

WTC 92116

2012-001839

Klamath County, Oregon



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02/17/2012 03:19:50 PM

Fee: \$132.00

## RECORDING COVER SHEET

### FOR CONVEYANCES, PER ORS 205.234

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.

#### AFTER RECORDING RETURN TO

Northwest Trustee Services, Inc., as Trustee

Attn: Kathy Taggart

PO Box 997

Bellevue, WA 98006-0997

File No. 7023.97114

DOT recorded 1/6/2010 as 2010-000202

#### 1. NAME(S) OF THE TRANSACTION(S),

Affidavit Package:

1. AFFIDAVIT OF MAILING - NOTICE OF FORECLOSURE
2. NOTICE OF FORECLOSURE
3. AFFIDAVIT OF NO TIMELY RECEIPT OF REQUEST FOR LOAN  
MODIFICATION/METING UNDER ORS 86.737
4. AFFIDAVIT OF MAILING - TRUSTEE'S NOTICE OF SALE
5. TRUSTEE'S NOTICE OF SALE
6. PROOF OF SERVICE
7. AFFIDAVIT OF PUBLICATION

#### 2. DIRECT PARTY for #1, 2, 3, 4 & 5 listed above

Wells Fargo Bank, NA  
3476 Stateview Boulevard  
Fort Mill, SC 29715

Northwest Trustee Services, Inc  
PO Box 997  
Bellevue, WA 98006-0997

#### 3. DIRECT PARTY for #6 listed above

Northwest Trustee Services, Inc  
PO Box 997  
Bellevue, WA 98006-0997

FEI  
P.O Box 219  
Bellevue, WA 98009

#### 4. DIRECT PARTY for #7 listed above

Northwest Trustee Services, Inc  
PO Box 997  
Bellevue, WA 98006-0997

#### 5. INDIRECT PARTY for #1, 2, 4, 5, 6 & 7 listed above

RANDALL KERR & Kathleen M. Kerr  
405 PINE GROVE RD, KLAMATH FALLS, OR 97603

132pnt

**RECORDING COVER SHEET**

**Pursuant to ORS 205.234**

**After recording return to:**

**Northwest Trustee Services, Inc.**

**As successor trustee**

**Attention: Kathy Taggart**

**P.O. Box 997**

**Bellevue, WA 98009-0997**

- 1. AFFIDAVIT OF MAILING – NOTICE OF FORECLOSURE**
- 2. NOTICE OF FORECLOSURE**
- 3. AFFIDAVIT OF NO TIMELY RECEIPT OF REQUEST FOR LOAN  
MODIFICATION/MEETING UNDER ORS 86.737**
- 4. AFFIDAVIT OF MAILING – TRUSTEE'S NOTICE OF SALE**
- 5. TRUSTEE'S NOTICE OF SALE**
- 6. PROOF OF SERVICE**
- 7. AFFIDAVIT OF PUBLICATION**

**Original Grantor(s) on Trust Deed: RANDALL J. KERR AND KATHLEEN M. KERR,  
AS TENANTS BY THE ENTIRETY**

**Beneficiary: Wells Fargo Bank, N.A.**

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

# AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

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

I gave notice of the sale of the real property described in the attached Notice of Foreclosure as required by Section 20 of Chapter 19, Oregon Laws 2008 ("Bill") by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

See Attached Exhibit A

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice and to the occupant residing in the Property.

Each of the notices so mailed was certified to be a true copy of the original Notice of Foreclosure, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 11-18-11. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell was recorded. The form of the notice complies with Sections 20 and 21 of the Bill and a copy is enclosed with this affidavit.

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

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that Nic Harmston is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 11-18-11

## AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

RE: Trust Deed from  
KERR, RANDALL J. and KATHLEEN M.

