

2012-003135

Klamath County, Oregon



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03/26/2012 03:39:09 PM

Fee: \$152.00

R1

FIDELITY NATIONAL TITLE-TUSTIN OR / KLAMATH

RECORDING COVER SHEET FOR
NOTICE OF SALE PROOF OF COMPLIANCE
Per ORS 205.234

AFTER RECORDING RETURN TO:
RECONTRUST COMPANY, N.A.
400 NATIONAL WAY
SIMI VALLEY, CA 93065

TS No.: 10-0025843

167782 / 100301287 Klamath

1. AFFIDAVIT OF MAILING NOTICE OF SALE INCLUDING NOTICE OF SALE
2. AFFIDAVIT OF MAILING NOTICE TO GRANTOR INCLUDING NOTICE TO GRANTOR
3. AFFIDAVIT OF PUBLICATION
4. AFFIDAVIT OF POSTING AND SERVICE
5. AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT (If Applicable)
6. AFFIDAVIT OF COMPLIANCE WITH OREGON SB 629 (2009) (BENE AFFIDAVIT)

Original Grantor on Trust Deed: MICHAEL NEALY and GLENN ELLEN NEALY

Beneficiary/Grantee: DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2004-HE4,
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-HE4

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.

152Pm

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, Raul Cervantes, 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 California, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of sale of the real property described in the attached notice of sale by causing a copy thereof to be mailed 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 for all the mailing address(es).

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 copy of the original notice of sale by RECONTRUST COMPANY, N.A., the trustee named in said notice, 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 VENTURA, CALIFORNIA, 12/14/2011. 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 and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

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

Assistant Vice President **DEC 14 2011**
Raul Cervantes

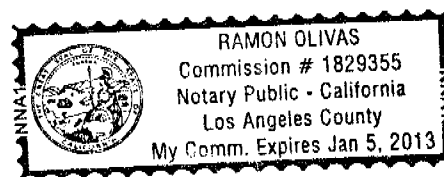
State of California
County of Ventura

Signature *Raul Cervantes*

Subscribed and sworn to (or affirmed) before me on this DEC 14 2011 day of DEC 14 2011, by Raul Cervantes, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.

Signature *Ramon Olivas* (Seal)
RAMON OLIVAS



AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from Grantor

MICHAEL NEALY and GLENN ELLEN NEALY

RECONTRUST COMPANY, N.A.

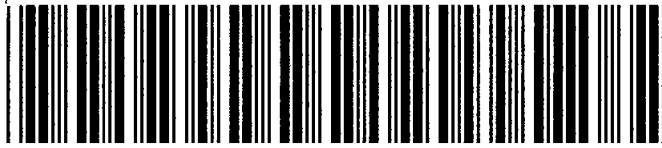
Trustee

TS No. 10-0025843

After Recording return to:

1800 Tapo Canyon Road., CA6-914-01-94

Simi Valley, CA 93063



02 100025843

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE "EXHIBIT A"

