

1st
1799257

2012-005489

Klamath County, Oregon



00118538201200054890120121

05/21/2012 03:43:42 PM

Fee: \$102.00

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:

c/o Trustee Corps
17100 Gillette Ave
Irvine, CA 92614

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

Affidavit of Mailing Trustee Notice of Sale
Affidavit of Publication
Affidavit of Compliance
Declaration of Non Military Service

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

First American Title

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

Jeffrey W Smith and Renee E Smith

4. Send Tax Statements To:

No Change

5. True and Actual Consideration:

N/A

6. Deed Reference:

2007-014417

F.
107.00

Recording Requested By:

When Recorded Mail to:

c/o Trustee Corps
17100 Gillette Ave
Irvine, CA 92614

Trustee Sale No. OR05000057-11-1

APN 3809-028BC-03500

Title Order No. 6252802

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF CALIFORNIA
COUNTY OF ORANGE

I, **Karen Talafus** being first duly sworn, depose, 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 his successor in interest named in the attached original or copy of Notice of Sale given under the terms of that certain Trust Deed described in said notice.

Notice of the sale of the real property described in the attached Trustee's Notice of Sale was sent by mailing a copy thereof by registered or certified mail and regular mail to each of the following named persons at their last known address, to-wit: SEE ATTACHED

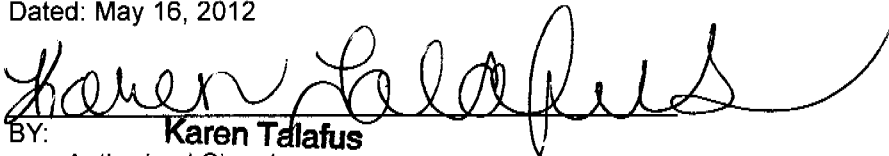
Said person(s) include the Grantor(s) in the Trust Deed, any successor in interest to the Grantor(s) whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.785, and all junior lien holders as provided in ORS 86.740.

Each of the notices mailed were a true copy of the original Trustee's Notice of Sale by TRUSTEE CORPS, for ., 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 mail in IRVINE, on 12/19/2011. Each of said notices was mailed after the Notice of Default and Election to Sell described in said Trustee's 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.

"Notice as required by and in accordance with ORS Chapter 646 was provided to Grantor(s) and successor in interest, if any."

Each of the notices so mailed was certified to be a true copy of the original Trustee's Notice of Sale by TRUSTEE CORPS, for 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 mail in IRVINE, on 12/19/2011. Each of said notices was mailed after the Notice of Default and Election to Sell described in said Trustee's Notice of Sale was mailed at least 25 days before the day of the Trustee's Sale.

Dated: May 16, 2012


BY: **Karen Talafus**
Authorized Signatory

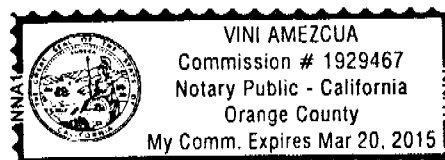
State of CALIFORNIA
County of ORANGE

On May 16, 2012 before me, Vini Amezcua Notary Public in and for said county, personally appeared Karen Talafus who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CALIFORNIA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal


Notary Public



Declaration of Mailing

Trustee's Sale No. OR05000057-11-1

Date: 12/19/2011

Mailing: Sale

Page: 1

I, Deidre Harp, declare: That I am an officer, agent, or employee of MTC FINANCIAL INC. dba TRUSTEE CORPS whose business address is 17100 Gillette Ave, Irvine, CA 92614

I am over the age of eighteen years; On 12/19/2011 by Certified and First Class mail, enclosed in a sealed envelope with postage notices,

a true and correct copy of which is hereunto attached and made part hereof, addressed to following:

Number of Article	Name of Addressee, Street, and Post Office Address	Cert Fee	R R Fee
71901017845001615796	MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. P.O. BOX 2026 FLINT, MI 48501-2026		
71901017845001616274	FLAGSTAR BANK, FSB C/O MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. P.O. BOX 2026 FLINT, MI 48501-2026		
71901017845001616779	FLAGSTAR BANK, FSB 5151 CORPORATE DR TROY, MI 48098-2639		
71901017845001617219	FLAGSTAR BANK FINAL DOCUMENTS, MAIL STOP W-530-3 5151 CORPORATE DRIVE TROY, MI 48098		
71901017845001619015	OCCUPANT 1147 PACIFIC TER KLAMATH FALLS, OR 97601-1875		
71901017845001619534	RENEE E SMITH 1147 PACIFIC TER KLAMATH FALLS, OR 97601		
71901017845001620035	JEFFREY E SMITH 1147 PACIFIC TER KLAMATH FALLS, OR 97601		
71901017845001620486	RENEE E SMITH 1147 PACIFIC TER KLAMATH FALLS, OR 97601-1875		
71901017845001620974	JEFFREY W SMITH 1147 PACIFIC TER KLAMATH FALLS, OR 97601-1875		