Grantor

to  
Northwest Trustee Services, Inc.,  
Trustee  
File No. 7023.97114

After recording return to:  
Northwest Trustee Services, Inc.  
Attn: Kathy Taggart  
P.O. Box 997  
Bellevue, WA 98009-0997

Myrtle Louise Walvatne  
NOTARY PUBLIC in and for the State of  
Washington, residing at King Co.  
My commission expires 3-9-15

MYRTLE LOUISE WALVATNE  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
03-09-15

**EXHIBIT A**

RANDALL KERR  
405 PINE GROVE RD  
KLAMATH FALLS, OR 97603-9445

Occupants  
405 PINE GROVE RD  
KLAMATH FALLS, OR 97603-9445

RANDALL KERR  
405 PINE GROVE RD  
KLAMATH FALLS, OR 97603

Kathleen M. Kerr  
405 PINE GROVE ROAD  
KLAMATH FALLS, OR 97603

7023.97114  
Kathy Taggart

Unofficial  
Copy

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

**This notice is about your mortgage loan on your property at:**  
405 PINE GROVE ROAD  
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 11/18/2011 (date) to bring your mortgage loan current was \$10500.80. 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 (866) 254-5790 to find out the exact amount you must pay bring your to 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:  
Northwest Trustee Services, Inc.  
PO Box 997  
Bellevue, WA 98009-0997

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

Date and time: 03/19/2012 at 10:00 AM

Place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, Klamath Falls OR

**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 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 phone number of an organization near you, please call the statewide phone 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 Web site 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://www.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 800-662-5014. 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 loan. 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 modification 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 "MODIFICATION REQUEST FORM." THE FORM ATTACHED MUST BE RETURNED AS DIRECTED BY 12/18/2011, 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 questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: 11/18/2011

Trustee contact name: Kathy Taggart

Trustee telephone number: 425-586-1900

7023.97114/KERR, RANDALL J. and KATHLEEN M.

## **LOAN MODIFICATION/MEETING REQUEST FORM**

**Your home is at risk of foreclosure.** There may be options available to help you keep your home. If you want to request a loan modification, you must return this form to the address below by 12/18/2011, which is 30 days from the date the Trustee signed the accompanying Notice:

**Northwest Trustee Services, Inc.  
PO Box 997  
Bellevue, WA 98009-0997**

There may be options available to you, including:

- 1) Modifying your loan terms
- 2) Temporarily lowering payments
- 3) Scheduling payments to cure the arrearages
- 4) Temporary suspension of payments
- 5) Other options based on your lender and the type of loan.

In order to discuss your loan options, you should gather and provide the following documents:

- 1) Last year's tax returns
- 2) Pay stubs for the last 2 months
- 3) Bank statements for the last 3 months
- 4) Other documents showing your financial hardship status
- 5) Your lender may request that you complete additional forms or provide additional information

**RETURNING THIS REQUEST DOES NOT MODIFY YOUR LOAN. Your lender is required to contact you within 45 days after you return this form to discuss a possible loan modification. The foreclosure sale will not occur until your lender has contacted you about your request. YOUR LENDER IS NOT REQUIRED TO MODIFY YOUR LOAN. The foreclosure sale may proceed if your loan is not modified.**

☐ **CHECK THIS BOX TO REQUEST A MEETING.** Before the lender responds to your request for a loan modification, you may request **IN WRITING** a meeting with the lender by sending your written request for a meeting to:

**Northwest Trustee Services, Inc.  
PO Box 997  
Bellevue, WA 98009-0997**

Upon receipt of your written request for a meeting, the lender will attempt to contact you by mail, telephone or e-mail to schedule a meeting in person or by telephone at the lender's option. NOTE: It is important that you respond immediately to any contact from your lender to schedule a meeting that you have requested. If you do not respond within 7 days from the date your lender attempts to contact you to schedule a meeting, your lender may refuse to meet, deny your request for consideration of a loan modification and resume foreclosure activities.

File No. 7023.97114  
Loan No.: 0116544347  
Borrower Name: KERR, RANDALL J. and KATHLEEN M.  
Property Address: 405 PINE GROVE ROAD, KLAMATH FALLS, OR 97603

Please indicate where your lender may contact you:

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

Home Telephone Number: \_\_\_\_\_ Work Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_ (providing your e-mail address authorizes the lender or its agent to communicate with you by e-mail concerning your request for loan modification consideration and for the purpose of scheduling and confirming a meeting.



