

NOTE 90005

2011-010074

Klamath County, Oregon

After recording return to:

Fidelity National Title Insurance Company

1920 Main Street, Suite 1120

Irvine, CA 92614



00106929201100100740260261

09/02/2011 03:18:06 PM

Fee: \$177.00

TS No.: 11-01337-6

Order No.: 110136839-OR-GNO

Loan No: 0101035194

## 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: DONA K. MCBEE AND THOMAS M. MCBEE, SR., WIFE AND HUSBAND  
Current Beneficiary: Wells Fargo Bank, N.A.

1777



## AFFIDAVIT OF MAILING

### **Default Resolution Network**

Date: 04/07/2011

Ref. No.: 11-01337-6

MailbatchID: 345097

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 07, 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

ORGRNTR  
2248802492  
REF #: 11-01337-6  
DONA K MCBEE  
21 MARINERS LN  
FLORENCE, OR 97739

ORGRNTR  
2248802486  
REF #: 11-01337-6  
CURRENT OCCUPANT  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORGRNTR  
2248802489  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
21 MARINERS LN  
FLORENCE, OR 97739

ORGRNTR  
2248802487  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORGRNTR  
2248802490  
REF #: 11-01337-6  
DONA K MCBEE  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORGRNTR  
2248802488  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
144776 INGLEWOOD RD  
LA PINE, OR 97739

ORGRNTR  
2248802491  
REF #: 11-01337-6  
DONA K MCBEE  
144776 INGLEWOOD RD  
LA PINE, OR 97739

**AFFIDAVIT OF MAILING**

***Default Resolution Network***

Date: 04/07/2011

Ref. No.: 11-01337-6

MailbatchID: 345097

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

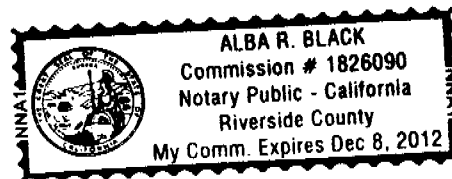
Subscribed and sworn to (or affirmed) before me on this 8 day of APR (month),  
2011 (year), by Eddie Solares, proved to me on the basis of satisfactory evidence to be the  
person who appeared before me.



Alba R. Black

(Signature of Notary)

(Seal of Notary)





Walz Affidavit #: 2310986

## AFFIDAVIT OF MAILING

### Default Resolution Network

Date: 04/07/2011

Ref. No.: 11-01337-6

MailbatchID: 345140

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

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

X Eddie Solares  
Affiant Eddie Solares

ORGRNTR  
7196 9006 9295 1249 1941  
REF #: 11-01337-6  
DONA K MCBEE  
21 MARINERS LN  
FLORENCE, OR 97739

ORGRNTR  
7196 9006 9295 1249 1880  
REF #: 11-01337-6  
CURRENT OCCUPANT  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORGRNTR  
7196 9006 9295 1249 1910  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
21 MARINERS LN  
FLORENCE, OR 97739

ORGRNTR  
7196 9006 9295 1249 1897  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORGRNTR  
7196 9006 9295 1249 1927  
REF #: 11-01337-6  
DONA K MCBEE  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORGRNTR  
7196 9006 9295 1249 1903  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
144776 INGLEWOOD RD  
LA PINE, OR 97739

ORGRNTR  
7196 9006 9295 1249 1934  
REF #: 11-01337-6  
DONA K MCBEE  
144776 INGLEWOOD RD  
LA PINE, OR 97739

**AFFIDAVIT OF MAILING**

***Default Resolution Network***

Date: 04/07/2011

Ref. No.: 11-01337-6

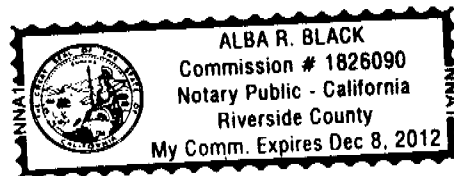
MailbatchID: 345140

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

Subscribed and sworn to (or affirmed) before me on this 8 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.

