

1st 1721636

2012-001891

Klamath County, Oregon



00114279201200018910210214

02/21/2012 03:01:05 PM

Fee: \$152.00

## RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON REPRESENTING 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.**  
Attn: Winston Khan  
PO Box 997  
Bellevue, WA 98009-0997

#### 1. Title(s) of the Transaction(s) ORS 205.234(a):

- 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) **Affidavit of Posting and Service**
- 7) **Affidavit of Mailing Trustee's Notice of Sale to Occupant**
- 8) **Affidavit of Publication**

#### 2. Direct Party/Grantor(s) and address ORS 205.125(1)(b) and ORS 205.160:

**Northwest Trustee Services, Inc.**  
PO Box 997  
Bellevue, WA 98006

#### 3. Indirect Party/Grantee(s) and address ORS 205.125(1)(a) and ORS 205.160:

**Heather L. Johnson and Nathan J. Johnson**  
4258 Bristol Avenue  
Klamath Falls, OR 97603

#### 4. Send Tax Statements To:

**No change**

#### 5. Deed Reference:

**2009-026456**

**RECORDING COVER SHEET**  
**FOR NOTICE OF SALE PROOF**  
**OF COMPLIANCE**

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.

**AFER RECORDING RETURN TO:**

Name and address of the person authorized to receive the  
Instrument after recording, as required by ORS 205.180(4)  
And ORS 205.238

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

**File Number: 7021.28789**

1. **MARK NAME(S) OF ALL THE TRANSACTION(S)** described in the attached instrument. Fill in the Original Grantor on Trust Deed and the Beneficiary as indicated. Each Affidavit of Mailing Notice of Sale or Affidavit of Publication Notice of Sale or Proof of Service or Affidavit of Mailing Notice to Grantor ORS 86.737 or Affidavit of No Timely Receipt of Request for Loan Modification/Meeting Under ORS 86.737 will be considered a transaction.

Affidavit of Mailing, Notice of Foreclosure

Notice of Foreclosure

Affidavit of No Timely Receipt of Request for Loan

Affidavit of Mailing, Trustee's Notice of Sale

Trustee's Notice of Sale

Affidavit of Posting and Service

Affidavit of Mailing Trustee's Notice of Sale to Occupant

Affidavit of Publication

2. **Grantor on Trust Deed, Recorded under 2009-026456**

*Direct Party/Parties and Address(s):*

Heather L. Johnson  
4258 Bristol Avenue  
Klamath Falls, OR 97603

Nathan J. Johnson  
4258 Bristol Avenue  
Klamath Falls, OR 97603

3. **Grantee**

*Direct Party/Parties and Address(s):*

Bank of America, NA  
400 National Way  
Simi Valley, CA 93065

FEI, LLC  
3535 Factoria Blvd SE  
Bellevue, WA 98006

*Indirect Party/Parties and Address(s):*

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

4. Newspaper(s)

Harold and News

2701 Foothills Blvd

Klamath Falls, OR 97603

Unofficial  
Copy

## 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 10-27-11. 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.

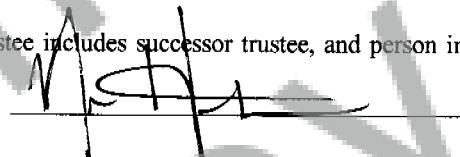
STATE OF WASHINGTON

)

) 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: 10-27-11

<b>AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE</b>
RE: Trust Deed from
<b>JOHNSON, HEATHER L. and NATHAN J.</b>
Grantor
to
Northwest Trustee Services, Inc.,
Trustee
File No. 7021.28789

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

*Christina A. Koster*  
NOTARY PUBLIC in and for the State of  
Washington, residing at King  
My commission expires 4-27-2015

CHRISTINA A. KOSTER
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
04-27-15

**EXHIBIT A**

Heather L Johnson  
4258 Bristol Avenue  
Klamath Falls, OR 97603

Nathan J Johnson  
4258 Bristol Avenue  
Klamath Falls, OR 97603

Occupant(s)  
4258 Bristol Avenue  
Klamath Falls, OR 97603

7021.28789  
Winston Khan

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:**  
4258 Bristol Avenue  
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 10/26/2011 (date) to bring your mortgage loan current was \$9044.32. 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: 03/02/2012 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 800-669-6607. 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 11/25/2011, 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: 10/26/2011

Trustee contact name: Winston Khan

Trustee telephone number: 425-586-1900

7021.28789/JOHNSON, HEATHER L. and NATHAN J.