Affidavit of No Timely Receipt of Request for Loan  
Modification or Meeting ORS 86.737

Re: Trust Deed from

**RANDALL J. KERR AND KATHLEEN M.  
KERR, AS TENANTS BY THE ENTIRETY**

Grantor

to

**Northwest Trustee Services, Inc.**

Trustee

File No. **7023.97114**

**Affidavit of No Timely Receipt of Request for Loan Modification/Meeting  
Under ORS 86.737**

**Original Loan Amount:** \$320,704.00

**Borrower name(s):** KERR, RANDALL J. and KATHLEEN M.

**Property Address:** 405 PINE GROVE ROAD, KLAMATH FALLS, OR 97603

The undersigned is an employee of the trustee under the trust deed securing the above-referenced loan and is executing this affidavit on behalf of the trustee. The undersigned is at least 18 years of age and competent to testify in a court of law and, having personal knowledge of the matters set forth below, represents and avers, under the penalty of perjury, that the following is true and correct:

**No Request for Meeting or Loan Modification Received.** The trustee duly mailed to the borrower(s) identified above the notice required by ORS 86.737 ("Notice"). With the Notice, the trustee also included the form contemplated by ORS 86.737 on which the borrower(s) could elect to ask the beneficiary to consider granting a loan modification ("Form"). The Notice also invited the borrower(s) to request a meeting. The Notice and/or Form instructed the borrower(s) to submit the request for modification and/or meeting to the trustee at the address provided in the Notice and/or Form. The Notice also provided a deadline date by which the trustee would need to receive from the borrower(s) a request for loan modification or request for a meeting. The trustee did not receive a request for loan modification form or request for meeting from the borrower(s) before the deadline set forth in the Notice.

**Limited Agency.** In executing this affidavit, the trustee is acting as the beneficiary's agent for the sole and limited purpose of executing this affidavit.

**Disclaimer.** The trustee is executing and recording this affidavit only because title insurers have compelled it to do so as a title insurance underwriting requirement. The trustee does not believe that an affidavit is legally required by ORS 86.737 in circumstances where the borrower has not timely submitted a request for a loan modification or a meeting under the ORS 86.737.

**No Statement Concerning Borrower's Other Contacts with the Beneficiary.** Nothing in this affidavit may be construed as an averment that the borrower has not contacted the beneficiary to arrange a meeting or discuss a loan modification or other arrangement outside the procedural framework of ORS 86.737.



DATED: February 6, 2012


Northwest Trustee Services, Inc.

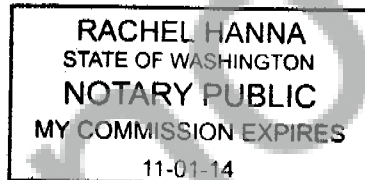
By: 

STATE OF WASHINGTON     )  
  ) ss.  
COUNTY OF KING         )

I certify that I know or have satisfactory evidence that Kathy Taggart is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: February 6, 2012

  
NOTARY PUBLIC in and for the State of  
Washington, residing at Kirkland  
My commission expires 11-1-14



# AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

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

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

See Attached Exhibit A

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 11-18-11. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that Nic Harmston is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 11-18-11

Myrtle Louise Walvatne  
NOTARY PUBLIC in and for the State of  
Washington, residing at King Co  
My commission expires 3-9-15

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from  
KERR, RANDALL J. and KATHLEEN M.

Grantor

to

Northwest Trustee Services, Inc.,  
Trustee

File No. 7023.97114

After recording return to:

Northwest Trustee Services, Inc.

Successor by merger to Northwest Trustee Services, PLLC  
(formerly known as Northwest Trustee Services, LLC)

Attn: Kathy Taggart

P.O. Box 997

Bellevue, WA 98009-0997

MYRTLE LOUISE WALVATNE  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
03-09-15

**EXHIBIT A**

Kathleen M. Kerr  
405 PINE GROVE ROAD  
KLAMATH FALLS, OR 97603

RANDALL KERR  
405 PINE GROVE RD  
KLAMATH FALLS, OR 97603

Occupants  
405 PINE GROVE RD  
KLAMATH FALLS, OR 97603-9445

RANDALL KERR  
405 PINE GROVE RD  
KLAMATH FALLS, OR 97603-9445

7023.97114  
Kathy Taggart

## TRUSTEE'S NOTICE OF SALE

File No. 7023.97114

Reference is made to that certain trust deed made by RANDALL J. KERR AND KATHLEEN M. KERR, AS TENANTS BY THE ENTIRETY, as grantor, to Fidelity National Title Insurance Company, as trustee, in favor of Wells Fargo Bank, N.A., as beneficiary, dated 12/07/09, recorded 01/06/10, in the mortgage records of Klamath County, Oregon, as 2010-000202, covering the following described real property situated in said county and state, to wit:

A tract of land situated in the NW 1/4 SE 1/4 of Section 8, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a point on the East line of the NW 1/4 SE 1/4 of said Section 8, said point being on the centerline of the County Road and being South 00 degrees 53' 30" West a distance of 199.25 feet from the iron pin marking the Northeast corner of the NW 1/4 SE 1/4 of said Section 8; thence South 00 degrees 53' 30" West along the centerline and the East line of said NW 1/4 SE 1/4, 227.60 feet; thence North 89 degrees 06' 30" West 30.00 feet to the Westerly right of way line of said County Road; thence continuing North 89 degrees 06' 30" West 198.37 feet; thence North 04 degrees 23' 00" East, generally along an existing fence, 228.02 feet; thence South 89 degrees 06' 30" East 184.48 feet to the Westerly right of way line of said County Road; thence continuing South 89 degrees 06' 30" East 30.00 feet to the point of beginning. Excepting therefrom that area on the Easterly side being within said County Road right of way.

PROPERTY ADDRESS: 405 PINE GROVE ROAD  
KLAMATH FALLS, OR 97603

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$2,137.90 beginning 08/01/11; plus late charges of \$88.55 each month beginning 08/16/11; plus prior accrued late charges of \$0.00; plus advances of \$77.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$313,830.46 with interest thereon at the rate of 5.25 percent per annum beginning 07/01/11; plus late charges of \$88.55 each month beginning 08/16/11 until paid; plus prior accrued late charges of \$0.00; plus advances of \$77.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on **March 19, 2012** at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com). Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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

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### **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for March 19, 2012. The date of this sale may be postponed. Unless the lender that is foreclosing on this property is paid before the sale date, the foreclosure will go through and someone new will own this property. After the sale, the new owner is required to provide you with contact information and notice that the sale took place.

The following information applies to you only if you are a bona fide tenant occupying and renting 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 bona fide residential tenant.

If the foreclosure sale goes through, the new owner will have the right to require you to move out. Before the new owner can require you to move, the new owner must provide you with written notice that specifies the date by which you must move out. If you do not leave before the move-out date, the new owner can have the sheriff remove you from the property after a court hearing. You will receive notice of the court hearing.

### **PROTECTION FROM EVICTION**

IF YOU ARE A BONA FIDE TENANT OCCUPYING AND RENTING THIS PROPERTY AS A RESIDENTIAL DWELLING, YOU HAVE THE RIGHT TO CONTINUE LIVING IN THIS PROPERTY AFTER THE FORECLOSURE SALE FOR:

THE REMAINDER OF YOUR FIXED TERM LEASE, IF YOU HAVE A FIXED TERM LEASE; OR

AT LEAST 90 DAYS FROM THE DATE YOU ARE GIVEN A WRITTEN TERMINATION NOTICE.

If the new owner wants to move in and use this property as a primary residence, the new owner can give you written notice and require you to move out after 90 days, even though you have a fixed term lease with more than 90 days left.

You must be provided with at least 90 days' written notice after the foreclosure sale before you can be required to move.

A bona fide tenant is a residential tenant who is not the borrower (property owner) or a child, spouse or parent of the borrower, and whose rental agreement:

Is the result of an arm's-length transaction;

Requires the payment of rent that is not substantially less than fair market rent for the property, unless the rent is reduced or subsidized due to a federal, state or local subsidy; and

Was entered into prior to the date of the foreclosure sale.

### **ABOUT YOUR TENANCY**

#### **BETWEEN NOW AND THE FORECLOSURE SALE:**

#### **RENT**

YOU SHOULD CONTINUE TO PAY RENT TO YOUR LANDLORD UNTIL THE PROPERTY IS SOLD OR UNTIL A COURT TELLS YOU OTHERWISE. IF YOU DO NOT PAY RENT, YOU CAN BE EVICTED. BE SURE TO KEEP PROOF OF ANY PAYMENTS YOU MAKE.