Alba R. Black (Signature of Notary)

(Seal of Notary)



## **NOTICE:**

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

**Re: TS#: 11-01337-6**

**Loan #: 0101035194**

**This notice is about your mortgage loan on your property at 144776 INGLEWOOD ROAD, LA PINE, OR 97739**

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 7, 2011 to bring your mortgage loan current was \$3,682.40 . 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 888-828-2377 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: Wells Fargo Bank, N.A at 3476 Stateview Boulevard MAC X7801-01D Fort Mill, SC 29715

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

Date and time: August 22, 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 Wells Fargo Bank, N.A at 888-828-2377 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 888-828-2377. 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 7, 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 7, 2011

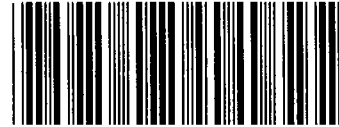
Trustee name: FIDELITY NATIONAL TITLE INSURANCE COMPANY

Trustee signature: Stephanie Islas  
Stephanie Islas, 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 #: 2343567

## AFFIDAVIT OF MAILING

### **Default Resolution Network**

Date: 04/21/2011

Ref. No.: 11-01337-6

MailbatchID: 348113

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 21, 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  
2249359287  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORNOD  
2249359290  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
21 MARINERS LN  
FLORENCE, OR 97439

ORNOD  
2249359293  
REF #: 11-01337-6  
DONA K MCBEE  
144776 INGLEWOOD RD  
LA PINE, OR 97739

ORNOD  
2249359296  
REF #: 11-01337-6  
THOMAS M. MCBEE SR  
PO BOX 203  
LONG CREEK, OR 97856

ORNOD  
2249359288  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
144776 INGLEWOOD RD  
LA PINE, OR 97739

ORNOD  
2249359291  
REF #: 11-01337-6  
DONA K. MCBEE  
PO BOX 203  
LONG CREEK, OR 97856

ORNOD  
2249359294  
REF #: 11-01337-6  
DONA K MCBEE  
21 MARINERS LN  
FLORENCE, OR 97739

ORNOD  
2249359289  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
21 MARINERS LN  
FLORENCE, OR 97739

ORNOD  
2249359292  
REF #: 11-01337-6  
DONA K MCBEE  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORNOD  
2249359295  
REF #: 11-01337-6  
DONA K MCBEE  
21 MARINERS LN  
FLORENCE, OR 97439



**AFFIDAVIT OF MAILING**

***Default Resolution Network***

Date: 04/21/2011

Ref. No.: 11-01337-6

MailbatchID: 348113

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

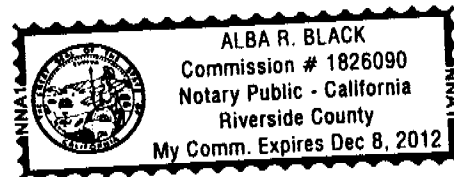
Subscribed and sworn to (or affirmed) before me on this 26 day of APR (month),  
2011 (year), by Eddie Solares, proved to me on the basis of satisfactory evidence to be the  
person who appeared before me.



Alba R. Black

(Signature of Notary)

(Seal of Notary)





Walz Affidavit #: 2343837

## AFFIDAVIT OF MAILING

### Default Resolution Network

Date: 04/21/2011

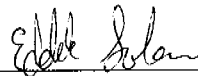
Ref. No.: 11-01337-6

MailbatchID: 348150

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

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

X   
Affiant Eddie Solares

ORNOD  
7196 9006 9295 1532 2556  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORNOD  
7196 9006 9295 1532 2563  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
144776 INGLEWOOD RD  
LA PINE, OR 97739

ORNOD  
7196 9006 9295 1532 2570  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
21 MARINERS LN  
FLORENCE, OR 97739

ORNOD  
7196 9006 9295 1532 2587  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
21 MARINERS LN  
FLORENCE, OR 97439

ORNOD  
7196 9006 9295 1532 2594  
REF #: 11-01337-6  
DONA K. MCBEE  
PO BOX 203  
LONG CREEK, OR 97856

ORNOD  
7196 9006 9295 1532 2600  
REF #: 11-01337-6  
DONA K MCBEE  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORNOD  
7196 9006 9295 1532 2617  
REF #: 11-01337-6  
DONA K MCBEE  
144776 INGLEWOOD RD  
LA PINE, OR 97739

ORNOD  
7196 9006 9295 1532 2624  
REF #: 11-01337-6  
DONA K MCBEE  
21 MARINERS LN  
FLORENCE, OR 97739

ORNOD  
7196 9006 9295 1532 2631  
REF #: 11-01337-6  
DONA K MCBEE  
21 MARINERS LN  
FLORENCE, OR 97439

ORNOD  
7196 9006 9295 1532 2648  
REF #: 11-01337-6  
THOMAS M. MCBEE SR  
PO BOX 203  
LONG CREEK, OR 97856

**AFFIDAVIT OF MAILING**

***Default Resolution Network***

Date: 04/21/2011

Ref. No.: 11-01337-6

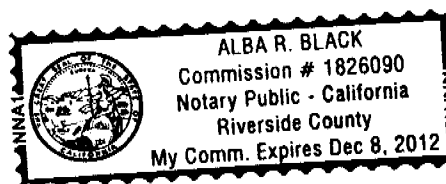
MailbatchID: 348150

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

Subscribed and sworn to (or affirmed) before me on this 26 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.

