, 2011.

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 \$135,018.01 together with interest thereon at the rate of 6.00000% per annum from November 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, as the duly appointed trustee under the Deed of Trust will on **August 31, 2011** at the hour of **10:00 AM**, Standard of Time, as established by section 187.110, Oregon Revised Statutes, **on the front steps of the Circuit Court, 316 Main Street., 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 of the Deed of Trust, together with any interest which the grantor or his successor(s) in interest acquired after the execution of the 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, 1920 Main Street, Suite 1120, Irvine, CA  
92614 949-252-4900**

**SALE INFORMATION CAN BE OBTAINED ON LINE AT [www.lpsasap.com](http://www.lpsasap.com)  
AUTOMATED SALES INFORMATION PLEASE CALL 714-730 - 2727**

**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: May 2, 2011

FIDELITY NATIONAL TITLE INSURANCE COMPANY, Trustee

\_\_\_\_\_  
Juan Enriquez, Authorized Signature

State of California  
County of Orange

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.

\_\_\_\_\_  
Juan Enriquez, Authorized Signature

## NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for August 31, 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 August 1, 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>.

**NOTICE OF DEFAULT AND ELECTION TO SELL**

RE: Trust Deed from: HARVEY JOHNSON AND SHANNON JOHNSON AS TENANTS BY THE ENTIRETY, Grantor

To: Fidelity National Title Insurance Company, Successor Trustee

After recording return to(name, address, zip):

Fidelity National Title Insurance Company  
1920 Main Street, Suite 1120  
Irvine , CA 92614

THIS IS TO CERTIFY THAT THIS IS A FULL TRUE AND CORRECT COPY OF THE ORIGINAL RECORDED IN THE OFFICE OF THE COUNTY

RECORDING FEE: \$42.00

RECORDED ON: April 19, 2011

AS DOCUMENT NO: 2011-004996

BY: s/ Josephine Galapon

FIDELITY NATIONAL TITLE INSURANCE CO. (LSI DIVISION)

TS No: 11-01657-6 Loan No: 0000032318

Reference is made to that certain Deed of Trust made by HARVEY JOHNSON AND SHANNON JOHNSON AS TENANTS BY THE ENTIRETY, as the original grantor, to AMERITITLE, as the original trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR GATEWAY FINANCIAL SERVICES, as the original beneficiary, dated as of May 12, 2006, and recorded May 17, 2006, as Instrument No. M06-09983 , in the Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, (the "Deed of Trust") to wit:

APN: 3909-002BC-00700-000

**The North 1/2 of Lot 7, Block 6, PLEASANT VIEW TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. EXCEPTING THEREFROM any portion lying within the right of way of Gary Street.**

Commonly known as: 2109 GARY ST, KLAMATH FALLS, OR

The current beneficiary is: SRMOF 2009-1 Trust

The undersigned Fidelity National Title Insurance Company, as duly appointed trustee, hereby certifies that to the best of its knowledge and based on information available, that no assignments of the Deed of Trust by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the records of the county or counties in which the above described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the Deed of Trust, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor or other person owing an obligation, performance of which is secured by the Deed of Trust, or by the successor in interest, with respect to provisions therein which authorize sale in the event of such provision. The default for which foreclosure is made is that the grantor(s): failed to pay payments which became due; together with late charges due; and which defaulted amounts total: **\$5,369.69** as of 04/14/2011

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Deed of Trust immediately due and payable, those sums being the following, to wit: The sum of \$135,018.01 together with interest thereon at a rate of 6.00000% per annum November 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 trust.

Notice hereby is given that the Beneficiary and trustee, by reason of default, have elected and do hereby elect to foreclose the Deed of Trust by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the Deed of Trust, together with any interest grantor or grantor's successor in interest acquired after the execution of the Deed of Trust, to satisfy the obligations secured by the Deed of Trust and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of **10:00 AM**, in accord with the standard of time established by ORS 187.110,



on August 31, 2011, at the following place: on the front steps of the Circuit Court, 316 Main Street., in the City of Klamath Falls, County of Klamath, State of Oregon

FOR SALE INFORMATION CALL: 714.730.2727

Website for Trustee's Sale Information: [www.lpsasap.com](http://www.lpsasap.com)

Other than as shown of record, neither the Beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the Deed of Trust, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property.

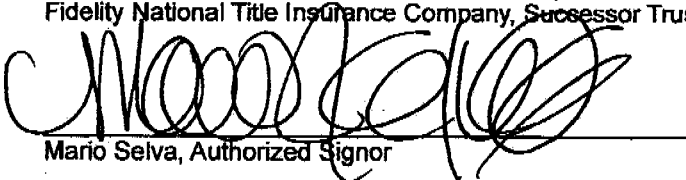
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred), together with costs, trustee's and attorney's fees, 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, at any time prior to five days before the date last set for sale.