TS No. 10-0025843

MICHAEL NEALY 12/14/2011

5735 Independence Ave
Klamath Falls, OR 97603
7187 7930 3132 3168 0889

GLENN ELLEN NEALY 12/14/2011

5735 Independence Ave
Klamath Falls, OR 97603
7187 7930 3132 3168 0940

MICHAEL NEALY 12/14/2011

5735 INDEPENDENCE AVENUE
KLAMATH FALLS, OR 97603
7187 7930 3132 3168 0896

GLENN ELLEN NEALY 12/14/2011

5735 INDEPENDENCE AVENUE
KLAMATH FALLS, OR 97603
7187 7930 3132 3168 0957

Residents/Occupants 12/14/2011

5735 INDEPENDENCE AVENUE
KLAMATH FALLS, OR 97603
7187 7930 3132 3168 0988

BENEFICIAL OREGON INC 12/14/2011

1345 CENTER DRIVE, SUITE D
MEDFORD, OR 97501
7187 7930 3132 3168 0995

BENEFICIAL OREGON INC 12/14/2011

577 LAMONT ROAD
C/O RECORDS PROCESSING SERVICES
ELMHURST, IL 60126
7187 7930 3132 3168 1008

ANGELA NEALY 12/14/2011

1705 MISSOURI
LAKEVIEW, OR 97630
7187 7930 3132 3168 1039



02 100025843

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
"EXHIBIT A"**

TS No. 10-0025843

ANGELA NEALY 12/14/2011

3226 HOMEDALE RD #2

KLAMATH FALLS, OR 97603

7187 7930 3132 3168 1046

ANGELA NEALY 12/14/2011

3300 VANDENBERG ROAD

C/O KLAMATH COUNTY DISTRICT ATTY

KLAMATH FALLS, OR 97603

7187 7930 3132 3168 1053

BENEFICIAL OREGON INC. 12/14/2011

720 OLIVE WAY, SUITE 1301

C/O LAURIE K. FRIEDL, ET AL

SEATTLE, WA 98101

7187 7930 3132 3168 1060

BENEFICIAL OREGON INC. 12/14/2011

388 STATE ST STE 420

C/O C T CORPORATION SYSTEM

SALEM, OR 97301-3581

7187 7930 3132 3168 1077

BENEFICIAL OREGON INC 12/14/2011

2929 WALDEN AVE

DEPEW, NY 14043-2602

7187 7930 3132 3168 1022

MICHAEL NEALY 12/14/2011

4751 Bellm Dr Spc 10

Klamath Falls, OR 97603-9680

7187 7930 3132 3168 0872

GLENN ELLEN NEALY 12/14/2011

4751 Bellm Dr Spc 10

Klamath Falls, OR 97603-9680

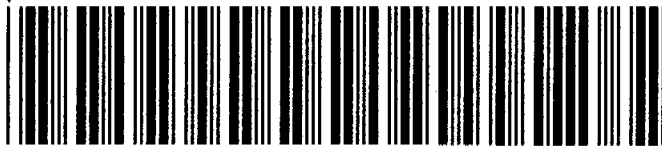
7187 7930 3132 3168 0933

MICHAEL NEALY 12/14/2011

4751 Bellm Dr Spc 10

Klamath Falls, OR 97603-9680

7187 7930 3132 3168 0902



02 100025843

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
"EXHIBIT A"**

TS No. 10-0025843

GLENN ELLEN NEALY

12/14/2011

4751 Bellm Dr Spc 10

Klamath Falls, OR 97603-9680

7187 7930 3132 3168 0964

MICHAEL NEALY

12/14/2011

4751 BELLM DR #10

KLAMATH FALLS, OR 97603

7187 7930 3132 3168 0926

GLENN ELLEN NEALY

12/14/2011

4751 BELLM DR #10

KLAMATH FALLS, OR 97603

7187 7930 3132 3168 0971

KLAMATH COUNTY TAX OFFICE

12/14/2011

305 MAIN ST ROOM 121

KLAMATH FALLS, OR 97601

7187 7930 3132 3168 1084

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Michael Nealy And Glenn Ellen Nealy, As Tenants By The Entirety, as grantor(s), to Amerititle, as Trustee, in favor of New Century Mortgage Corporation, as Beneficiary, dated 02/19/2004, recorded 02/26/2004, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume No. M04 at Page No. 11136 as Recorder's fee/file/instrument/microfilm/reception Number -, and subsequently assigned to DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2004-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-HE4 by Assignment recorded 02/05/2010 in Book/Reel/Volume No. at Page No. as Recorder's fee/file/instrument/microfilm/reception No. 2010-001948, covering the following described real property situated in said county and state, to wit:

THE EAST 100 FEET OF TRACT 21 OF INDEPENDENCE TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY OREGON.