Alba R. Black (Signature of Notary)

(Seal of Notary)



## TRUSTEE'S NOTICE OF SALE

Loan No: 0101035194

T.S. No.: 11-01337-6

Reference is made to that certain Deed of Trust dated as of April 23, 2009 made by, DONA K. MCBEE AND THOMAS M. MCBEE, SR., WIFE AND HUSBAND, was the original Grantor to FIDELITY NATIONAL TITLE INS CO, was the original trustee, in favor of Wells Fargo Bank, NA, was the original beneficiary, recorded on April 29, 2009, as Instrument No. 2009-005940 of Official Records in the office of the Recorder of Klamath County, Oregon (the "Deed of Trust") to wit:

APN: 2310-036D0-08100-000

LOT 1 IN BLOCK 11 OF SUN FOREST ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as: 144776 INGLEWOOD ROAD, LA PINE, OR

The current beneficiary is: Wells Fargo Bank, NA

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: \$3,054.65 as of April 1, 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 \$105,768.30 together with interest thereon at the rate of 5.00000% 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 22, 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: April 20, 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 22, 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 July 23, 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: DONA K. MCBEE AND THOMAS M. MCBEE, SR., WIFE AND HUSBAND, 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 Document was Recorded on

4/6/2011

As instrument number

2011-004466

Book Page

In

Klamath County, Oregon

TS No: 11-01337-6 Loan No: 0101035194

Reference is made to that certain Deed of Trust made by DONA K. MCBEE AND THOMAS M. MCBEE, SR., WIFE AND HUSBAND, as the original grantor, to FIDELITY NATIONAL TITLE INS CO, as the original trustee, in favor of Wells Fargo Bank, NA, as the original beneficiary, dated as of April 23, 2009, and recorded April 29, 2009, as Instrument No. 2009-005940, 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: R142054 LOT 1 IN BLOCK 11 OF SUN FOREST ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as: 144776 INGLEWOOD ROAD, LA PINE, OR

The current beneficiary is: Wells Fargo Bank, NA

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: \$3,054.65 as of 04/01/2011

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 \$105,768.30 together with interest thereon at a rate of 5.00000% 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 22, 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 1, 2011

Fidelity National Title Insurance Company, Successor Trustee


  
\_\_\_\_\_  
Laura Peters, Authorized Signor

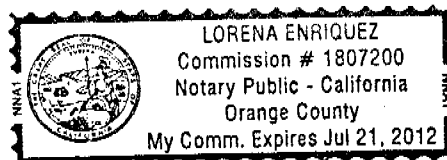
State of California                      }ss.  
County of Orange                     }ss

On April 1, 2011, before me, Lorena Enriquez, a Notary Public, personally appeared Laura Peters, 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)



Walz Affidavit #: 2402199

## AFFIDAVIT OF MAILING

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

Date: 05/23/2011

Ref. No.: 11-01337-6

MailbatchID: 353920

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 23, 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

ORGRNTR  
2250409109  
REF #: 11-01337-6  
CURRENT OCCUPANT  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORGRNTR  
2250409110  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORGRNTR  
2250409111  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
144776 INGLEWOOD RD  
LA PINE, OR 97739

ORGRNTR  
2250409112  
REF #: 11-01337-6  
THOMAS M MCBEE SR  
21 MARINERS LN  
FLORENCE, OR 97739

ORGRNTR  
2250409113  
REF #: 11-01337-6  
DONA K MCBEE  
144776 INGLEWOOD ROAD  
LA PINE, OR 97739

ORGRNTR  
2250409114  
REF #: 11-01337-6  
DONA K MCBEE  
144776 INGLEWOOD RD  
LA PINE, OR 97739

ORGRNTR  
2250409115  
REF #: 11-01337-6  
DONA K MCBEE  
21 MARINERS LN  
FLORENCE, OR 97739

## AFFIDAVIT OF MAILING

## Default Resolution Network

Date: 05/23/2011

Ref. No.: 11-01337-6

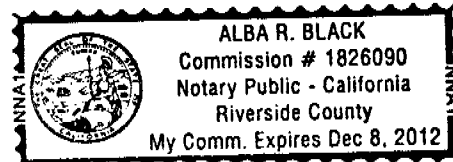
MailbatchID: 353920

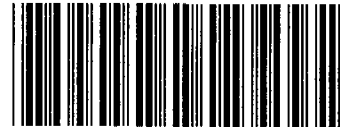
STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

Subscribed and sworn to (or affirmed) before me on this 25 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.