## **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 11/25/2011, 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 arrears
- 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. 7021.28789  
Loan No.: 58549818  
Borrower Name: JOHNSON, HEATHER L. and NATHAN J.  
Property Address: 4258 Bristol Avenue, 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/Meeting  
Under ORS 86.737**

**Original Loan Amount:** \$128,250.00

**Borrower name(s):** JOHNSON, HEATHER L. and NATHAN J.

**Property Address:** 4258 Bristol Avenue, 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: 2/17/2012

~~Northwest Trustee Services, Inc.~~

Bv

STATE OF WASHINGTON      )  
                                    ) ss.  
COUNTY OF KING              )

I certify that I know or have satisfactory evidence that Winston Khan is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he 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: 2-17-2012

JACQUELINE M. SWANSON  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
10-14-13

NOTARY PUBLIC in and for the State of  
Washington, residing at Pierce  
My commission expires 10-14-2013

Unnotified  
Copy

**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 86.795.

the beneficiary has actual notice of the heir of interest, and (c) 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 10-28-11. 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 )  
COUNTY OF KING )  
ss.

I certify that I know or have satisfactory evidence that Nic Harmer 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: 10-28-11

*Mary Louise Salvatore*  
NOTARY PUBLIC in and for the State of  
Washington, residing at King Co.  
My commission expires 3-8-15

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**  
**RE: Trust Deed from**  
**JOHNSON, HEATHER L. and NATHAN J.**  
**Grantor**  
**to**  
**Northwest Trustee Services, Inc.,**  
**Trustee** **File No. 7021.28789**

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

**EXHIBIT A**

GMAC Mortgage aka Di-tech.com  
Attn: Victor, Recovery Dept.  
4 Corporate Drive  
Shelton, CT 06484

GMAC Mortgage Corp.  
Ditech.com  
P.O. Box 969  
Horsham, PA 19044

GMAC Mortgage LLC  
3451 Hammond Avenue  
Mail Code 507-345-186  
Waterloo, IA 50702

Mortgage Electronic Registration Systems, Inc.  
Inc.  
1901 East Voorhees Street, Suite C  
Danville, IL 61834

Nathan J Johnson  
4258 Bristol Avenue  
Klamath Falls, OR 97603

7021.28789  
Winston Khan

GMAC Mortgage Corp.  
500 Enterprise Road, Suite 150  
Horsham, PA 19004

GMAC Mortgage Corporation DBA  
3200 Park Center Drive #150  
Costa Mesa, CA 92626

Heather L Johnson  
4258 Bristol Avenue  
Klamath Falls, OR 97603

Mortgage Electronic Registration Systems,  
P.O. Box 2026  
Flint, MI 48501-2026

Occupant(s)  
4258 Bristol Avenue  
Klamath Falls, OR 97603

**October 24, 2011**

**Notice**

**Pursuant to the Federal Fair Debt Collection Practices Act: If you are the consumer who originally contracted the debt or if you assumed the debt, then you are notified that:**

1. As of the date of this notice, you owe \$125,469.25. Because of interest, late charges, and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check. For further information write or call:

**Northwest Trustee Services, Inc.  
P.O. Box 997  
Bellevue, WA 98009-0997  
(425) 586-1900**

2. The creditor to whom the debt is owed is Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP/Bank of America, N.A..
3. Unless within 30 days after receipt of this notice you dispute the debt or any portion of it, we will assume the debt to be valid.
4. If you notify us within 30 days after receipt of this notice that you dispute the debt or any part of it, we shall obtain verification of the debt and mail it to you.
5. If you request within 30 days after receipt of this notice, we will provide you with the name and address of the original creditor, if different from the current creditor.

JOHNSON, HEATHER L. and NATHAN J./7021.28789

## TRUSTEE'S NOTICE OF SALE

**File No. 7021.28789**

Reference is made to that certain trust deed made by Heather L Johnson and Nathan J Johnson, as grantor, to Amerititle, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for Gateway Business Bank, DBA Mission Hills Mortgage Bankers, its successors and assigns, as beneficiary, dated 05/07/04, recorded 05/13/04, in the mortgage records of Klamath County, Oregon, as Vol M04 Page 29705 and subsequently assigned to Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP by Assignment recorded as 2011-008202, covering the following described real property situated in said county and state, to wit:

Lot 21 and the Easterly 2 feet of Lot 20 in SUNRISE PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. Excepting the 80 feet thereof.