PROPERTY ADDRESS: 5735 INDEPENDENCE AVENUE
KLAMATH FALLS, OR 97603

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures 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 \$874.41 beginning 10/01/2009; plus late charges of \$39.25 each month beginning with the 10/01/2009 payment plus prior accrued late charges of \$-78.50; plus advances of \$232.50; together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the Beneficiary has declared all sums owing on the obligation that the Trust Deed secures are immediately due and payable, said sums being the following to wit: \$96,042.42 with interest thereon at the rate of 7.90 percent per annum beginning 09/01/2009 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Monday, April 16, 2012 at the hour of 10:00 AM, 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 St., Klamath Falls, Klamath County, OR, 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 any person named in ORS 86.753 has the right, 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 Beneficiary 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 notice of default that is capable of being cured by tendering the performance required under the obligation that the Trust Deed secures, 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 that the Trust Deed secures, together with the Trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

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 that the Trust Deed secures, 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 Monday, April 16, 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 at 503-684-3763 or toll-free in Oregon at 800-452-7636 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. For more information and a directory of legal aid programs, go to <http://oregonlawhelp.org> or contact the Oregon State Bar's lawyer referral service at the phone numbers referenced above.

Dated DEC 09 2011, 20__

RECONTRUST COMPANY, N.A.

 DEC 09 2011

By:

Title:

Maria Pilar Villavicencio

Assistant Vice President

For further information, please contact:

RECONTRUST COMPANY, N.A.

RECONTRUST COMPANY, N.A.

1800 Tapo Canyon Rd., CA6-914-01-94

SIMI VALLEY, CA 93063

(800)-281-8219

TS No. 10 -0025843

THIS IS AN ATTEMPT TO COLLECT A DEBT AND INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER IF YOU HAVE OR ARE IN THE PROCESS OF OBTAINING DISCHARGE OF THE DEBT FROM A BANKRUPTCY COURT, THIS DOCUMENT IS NOT AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF LIEN RIGHTS AGAINST THE PROPERTY.

AFFIDAVIT OF MAILING NOTICE TO GRANTOR

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, Raul Cervantes, 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 California, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice given pursuant to the requirements of sections 20 & 21 of Chapter 19, Oregon Laws 2008 (Amending and/or supplementing ORS 86.705 to ORS 86.795).

I gave notice to grantor(s) and occupant(s) of the real property described in the attached notice 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 for all the mailing address(es).

Said persons include (a) the grantor(s) in the trust deed and (b) occupant(s) of the subject property.

Each of the notices so mailed was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at VENTURA, CALIFORNIA, on 12/09/2011. 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 and on or before the date of the Notice of Trustee's Sale was mailed, served and/or posted.

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 California
County of Ventura)

Assistant Vice President

DEC 12 2011

Raul Cervantes

Signature

Subscribed and sworn to (or affirmed) before me on this DEC 12 2011 day of DEC 12 2011, by Raul Cervantes, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

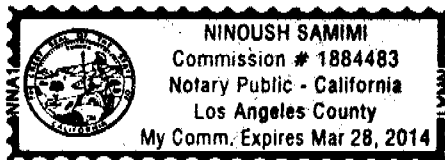
WITNESS my hand and official seal.

Raul Cervantes

Signature

NINOUSH SAMIMI

(Seal)



AFFIDAVIT OF MAILING TRUSTEE'S NOTICE TO GRANTOR

RE: Trust Deed from Grantor

MICHAEL NEALY and GLENN ELLEN NEALY

RECONTRUST COMPANY, N.A.

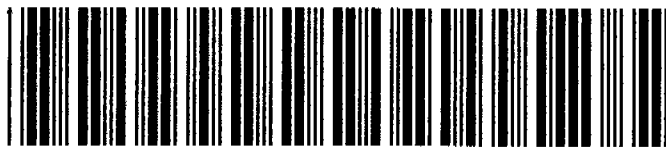
Trustee

TS No. 10-0025843

After Recording return to:

1800 Tapo Canyon Road., CA6-914-01-94

Simi Valley, CA 93063



02 100025843

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE TO GRANTOR
"EXHIBIT A"**

TS No. 10-0025843

MICHAEL NEALY 12/09/2011
5735 Independence Ave
Klamath Falls, OR 97603
7187 7930 3132 3124 2841