 (Signature of Notary)

(Seal of Notary)





Walz Affidavit #: 2400419

# **AFFIDAVIT OF MAILING**

## **Default Resolution Network**

Date: 05/20/2011

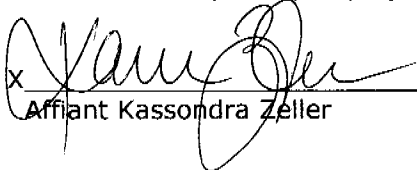
Ref. No.: 11-00577-6

MailbatchID: 353798

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 20, 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

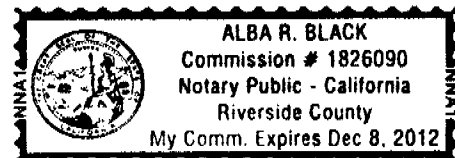
ORGRNTR  
7196 9006 9295 2099 9811  
REF #: 11-00577-6  
CURRENT OCCUPANT  
3085 KINGSGATE CT  
MEDFORD, OR 97504

ORGRNTR  
7196 9006 9295 2099 9828  
REF #: 11-00577-6  
ROBIN N SHAW  
3085 KINGSGATE CT  
MEDFORD, OR 97504

ORGRNTR  
7196 9006 9295 2099 9835  
REF #: 11-00577-6  
ROBIN N SHAW  
3085 KINGSGATE CIR  
MEDFORD, OR 97504-9477

ORGRNTR  
7196 9006 9295 2099 9842  
REF #: 11-00577-6  
THOMAS R SHAW  
3085 KINGSGATE CT  
MEDFORD, OR 97504-

ORGRNTR  
7196 9006 9295 2099 9859  
REF #: 11-00577-6  
THOMAS R SHAW  
3085 KINGSGATE CIR  
MEDFORD, OR 97504-4977



STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )

Subscribed and sworn to (or affirmed) before me on this 24 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.

 (Signature of Notary)

(Seal of Notary)

## MODIFICATION REQUEST FORM

May 21, 2011

Trustee Sale Number: 11-01337-6  
Loan Number: 0101035194  
Trustor/Owner: DONA K. MCBEE AND THOMAS M. MCBEE, SR., WIFE AND HUSBAND  
Property Address: 144776 INGLEWOOD ROAD, LA PINE, OR 97739

**THIS MODIFICATION REQUEST FORM MUST BE RETURNED TO THE ADDRESS BELOW NO LATER THAN June 20, 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:

Wells Fargo Bank c/o FIDELITY NATIONAL TITLE INSURANCE COMPANY 1920 Main Street, Suite 1120, Irvine, CA 92614

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

**AFFIDAVIT OF COMPLIANCE**

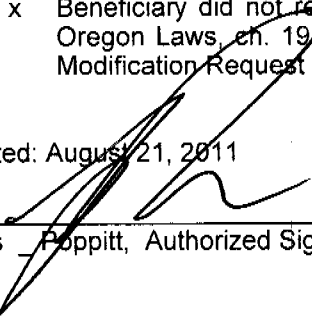
**2008 Oregon Laws, ch. 19, § 20 and as amended by 2009 Oregon Laws ch. 864, § 1 (Enrolled Senate Bill 628)**

STATE OF CA, County of Orange) ss:

I, Les Poppitt, do hereby declare that I am employed by Fidelity National Title Company (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 0101035194 where the grantor(s) name(s) is/are DONA K. MCBEE AND THOMAS M. MCBEE, SR., WIFE AND HUSBAND:

- x 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 05/21/2011

Dated: August 21, 2011


By:   
Les Poppitt, Authorized Signor

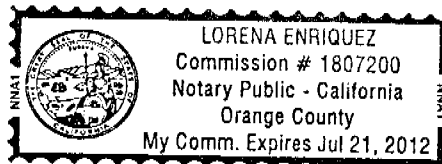
State of California }ss.  
County of Orange }ss

On August 21, 2011, before me, Lorena Enriquez, a Notary Public, personally appeared Les Poppitt, 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)

11013376 / MCBEE  
ASAP# 3974132

FDRSA

**AFFIDAVIT OF POSTING**

STATE OF OREGON

County of Deschutes

ss.