**PROPERTY ADDRESS:** 4258 Bristol Avenue  
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 \$705.41 beginning 02/01/11; plus late charges of \$22.63 each month beginning 02/16/11; plus prior accrued late charges of \$0.00; plus advances of \$2,174.96; 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: \$119,175.13 with interest thereon at the rate of 2 percent per annum beginning 01/01/11; plus late charges of \$22.63 each month beginning 02/16/11 until paid; plus prior accrued late charges of \$0.00; plus advances of \$2,174.96; 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 2, 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.

---

#### **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for March 2, 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: 10-28, 2011

Northwest Trustee Services, Inc.

By 

Assistant Vice President,  
Northwest Trustee Services, Inc.

For further information, please contact:

Winston Khan  
Northwest Trustee Services, Inc.  
P.O. Box 997  
Bellevue, WA 98009-0997  
(425) 586-1900  
File No.7021.28789/JOHNSON, HEATHER L. and NATHAN J.

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

David Hartman, 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 422 N 6th St, Klamath Falls, OR.
- That I posted a copy of the Notice of Trustee's Sale on the parcel of land described in the attached Notice of Trustee's Sale, commonly referred to as 4258 Bristol Avenue, Klamath Falls, OR 97603 in a conspicuous place on:
  - 1st Attempt: Friday, October 28, 2011 at 04:45 pm
  - 2nd Attempt: Monday, October 31, 2011 at 12:05 pm
  - 3rd Attempt: Thursday, November 3, 2011 at 06:00 pm

Signed in Klamath County, Oregon by:

Signature

David Hartman

Date

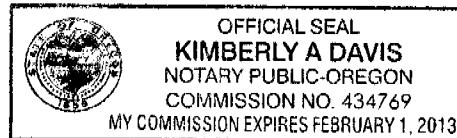
11-04-11

State of Oregon  
County of Klamath

On this 4<sup>th</sup> day of November in the year of 2011, before me a Notary Public, Personally appeared David Hartman, 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:  
Residing at:  
Commission expires:

Kimberly A Davis  
Klamath County  
01 Feb 2013



1002.203944  
7021.28789

Northwest Trustee Services, Inc.

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT  
(In Lieu of Personal Service)**

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.

On November 4, 2011 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 4258 Bristol Avenue, Klamath Falls, OR, 97603 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.

*Mary Suleman*

STATE OF WASHINGTON )  
COUNTY OF KING ) ss.  
 )

I certify that I know or have satisfactory evidence that Mary Suleman 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: 11/4/11

Notary Public
State of Washington
<b>THERESA I. REDULLA</b>
MY COMMISSION EXPIRES
March 18, 2014

*Theresa I. Redulla*  
NOTARY PUBLIC in and for the State of  
Washington, residing at King  
My commission expires 3-18-14

7021.28789 / JOHNSON, HEATHER L. and NATHAN J.  
Winston Khan

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#13908 SALE JOHNSON #1002.203944 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:  
12/07/2011 12/14/2011 12/21/2011 12/28/2011

Total Cost: \$1275.32

*Jeanine P Day*  
Subscribed and sworn by Jeanine P Day before me on:  
28th day of December in the year of 2011

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



**TRUSTEE'S NOTICE OF SALE File No. 7021.28789**

Reference is made to that certain trust deed made by Heather L Johnson and Nathan J Johnson, as grantor, to Amerititle, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for Gateway Business Bank, DBA Mission Hills Mortgage Bankers, its successors and assigns, as beneficiary, dated 05/07/04, recorded 05/18/04, in the mortgage records of Klamath County, Oregon, as Vol M04 Page 29705 and subsequently assigned to Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing LP by Assignment recorded as 2011-008202, covering the following described real property situated in said county and state, to wit: Lot 21 and the Easterly 2 feet of Lot 20 in SUNRISE PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. Excepting the 80 feet thereof. PROPERTY ADDRESS: 4258 Bristol Avenue 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 \$705.41 beginning 02/01/11; plus late charges of \$22.63 each month beginning 02/16/11; plus prior accrued late charges of \$0.00; plus advances of \$2,174.96; 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: \$119,175.13 with interest thereon at the rate of 2 percent per annum beginning 01/01/11; plus late charges of \$22.63 each month beginning 02/16/11 until paid; plus prior accrued late charges of \$0.00; plus advances of \$2,174.96; 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.

WHEREFORE, notice hereby is given that the undersigned trustee will on March 2, 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: Winona Khan Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 425-586-1900 JOHNSON, HEATHER L. and NATHAN J. (TS# 7021.28789) 1002.203944-FEI. #13908 December 07, 14, 21, 28, 2011.