GLENN ELLEN NEALY 12/09/2011
5735 Independence Ave
Klamath Falls, OR 97603
7187 7930 3132 3124 2889

MICHAEL NEALY 12/09/2011
5735 INDEPENDENCE AVENUE
KLAMATH FALLS, OR 97603
7187 7930 3132 3124 2858

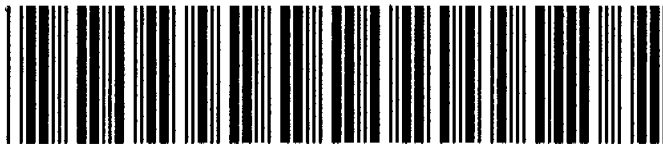
GLENN ELLEN NEALY 12/09/2011
5735 INDEPENDENCE AVENUE
KLAMATH FALLS, OR 97603
7187 7930 3132 3124 2896

Residents/Occupants 12/09/2011
5735 INDEPENDENCE AVENUE
KLAMATH FALLS, OR 97603
7187 7930 3132 3124 2926

BENEFICIAL OREGON INC 12/09/2011
1345 CENTER DRIVE, SUITE D
MEDFORD, OR 97501
7187 7930 3132 3124 2933

BENEFICIAL OREGON INC 12/09/2011
577 LAMONT ROAD
C/O RECORDS PROCESSING SERVICES
ELMHURST, IL 60126
7187 7930 3132 3124 2940

ANGELA NEALY 12/09/2011
1705 MISSOURI
LAKEVIEW, OR 97630
7187 7930 3132 3124 2964



02 100025843

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE TO GRANTOR "EXHIBIT A"

TS No. 10-0025843

ANGELA NEALY 12/09/2011
3226 HOMEDALE RD #2
KLAMATH FALLS, OR 97603
7187 7930 3132 3124 2971

ANGELA NEALY 12/09/2011
3300 VANDENBERG ROAD
C/O KLAMATH COUNTY DISTRICT ATTY
KLAMATH FALLS, OR 97603
7187 7930 3132 3124 2988

BENEFICIAL OREGON INC. 12/09/2011
720 OLIVE WAY, SUITE 1301
C/O LAURIE K. FRIEDL, ET AL
SEATTLE, WA 98101
7187 7930 3132 3124 2995

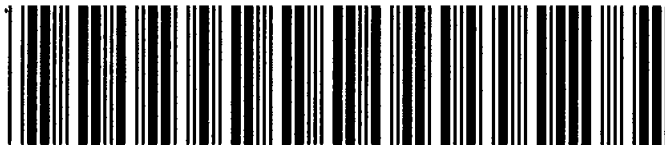
BENEFICIAL OREGON INC. 12/09/2011
C/O C T CORPORATION SYSTEM
388 STATE ST STE 420
SALEM, OR 97301-3581
7187 7930 3132 3124 3008

BENEFICIAL OREGON INC 12/09/2011
2929 WALDEN AVE
DEPEW, NY 14043-2602
7187 7930 3132 3124 2957

MICHAEL NEALY 12/09/2011
4751 Bellm Dr Spc 10
Klamath Falls, OR 97603-9680
7187 7930 3132 3124 2834

GLENN ELLEN NEALY 12/09/2011
4751 Bellm Dr Spc 10
Klamath Falls, OR 97603-9680
7187 7930 3132 3124 2872

MICHAEL NEALY 12/09/2011
4751 Bellm Dr Spc 10
Klamath Falls, OR 97603-9680
7187 7930 3132 3124 2865



02 100025843

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE TO GRANTOR
"EXHIBIT A"**

TS No. 10-0025843

GLENN ELLEN NEALY
4751 Bellm Dr Spc 10
Klamath Falls, OR 97603-9680
7187 7930 3132 3124 2902

12/09/2011

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:

Street address: 5735 INDEPENDENCE AVENUE

City: KLAMATH FALLS

State: OR

ZIP: 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 a 'foreclosure.'