#### **SECURITY DEPOSIT**

You may apply your security deposit and any rent you paid in advance against the current rent you owe your landlord as provided in ORS 90.367. 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 new owner that 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 after 90 days or at the end of your fixed term lease. After the sale, you should receive a written notice informing you that the sale took place and giving you the new owner's name and contact information. You should contact the new owner if you would like to stay. If the new owner 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 new owner becomes your new landlord and must maintain the property. Otherwise:

You do not owe rent;

The new owner is not your landlord and is not responsible for maintaining the property on your behalf; and

You must move out by the date the new owner specifies in a notice to you.

The new owner may offer to pay your moving expenses and any other costs or amounts you and the new owner agree on in exchange for your agreement to leave the premises in less than 90 days or before your fixed term lease expires. You should speak with a lawyer to fully understand your rights before making any decisions regarding your tenancy.

IT IS UNLAWFUL FOR ANY PERSON TO TRY TO FORCE YOU TO LEAVE YOUR DWELLING UNIT WITHOUT FIRST GIVING YOU WRITTEN NOTICE AND GOING TO COURT TO EVICT YOU. FOR MORE INFORMATION ABOUT YOUR RIGHTS, YOU SHOULD CONSULT A LAWYER. If you believe you need legal assistance, contact the Oregon State Bar Association (16037 Upper Boones Ferry Road, Tigard, Oregon 97224, (503)620-0222, toll-free in Oregon (800)452-8260) and ask for the lawyer referral service. 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; a county-by-county listing of legal aid resources may be found on the Internet at <http://www.osbar.org/public/ris/lowcostlegalhelp/legalaid.html>.

The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com).

Dated: November 14, 2011

Northwest Trustee Services, Inc.

Assistant Vice President,  
Northwest Trustee Services, Inc.

For further information, please contact:

Kathy Taggart

Northwest Trustee Services, Inc.

P.O. Box 997

Bellevue, WA 98009-0997

(425) 586-1900

File No. 7023.97114/KERR, RANDALL J. and KATHLEEN M.

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

By Authorized Signer

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**FEI, LLC**  
**Affidavit of Posting and Service**

State of Oregon  
County of Klamath

ANDREW THOMPSON, being sworn, says:

- That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale:
- That my business address is. 1135 Pine Street, Klamath Falls, OR.
- That I personally served a copy of the Notice of Trustee's Sale upon an adult occupant of the real property, commonly referred to as 405 PINE GROVE ROAD, KLAMATH FALLS, OR 97603 in the manner in which a summons is served by delivering to or leaving with KATHLEEN KERR, a person over the age of eighteen (18) years, then residing therein on Saturday, November 19, 2011, at 08:30 am.

Signed in Klamath County, Oregon by:

Signature

Andrew Thompson

Date

11/21/11

State of Oregon

County of

Klamath

On this 21 day of November in the year of 2011, before me a Notary Public, Personally appeared Andrew Thompson, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Notary Public for Oregon:

Sheri Renee Hargrave

Residing at:

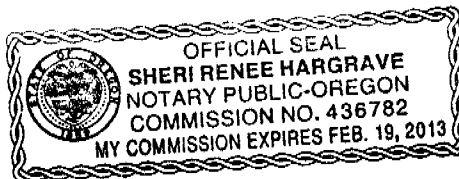
Klamath

Commission expires:

2-19-13



0 028246



1002.204850  
7023.97114

Northwest Trustee Services, Inc.