Number of Pieces by Sender 9	Number of Pieces Received	Postmaster (Name) Receiving Employee	Mail By (Name) Sending Employee
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I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

DEC 19 2011

(Date)

(Declaring)

[Signature]

Recording Requested By:
When Recorded Mail to:

First American Title Insurance Company
c/o Trustee Corps
17100 Gillette Ave
Irvine, CA 92614

Trustee Sale No. OR05000057-11-1

APN 3809-028BC-03500

Title Order No 6252802

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, JEFFREY W SMITH AND RENEE E SMITH, HUSBAND AND WIFE AS JOINT TENANTS as Grantor to ASPEN TITLE & ESCROW, INC., as Trustee, in favor of FLAGSTAR BANK, FSB as Lender and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. as Beneficiary, acting solely as nominee for Lender and recorded on August 15, 2007, as Instrument No. 2007-014417, of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

APN: 3809-028BC-03500

LOT 1 AND THE NORTH ONE-HALF OF LOT 2 IN BLOCK 51 OF HOT SPRINGS ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as: 1147 PACIFIC TER, KLAMATH FALLS, OR 97601-1875

Both the Beneficiary and the Trustee have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The default for which the foreclosure is made is the Grantor's failure to pay: failed to pay payments which became due;

Monthly Payment \$2141.23
Monthly Late Charge \$107.06

By this reason of said default the Beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit: The sum of \$277,220.54 together with interest thereon at the rate of 6.75000% per annum from December 1, 2010 until paid; plus all accrued late charges thereon; and all Trustee's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the terms of said Trust Deed.

Wherefore, notice is hereby given that, the undersigned Trustee will on **May 2, 2012 at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, on the front steps of the Circuit Court, 316 Main Street., in the City of Klamath Falls, County of Klamath, Oregon County of Klamath,** sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, Trustee's or attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or Trust Deed, at any time prior to five days before the date last set for sale.

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

Dated: December 13, 2011

First American Title Insurance Company

By:

Authorized Signatory **JAMES M. DAVIS, ASST SEC**

First American Title Insurance Company
c/o TRUSTEE CORPS
17100 GILLETTE AVENUE
IRVINE, CA 92614
949-252-8300

SALE INFORMATION CAN BE OBTAINED ON LINE AT www.lpsasap.com
AUTOMATED SALES INFORMATION PLEASE CALL 714-730-2727

STATE OF CA

COUNTY OF Orange

On 12-14-2011 before me, Kristina R. Boyd, Notary Public, personally appeared James M. Davis who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Notary Signature



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

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:
1147 PACIFIC TER, KLAMATH FALLS, Oregon 97601-1875.

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 January 1, 2011 to bring your mortgage loan current was \$0.00. 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 949-252-8300 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:

First American Title Insurance Company
c/o Trustee Corps
17100 Gillette Ave.
Irvine, CA 92614

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

Date and time: May 2, 2012, at 10:00 AM

Place: on the front steps of the Circuit Court, 316 Main Street. in the City of Klamath Falls, County of Klamath, Oregon, County of Klamath.

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call FLAGSTAR BANK, F.S.B. at phone no (800) 968-7700 to

find out if your lender is willing to give you more time or change the terms of your loan.

4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at 800-SAFENET (800-723-3638). You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you can visit its website at <http://www.osbar.org>. Legal assistance may be available to you 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>.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: December 13, 2011

First American Title Insurance Company



By:

Authorized Signatory **JAMES M. DAVIS, ASST SEC**

Phone No: 949-252-8300

**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#14025 SALE SMITH

#4160066

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:

02/29/2012 03/07/2012 03/14/2012 03/21/2012

Total Cost: \$959.24

Jeanine P Day
Subscribed and sworn by Jeanine P Day before me on:
21st day of March in the year of 2012

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



TRUSTEE'S NOTICE OF SALE
Trustee Sale No. OR05000057-11-1
APN 3809-028BC-03500 Title Order No 6252802

Reference is made to that certain Trust Deed made by, JEFFREY W SMITH AND RENEE E SMITH, HUSBAND AND WIFE AS JOINT TENANTS as Grantor to ASPEN TITLE & ESCROW, INC., as Trustee, in favor of FLAGSTAR BANK, FSB as Lender and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. as Beneficiary, acting solely as nominee for Lender and recorded on August 15, 2007, as Instrument No. 2007-014417, of official records in the Office of the Recorder of Klamath County, Oregon to-wit: APN: 3809-028BC-03500 LOT 1 AND THE NORTH ONE-HALF OF LOT 2 IN BLOCK 51 OF HOT SPRINGS ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. Commonly known as: 1147 PACIFIC TER, KLAMATH FALLS, OR 97601-1875.