The amount you would have had to pay as of 12/09/11 to bring your mortgage current was \$28,372.05. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call 888-219-7773 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe.

You may also get these details by sending a request by certified mail to:

Bank of America, N.A.

400 National Way

SIMI VALLEY, CA 93065

THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION: 04/16/2012 at 10:00 AM inside the 1st floor lobby of the Klamath County Courthouse, 316 Main St., Klamath Falls, Klamath County, 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. 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 by contacting your lender at **800-669-0102** or by visiting <http://homeloans.bankofamerica.com/en/service-and-support/homeowner-relief/find-a-solution.html>. 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". YOUR LENDER MUST RECEIVE THE FORM BY 01/08/2012, 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.

Date: December 9, 2011

TS No.: 10 -25843

Trustee name: RECONTRUST COMPANY, N.A.

Trustee phone number: (800) 281-8219



Raul Cervantes


Assistant Vice President


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

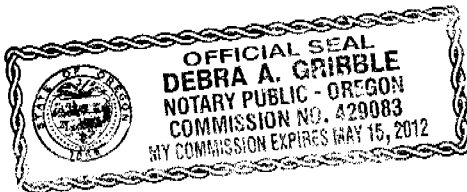
I, Jeanine P. Day, Finance Director, being duly sworn,
depose and say that I am the principle clerk of the
publisher of the Herald and News, a newspaper in
general circulation, as defined by Chapter 193 ORS,
printed and published at 2701 Foothills Blvd,
Klamath Falls, OR 97603 in the aforesaid county and
state; that I know from my personal knowledge that the
Legal#13992 SALE NEALY
#1006.100999
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:
01/25/2012 02/01/2012 02/08/2012 02/15/2012

Total Cost: \$1090.94


Subscribed and sworn by Jeanine P Day before me on:
15th day of February in the year of 2012


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



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Michael Neely and Glenn Ellen Neely, as tenants by the entirety, as grantor(s), to AmeriTitle as Trustee, in favor of NEW CENTURY MORTGAGE CORPORATION, as Beneficiary, dated 02/19/2004, recorded 02/26/2004, in the mortgage records of Klamath County, Oregon, in Book/Reel/Volume No. M04 at Page No. 11136 as Recorder's fee/file/instrument/microfilm/reception Number - , and subsequently assigned to DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2004-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-HE4 by Assignment recorded 02/05/2010 in Book/Reel/Volume No. N/A at Page No. N/A as Recorder's fee/file/instrument/microfilm/reception No. 2010-001948, covering the following described real property situated in said county and state, to wit: THE EAST 100 FEET OF TRACT 21 OF INDEPENDENCE TRACTS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY OREGON. PROPERTY ADDRESS: 5735 INDEPENDENCE AVENUE KLAMATH FALLS, OR 97603.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures 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 \$874.41 beginning 10/01/2009; plus late charges of \$39.25 each month beginning with the 10/01/2009 payment plus prior accrued late charges of \$-78.50; plus advances of \$232.50; together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the Beneficiary has declared all sums owing on the obligation that the Trust Deed secures are immediately due and payable, said sums being the following to wit: \$96,042.42 with interest thereon at the rate of 7.90 percent per annum beginning 09/01/2009 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Monday, April 16, 2012 at the hour of 10:00 AM 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 St., Klamath Falls, Klamath County, OR, 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 any person named in ORS 86.753 has the right, 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 to the Beneficiary 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 notice of default that is capable of being cured by tendering the performance required under the obligation that the Trust Deed secures, 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 that the Trust Deed secures, together with the Trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

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, that the Trust Deed secures, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. Dated: December 09, 2011 RECONTRUST COMPANY, N.A. For further information, please contact: RECONTRUST COMPANY, N.A. 1800 Tapo Canyon Rd., CA6-914-01-94 SIMI VALLEY, CA. 93063 (800) 281-8219 (TS# 10-0025843) 1006.100999-FEI. #13992 January 25, February 01, 08, 15, 2012.