## STATEMENT OF PROPERTY CONDITION

### Occupancy:

☒ Occupied

☐ Vacant

### Type of Dwelling:

☒ Single Family

☐ Condominium

☐ Apartment Bldg

☐ Commercial Bldg

☐ Mobile Home

☐ Vacant Land

☐ Multi-Family: Number of Units: \_\_\_\_\_

### Property Condition:

#### Damage:

☐ Fire

☐ Vandalism

☐ Other

Describe: \_\_\_\_\_

### Landscape:

☒ Good

☐ Poor

### Other:

☐ Property Address Discrepancies

☐ Code Enforcement Notices

☐ Livestock

☐ For Sale Sign, By \_\_\_\_\_

Comments: \_\_\_\_\_

#### Disclaimer:

Foreclosure Expeditors/Initiators, LLC provides the information herein as a courtesy. That information is obtained from field service representatives possessing varying degrees of knowledge and sophistication in the observance and reporting of real property conditions and should not be relied upon in lieu of the lender's or servicer's regular property inspections for the property. No guaranty, warranty or representation of any kind, expressed or implied, is made concerning the accuracy, completeness or correctness of the matters reported upon by FEI's representatives herein. Foreclosure Expeditors/Initiators, LLC, its affiliates, officers, directors, employees, or agents are neither responsible nor liable for any direct, indirect, incidental, consequential special, punitive, exemplary or other damages arising out of or relating in any way to the content or information contained in this Statement of Property Condition.



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1002.204850  
7023.97114

Northwest Trustee Services, Inc.

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

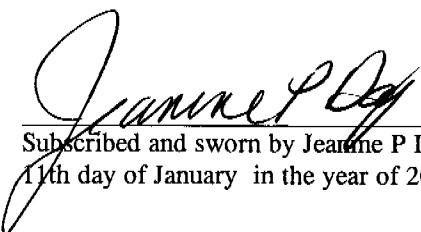
I, Jeanine P. Day, Finance Director, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#13937 SALE KERR 1002.204850


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

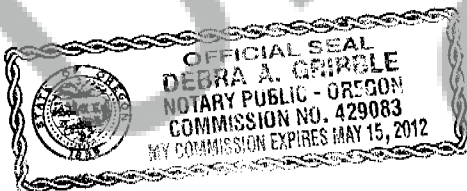
Insertion(s) in the following issues:

12/21/2011 12/28/2011 01/04/2012 01/11/2012

Total Cost: \$1380.68

  
Subscribed and sworn by Jeanine P Day before me on:  
11th day of January in the year of 2012

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



**TRUSTEE'S NOTICE OF SALE File No. 7023.97114**

Reference is made to that certain trust deed made by RAN-DALL J. KERR AND KATHLEEN M. KERR, AS TENANTS BY THE ENTIRETY, as grantor, to Fidelity National Title Insurance Company, as trustee, in favor of Wells Fargo Bank, N.A., as beneficiary, dated 12/07/09, recorded 01/06/10, in the mortgage records of Klamath County, Oregon, as 2010-000202, covering the following described real property situated in said county and state, to wit: A tract of land situated in the NW 1/4 SE 1/4 of Section 8, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a point on the East line of the NW 1/4 SE 1/4 of said Section 8, said point being on the centerline of the County Road and being South 00 degrees 53' 30" West a distance of 199.25 feet from the iron pin marking the Northeast corner of the NW 1/4 SE 1/4 of said Section 8; thence South 00 degrees 53' 30" West along the centerline and the East line of said NW 1/4 SE 1/4, 227.60 feet; thence North 89 degrees 06' 30" West 30.00 feet to the Westerly right of way line of said County Road; thence continuing North 89 degrees 06' 30" West 198.37 feet; thence North 04 degrees 23' 00" East, generally along an existing fence, 228.02 feet; thence South 89 degrees 06' 30" East 184.48 feet to the Westerly right of way line of said County Road; thence continuing South 89 degrees 06' 30" East 30.00 feet to the point of beginning. Excepting therefrom that area on the Easterly side being within said County Road right of way. PROPERTY ADDRESS: 405 PINE GROVE ROAD KLAMATH FALLS, OR 97603.

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$2,137.90 beginning 08/01/11; plus late charges of \$88.55 each month beginning 08/16/11; plus prior accrued late charges of \$0.00; plus advances of \$77.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$313,830.46 with interest thereon at the rate of 5.25 percent per annum beginning 07/01/11; plus late charges of \$88.55 each month beginning 08/16/11 until paid; plus prior accrued late charges of \$0.00; plus advances of \$77.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned

WHEREFORE, notice hereby is given that the undersigned trustee will on March 19, 2012 at the hour of 10:00 o'clock A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 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 described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com). Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com) and [www.USA-Foreclosure.com](http://www.USA-Foreclosure.com). For further information, please contact: Kathy Taggart Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 (425)586-1900 KERR, RANDALL J. and KATHLEEN M. (TS# 7023.97114) 1002.204850-FEI. #13937 December 21, 28, 2011 January 04, 11, 2011.