FOR FURTHER INFORMATION CONTACT:  
FIDELITY NATIONAL TITLE INSURANCE COMPANY  
1920 Main Street, Suite 1120  
Irvine, CA 92614  
949-252-4900

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to this 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: April 14, 2011

Fidelity National Title Insurance Company, Successor Trustee


  
Mario Selva, Authorized Signor

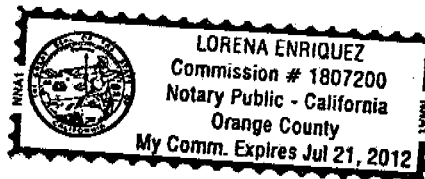
State of California                    }ss.  
County of Orange                   }ss

On April 14, 2011, before me, Lorena Enriquez, a Notary Public, personally appeared Mario Selva, 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.

  
Lorena Enriquez # 1807200  
My Commission Expires July 21, 2012



(Seal)

11016576 / JOHNSON  
ASAP# 3985193

**FDRSA****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 upon the individuals and other legal entities to be served, named below, by delivering a copy of the aforementioned documents, upon an OCCUPANT at the following "Property Address":

**2109 Gary Street, Klamath Falls, OR 97603, as follows:**

On 05/05/2011 at 4:54 p.m., I attempted personal service at the Property Address. A locked gate is situated at the main entrance to the Property Address effectively preventing access to the front door of the structure situated on the premises. At that time, I POSTED such true copy conspicuously on the main entrance gate, pursuant to ORS 86.750 (1)(b)(A).

On 05/10/2011 at 1:58 p.m., I returned to the Property Address. Again, the gate situated at the main entrance to the Property Address was locked and I was prevented from gaining access to the structure existing on the premises. At that time, I POSTED another such copy conspicuously on the main entrance gate, pursuant to ORS 86.750 (1)(b)(B).

On 05/12/2011 at 2:52 p.m., I returned to the Property Address. Again, the gate situated at the main entrance to the Property Address was locked and I was prevented from gaining access to the structure existing on the premises. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

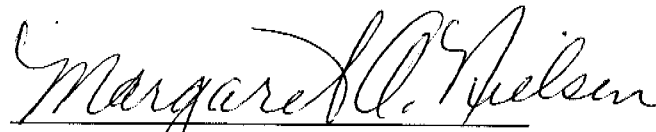
I declare under the penalty of perjury that the above statement is true and correct.

  
Robert Bolenbaugh

264516

SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of May, 2011 by Robert Bolenbaugh.



  
Notary Public for Oregon

11016576 / JOHNSON  
ASAP# 3985193

**FDRSA**

**AFFIDAVIT OF MAILING**

STATE OF OREGON

County of Multnomah

ss.

I, Sarah Ruth Tasko, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On May 13, 2011, I mailed a copy of the Trustee's Notice of Sale, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.750(1)(b)(C).

The envelope was addressed as follows:

**OCCUPANT  
2109 Gary Street  
Klamath Falls, OR 97603**

This mailing completes service upon an occupant at the above address with an effective date of **05/05/2011** as calculated pursuant to ORS 86.750 (1)(c).

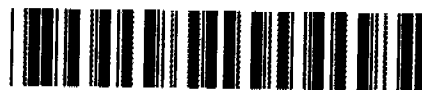
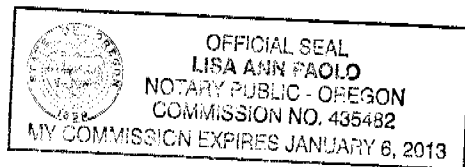
I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 13th day of May, 2011 by  
Sarah Ruth Tasko.

Notary Public for Oregon

X

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



\*264316\*

**AFFIDAVIT OF COMPLIANCE**

2008 Oregon Laws, ch. 19, § 20 and as amended by 2009 Oregon Laws ch. 864, § 1 (Enrolled Senate Bill 628)

STATE OF Texas County of Harris ) ss:

I, Carter Nicholas, being first duly sworn, depose, and say that am employed by SELENE FINANCE, L.P. ("the beneficiary or the beneficiaries agent") and I have personal knowledge of the facts stated herein based upon a review of the relevant records during the normal course of business. Specifically, I have personal knowledge of Loan number 0000032318 where the grantor(s) name(s) is/are Harvey and Shannon Johnson:

- ☐ Beneficiary did not receive a Modification Request Form from the grantor(s) within the time specified in 2008 Oregon Laws, ch. 19, § 20 and as amended by 2009 Oregon Laws ch. 864, § 1 (Enrolled Senate Bill 628) The Modification Request Form was sent on 04/27/2011; or
- ☐ Beneficiary received a timely Modification Request Form from the grantor(s) on \_\_\_\_\_ [date].