I, Robert Donahou, 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/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "Property Address":

144776 Inglewood Road  
La Pine, OR 97739

As follows:

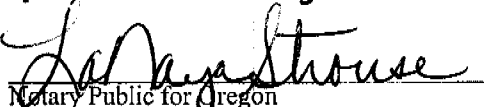
On 04/23/2011 at 11:16 AM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).


On 04/26/2011 at 9:50 AM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(B).

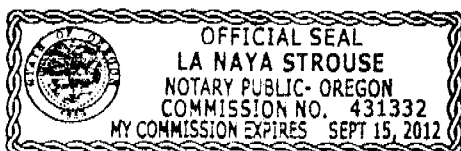
On 04/29/2011 at 10:24 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

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

SUBSCRIBED AND SWORN BEFORE ME  
this 4 day of May, 2011  
by Robert Donahou.

  
Notary Public for Oregon

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



\*263372\*



11013376 / MCBEE  
ASAP# 3974132

**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 April 29, 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).

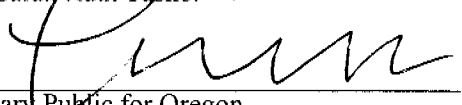
The envelope was addressed as follows:

**OCCUPANT**  
**144776 Inglewood Road**  
**La Pine, OR 97739**


This mailing completes service upon an occupant at the above address with an effective date of **04/23/2011** as calculated pursuant to ORS 86.750 (1)(c).

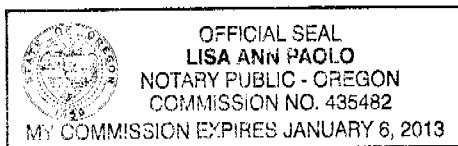
I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 29 day of April, 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



\*263372\*

11-01337

**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

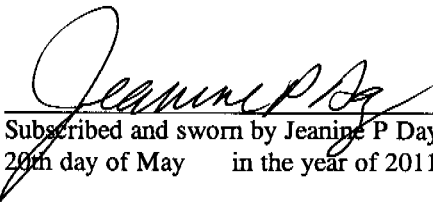
Legal#13285 SALE MCBEE  
#3974132

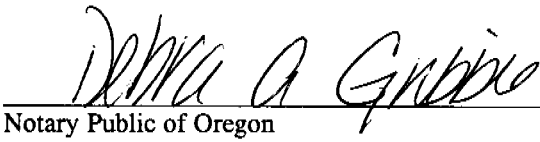
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

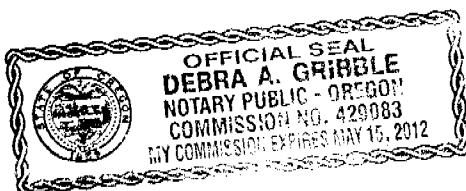
Insertion(s) in the following issues:

04/29/2011 05/06/2011 05/13/2011 05/20/2011

Total Cost: \$959.24

  
Subscribed and sworn by Jeanine P Day before me on:  
20th day of May in the year of 2011

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



**TRUSTEE'S NOTICE OF SALE**  
Loan No: 0101035194 T.S. No.: 11-01337-6

Reference is made to that certain Deed of Trust dated as of April 23, 2009 made by, DONA K. MCBEE AND THOMAS M. MCBEE, SR., WIFE AND HUSBAND, was the original Grantor to FIDELITY NATIONAL TITLE INS CO, was the original trustee, in favor of Wells Fargo Bank, NA, was the original beneficiary, recorded on April 29, 2009, as Instrument No. 2009-005940 of Official Records in the office of the Recorder of Klamath County, Oregon (the "Deed of Trust") to wit: APN: 2310-036D0-08100-000 LOT 1 IN BLOCK 11 OF SUN FOREST ESTATES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, Commonly known as: 144776 INGLEWOOD ROAD, LA PINE, OR The current beneficiary is: Wells Fargo Bank, NA.

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: \$3,054.65 as of April 1, 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 \$105,768.30 together with interest thereon at the rate of 5.00000% 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 22, 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, sale 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 ONLINE 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: April 20, 2011 FIDELITY NATIONAL TITLE INSURANCE COMPANY, Trustee Juan Enriquez, Authorized Signature ASAP# 3974132 04/29/2011, 05/06/2011, 05/13/2011, 05/20/2011. #13285 April 29, May 06, 13, 20, 2011.

FDRSA