

1st 1751521

2011-013241

Klamath County, Oregon



11/29/2011 03:29:40 PM

Fee: \$57.00

After recording return to:

T.D. SERVICE COMPANY
1820 East First Street, Suite 210
Santa Ana, CA 92705

T.S. No: D531165 OR
Loan No: 117744790 -1/BARNEY

AFFIDAVIT OF COMPLIANCE WITH Ch. 864 (2009 Oregon Laws)

STATE OF WASHINGTON, County of SPOKANE) ss:

I, Mary Wright, being first duly sworn, depose, and say that I am employed by Sterling Savings Bank (hereinafter "beneficiary") and I am familiar with name(s) is/are Barney, Errol & Geneva :

- ☒ Beneficiary did not receive a Modification Request Form from the grantor(s) within the time specified in Chapter 864 (2009 Oregon Laws); or
☐ Beneficiary received a timely Modification Request from the grantor(s) on _____

If beneficiary received a timely Modification Request Form, within 45 days of receipt of the Modification Request Form (check all that apply):

- ☐ Beneficiary or beneficiary's agent reviewed the information submitted by grantor(s), and notified the grantor(s) that the beneficiary denied the request for modification of the loan.
☐ Beneficiary or beneficiary's agent notified the grantor(s) that the beneficiary has denied the request for modification of the loan and the beneficiary or the beneficiary's agent has provided the grantor(s) with the information described in Section (1)(b) or (c) of this subsection.
☐ Beneficiary or beneficiary's agent notified the 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 before the beneficiary or beneficiary's agent responded to the grantor(s) request to modify the loan.
The person representing beneficiary or 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 date 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.
☐ Other action taken: _____

By: _____

Mary Wright

Subscribed and sworn to before me on Nov. 21, 2011 by Mary Wright
(name of affiant).



Jana Urion

Notary Public for Washington

Reference #
m96-14650

RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to

T.D. SERVICE COMPANY
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988

____ Space above this line for recorder's use _____

OREGON TRUSTEE'S NOTICE OF SALE

5851356



T.S. No: D531165 OR Unit Code: D Loan No: 117744790-1/BARNEY
Title #: 5851356

Reference is made to that certain Trust Deed made by ERROL N. BARNEY, GENEVA R. BARNEY as **Grantor**, to WILLIAM L. SISEMORE as **Trustee**, in favor of KLAMATH FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION as **Beneficiary**.

Dated May 20, 1996, Recorded May 20, 1996 as Instr. No. --- in Book M96 Page 14650 of Official Records in the office of the Recorder of KLAMATH County; OREGON

covering the following described real property situated in said county and state, to wit:
LOT 13, BLOCK 40, TRACT 1184, OREGON SHORES, UNIT 2, FIRST ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

Both the beneficiary and the trustee have elected to sell the said real property. The property will be sold to satisfy the obligations secured by said Trust Deed and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is Grantor's failure to pay when due, the following sums:

8 PYMTS FROM 10/15/10 TO 05/15/11 @ 405.16	\$3,241.28
1 PYMT DUE 06/15/11 @ 417.12	\$417.12
2 PYMTS FROM 07/15/11 TO 08/15/11 @ 404.22	\$808.44
TOTAL LATE CHARGES	\$316.88
ADVANCE - ATTORNEY FEES	\$840.44
APPRAISAL FEE	\$535.00
CREDIT DUE	<\$114.10>
PROPERTY INSPECTION	\$100.50
DEMAND FEE	\$35.00
IMPOUND/ESCROW DEFICIT	\$263.51
Sub-Total of Amounts in Arrears:	\$6,444.07

Together with any default in the payment of recurring obligations as they become due.

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Trust Deed, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

The street or other common designation if any, of the real property described above is purported to be :
2889 WOODLAND COURT, CHILOQUIN, OR 97624-8726

The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable, said sums being the following, to wit: Principal \$28,829.18, together with interest as provided in the note or other instrument secured from 09/15/10, and such other costs and fees are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned trustee will, on January 6, 2012, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 187.110, INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS, County of KLAMATH, State of OREGON, (which is the date, time and place set for said sale) 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 execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee.

Notice is further given that the right exists under O.R.S.86.753, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by paying the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of in the Notice of Default, that is capable of being cured by tendering the performance required under the obligation of the Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

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T.S. No: D531165 OR Unit Code: D Loan No: 117744790-1/BARNEY

It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check.

The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

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

The Beneficiary may be attempting to collect a debt and any information obtained may be used for that purpose.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: (714) 480-5690 or you may access sales information at www.tacforeclosures.com/sales

DATED: August 24, 2011

CHRISTOPHER C. DORR, OSBA # 992526

By 

CHRISTOPHER C. DORR, ATTORNEY AT LAW

DIRECT INQUIRIES TO:

T.D. SERVICE COMPANY
FORECLOSURE DEPARTMENT
1820 E. FIRST ST., SUITE 210
P.O. BOX 11988
SANTA ANA, CA 92711-1988
(800) 843-0260

T.S. No: D531165 OR

Loan#: 117744790-1/BARNEY

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/>

and Oregon Law Help Site (providing more information and a directory of legal aid programs)

<http://oregonlawhelp.org/OR/index.cfm>

and Oregon State Bar Lawyer Referral Service

503-684-3763 or toll-free in Oregon at 800-452-7636

<http://www.osbar.org>

<http://www.osbar.org/public/ris/ris.html#referral>

and information on federal loan modification programs at:

<http://www.makinghomeaffordable.gov/>