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 5735 INDEPENDENCE AVENUE, KLAMATH FALLS, OR 97603 in a conspicuous place on:
 - 1st Attempt: Sunday, December 11, 2011 at 03:45 pm
 - 2nd Attempt: Wednesday, December 14, 2011 at 12:00 pm
 - 3rd Attempt: Saturday, December 17, 2011 at 10:45 am

Signed in Klamath County, Oregon by:

Signature

David Hartman

Date

12-18-2011

State of Oregon

County of KLAMATH

On this 18th day of December 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:

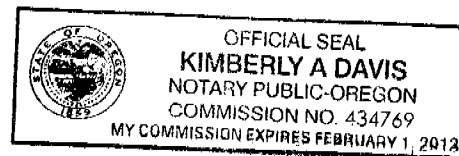
Residing at:

Commission expires:

Kimberly A Davis
Klamath County
01 Feb 2013



04213665



1006.100999
10-0025843

ReconTrust Company

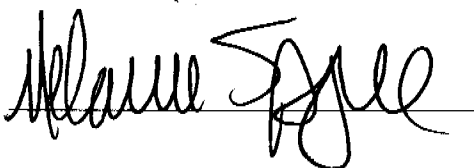
**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT
(In Lieu of Personal Service)**

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.

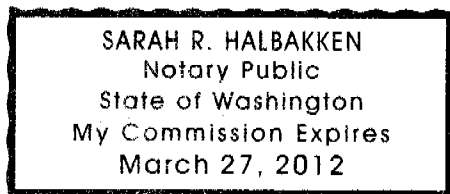
On December 19, 2011 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 5735 INDEPENDENCE AVENUE, KLAMATH FALLS, OR, 97603 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.

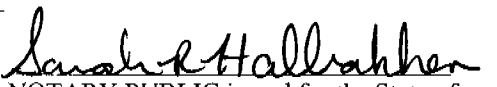


STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Melanie Sprague 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: 12/19/2011




NOTARY PUBLIC in and for the State of
Washington, residing at King County
My commission expires 3/27/2012

10-0025843 / NEALY, MICHAEL and NEALY, GLENN ELLEN
Sales Group-OR

Affidavit of Compliance Oregon SB 628

Re: Trust Deed from

MICHAEL NEALY & GLENN ELLEN NEALY

to

ReconTrust Company™

File No. **2010-25843**

Affidavit of Compliance with Oregon Revised Statutes 86.750(5) & HB 3610 (2010)

Beneficiary: DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2004-HE4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-HE4

Original Loan Amount: \$108,000.00

Borrower name(s): MICHAEL NEALY & GLENN ELLEN NEALY

Property Address: 5735 INDEPENDENCE AVENUE, KLAMATH FALLS, OR 97603

The undersigned is an employee of the beneficiary or agent of the beneficiary of the trust deed securing the above-referenced loan and states, under penalty of perjury, that the following is true and correct based on my knowledge of the relevant business processes of the beneficiary or agent of the beneficiary and my review of the applicable business records of the beneficiary or agent of the beneficiary:

I am informed and believe, based on my review of applicable business records of the beneficiary or agent of the beneficiary, that the trustee mailed to the borrower(s) identified above the notice required by ORS 86.737 ("Notice to Grantor"). I am informed and believe, based on review of those business records, that along with the Notice to Grantor, the trustee also mailed the form contemplated by ORS 86.737 on which the borrower(s) could elect to ask the beneficiary to consider granting a loan modification and/or ask for a meeting ("Loan Modification Request Form"). The Notice to Grantor and/or Loan Modification Request Form instructed the borrower(s) to submit the completed Loan Modification Request Form as and where provided in the Notice to Grantor and/or Loan Modification Request Form. The Notice to Grantor also provided a deadline date by which the completed Loan Modification Request Form would need to be received from the borrower(s).