**IF BENEFICIARY RECEIVED A TIMELY MODIFICATION REQUEST FORM:**

(check all that apply)

- ☐ Beneficiary or beneficiary's agent reviewed the information submitted by grantor(s), and notified the grantor(s) on \_\_\_\_\_ that the beneficiary denied the request for modification of the loan.
- ☐ Beneficiary or beneficiary's agent requested grantor(s) provide additional information needed to determine whether the loan could be modified.
- ☐ If timely requested by the grantor(s), the beneficiary or beneficiary's agent met with the grantor(s) in person or spoke to the grantor(s) by telephone on \_\_\_\_\_ before the beneficiary or beneficiary's agent responded to the grantor(s) request to modify the loan. The person representing the beneficiary or the beneficiary's agent who met or spoke with grantor(s) had or was able to obtain authority to modify the loan.
- ☐ The grantor(s) did not respond to the beneficiary within seven business days of \_\_\_\_\_ the beneficiary or the beneficiary agent attempted to contact the grantor(s) to schedule a meeting in person or by telephone.
- ☐ The beneficiary has previously considered the current financial information provided by the grantor(s), and has in good faith determined that the grantor(s) is not eligible for a modification of this loan. The beneficiary has informed the grantor(s) that the grantor(s) is not eligible for a modification of this loan on \_\_\_\_\_.
- ☒ The beneficiary agreed to a modification of the loan, but the grantor breached those terms by: failed to pay payments which became due; together with late charges due;

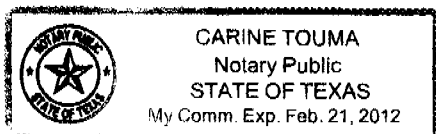
Dated: 5/19/11

By: Carter Nicholas

Before me, Carine Touma Notary Public, personally appeared Carter Nicholas, 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 Texas that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



11-01657

**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#13325 JOHNSON  
3985193

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

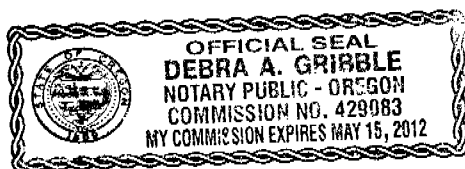
Insertion(s) in the following issues:

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

Total Cost: \$985.58

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

*Debra A Gribble*  
Notary Public of Oregon  
My commission expires on May 15, 2012



**TRUSTEE'S NOTICE OF SALE**  
Loan No: 0000032318 T.S. No.: 11-01657-6

Reference is made to that certain Deed of Trust dated as of May 12, 2006 made by, HARVEY JOHNSON AND SHANNON JOHNSON AS TENANTS BY THE ENTIRETY, was the original Grantor to AMERITITLE, was the original trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR GATEWAY FINANCIAL SERVICES, was the original beneficiary, recorded on May 17, 2006, as Instrument No. M06-09983 of Official Records in the office of the Recorder of Klamath County, Oregon (the "Deed of Trust") to wit: APN: 3909-002BC-00700-000 THE NORTH ONE-HALF OF LOT 7, BLOCK 6, PLEASANT VIEW TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE

FDRSA

CIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE RIGHT OF WAY OF GARY STREET Commonly known as: 2109 GARY STREET, KLAMATH FALLS, OR. The current beneficiary is: SRMOF 2009-1 Trust.

Both the Beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by the Deed of Trust and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes; the default(s) for which the foreclosure is made is that the grantor(s): failed to pay payments which became due; together with late charges due; and which defaulted amounts total: \$6,007.78 as of April 27, 2011.

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 \$135,018.01 together with interest thereon at the rate of 6.00000% per annum from November 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, as the duly appointed trustee under the Deed of Trust will on August 31, 2011 at the hour of 10:00 AM, Standard of Time, as established by section 187.110, Oregon Revised Statutes, on the front steps of the Circuit Court, 316 Main Street., 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 of the Deed of Trust, together with any interest which the grantor or his successor(s) in interest acquired after the execution of the 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, 1920 Main Street, Suite 1120, Irvine, CA 92614 949-252-4900 SALE INFORMATION CAN BE OBTAINED ON LINE AT [www.lpsasap.com](http://www.lpsasap.com) AUTOMATED SALES INFORMATION PLEASE CALL 714-730 - 2727 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: May 2, 2011 FIDELITY NATIONAL TITLE INSURANCE COMPANY, Trustee Juan Enriquez, Authorized Signature ASAP# 3985193 05/11/2011, 05/18/2011, 05/25/2011, 06/01/2011, #13325 May 11, 18, 25, June 01, 2011.