I am informed and believe, based on my review of applicable business records of the beneficiary or agent of the beneficiary, which the following circumstances have occurred, as indicated by a mark next to the paragraph(s) in the space provided:

- ☒ **No Request for Loan Modification Was Timely Received.** According to my review of applicable business records, the beneficiary (through its agent) did not receive a returned completed Loan Modification Request Form from the borrower(s) requesting a loan modification or a meeting before the deadline set forth in the Loan Modification Request Form.
- ☐ **Loan Modification Requested. Request Evaluated. Borrower Deemed Ineligible. Request Denied.** Applicable business records of the beneficiary or beneficiary's agent indicate that borrower(s) requested a loan modification within 30 days of the date listed on the Loan Modification Request Form and sent the completed Loan Modification Request Form to beneficiary (or its agent). Applicable business records indicate that (i) the loan modification request was evaluated by the beneficiary's agent within 45 days of receipt; (ii) after considering the most current financial information provided by borrower(s), the beneficiary or beneficiary's agent determined that borrower(s) is/are ineligible for a loan modification; (iii) within 45 days of the beneficiary's receipt of the completed Loan Modification Request Form, the beneficiary or beneficiary's agent notified borrower(s) that borrower(s) is/are ineligible for a loan modification; and (iv) beneficiary or beneficiary's agent provided a written communication outlining the reasons for the determination to the borrower(s).
- ☐ **Loan Modification Requested. Insufficient Information Provided by Borrower. Request Denied.** Applicable business records of the beneficiary or beneficiary's agent indicate that borrower(s) requested a loan modification within 30 days of the date listed on the Loan Modification Request Form and sent the completed Loan Modification Request Form to beneficiary (or its agent). Applicable business records indicate that (i) despite one or more subsequent requests from beneficiary or its agent for additional information, the borrower(s) failed to provide sufficient information to enable beneficiary or beneficiary's agent to determine whether borrower(s) is/are eligible for a loan modification; (ii) within 45 days of the beneficiary's or beneficiary's agent's receipt of the completed Loan Modification Request Form, the beneficiary or beneficiary's agent notified borrower(s) that borrower(s) is/are ineligible for a loan modification; and (iii) beneficiary or beneficiary's agent provided a written communication outlining the reasons for the determination to the borrower(s).

☐ **Meeting Requested, But Borrower(s) Did Not Respond to Attempt to Schedule Meeting. No Meeting Occurred.** According to my review of applicable business records, borrower(s) returned the completed Loan Modification Request Form and requested a meeting within the required date in the Loan Modification Request Form. Applicable business records of the beneficiary or beneficiary's agent indicate that (i) the beneficiary or beneficiary's agent attempted to contact the borrower(s) within 45 days of receiving the meeting request at the last known mailing address or telephone number or email address provided on the completed Loan Modification Request Form; but (ii) the borrower(s) did not respond within 7 days of attempted contact. Accordingly, no meeting occurred.

☐ **Meeting Requested and Occurred.** According to my review of applicable business records, borrower(s) returned the completed Loan Modification Request Form and requested a meeting within the required date in the Loan Modification Request Form. Applicable business records indicate that (i) the beneficiary or beneficiary's agent contacted the borrower(s) to schedule a meeting; (ii) a meeting was scheduled and took place between borrower(s) and a representative of the beneficiary or beneficiary's agent who was authorized to modify the loan or was able to obtain authority to modify the loan prior to responding to the loan modification request.

DATED: 2/16/12

By: Stacey L. Blouin
Typed Name: Stacey L. Blouin
Title: AVP, Servicing Team Manager II
Bank of America, N.A.


State of California)

) ss.

County of Los Angeles)

Subscribed and sworn to (or affirmed) before me on this 16 day of February, 2012, by Stacey L. Blouin, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature

Gabriel Alberto Herrera
 GABRIEL ALBERTO HERRERA
COMM. # 1945253
NOTARY PUBLIC • CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires
July 23, 2015

Beneficiary: DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2004-HE4,
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-HE4