~~Both the Beneficiary and the Trustee have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The default for which the foreclosure is made is the Grantor's failure to pay: failed to pay payments which became due; Monthly Payment \$2141.23 Monthly Late Charge \$107.06~~

By this reason of said default the Beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit: The sum of \$277,220.54 together with interest thereon at the rate of 6.75000% per annum from December 1, 2010 until paid; plus all accrued late charges thereon; and all Trustee's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the terms of said Trust Deed.

Wherefore, notice is hereby given that, the undersigned Trustee will on May 2, 2012 at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, on the front steps of the Circuit Court, 316 Main Street, in the City of Klamath Falls, County of Klamath, Oregon County of Klamath, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, Trustee's or attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or Trust Deed, at any time prior to five days before the date last set for sale.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural the

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feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other persons owing an obligation, the performance of which is secured by said Trust Deed, the words "Trustee" and "Beneficiary" includes their respective successors in interest, if any. Dated: December 13, 2011
First American Title Insurance Company By: James M. Davis, Asst Sec. First American Title Insurance Company c/o TRUSTEE CORPS 17100 GILLETTE AVENUE IRVINE, CA 92614 949-252-8300 SALE INFORMATION CAN BE OBTAINED ON LINE AT www.ipsasap.com AUTOMATED SALES INFORMATION PLEASE CALL 714-730-2727 ASAP# 4160066 02/29/2012, 03/07/2012, 03/14/2012, 03/21/2012.
#14025 February 29, March 07, 14, 21, 2012.

When Recorded Mail to:

c/o Trustee Corps
17100 Gillette Ave
Irvine, CA 92614

AFFIDAVIT OF COMPLIANCE WITH CH. 864 (2009 OREGON LAWS)

TRUSTEE SALE NO: OR05000057-11-1
BORROWER(S): JEFFREY E SMITH RENEE E SMITH
SUBJECT PROPERTY: 1147 PACIFIC TER, KLAMATH FALLS, OR 97601-1875

I, LEANNA GRZECH being first duly sworn, depose, and say that I am employed by FLAGSTAR BANK, FSB, hereinafter "beneficiary", and I am familiar with the records and files kept by beneficiary with respect to the loan, where the grantor(s) name(s) is/are JEFFREY W SMITH AND RENEE E SMITH, HUSBAND AND WIFE AS JOINT TENANTS:

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

☐ Beneficiary received a timely Modification Request Form from the grantor(s) on _____.

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

- ☐ Beneficiary or beneficiary's agent reviewed the information submitted by grantor(s), and notified the grantor(s) that the beneficiary denied the request for modification of the loan.
- ☒ Beneficiary or beneficiary's agent requested grantor(s) provide additional information needed to determine whether the loan could be modified.
- ☐ If timely requested by the grantor(s), the beneficiary or beneficiary's agent met with the grantor(s) in person or spoke to the grantor(s) by the telephone before the beneficiary or beneficiary's agent responded to the grantor(s) request to modify the loan. The person representing the beneficiary or the beneficiary's agent who met or spoke with grantor(s) has or was able to obtain authority to modify the loan.
- ☐ The grantor(s) did not respond to the beneficiary within seven business days of the date the beneficiary or the beneficiary agent attempted to contact the grantor(s) to schedule a meeting in person or by telephone.
- ☐ The beneficiary has previously considered the current financial information provided by the grantor(s), and has in good faith determined that the grantor(s) is not eligible for a modification of the loan. The beneficiary has informed the grantor(s) that the grantor(s) is not eligible for a modification of this loan.

COUNTY of OAKLAND
STATE of MI

By: LEANNA GRZECH

Subscribed and sworn to before me on 5-8-12 by LEANNA GRZECH
(Date) (Name of Affiant)

Andrea J. Hoffman
Notary Public in and for said County and State

ANDREA J. HOFFMAN
Notary Public, Macomb County, Michigan
Acting in OAKLAND County
My Commission Expires: 04/26/2015

DECLARATION OF NON-MILITARY SERVICE

Loan No: 501516139
T.S. No: OR05000057-11-1
Owner(s): JEFFREY W SMITH AND RENEE E SMITH, HUSBAND AND WIFE AS JOINT TENANTS

The undersigned, declares as follows:

I am informed and believe and on that ground allege that the matters stated in this declaration are true.

That JEFFREY W SMITH AND RENEE E SMITH, HUSBAND AND WIFE AS JOINT TENANTS is not now, or within the period of three months prior to the making of this declaration, (a) in the Federal Service on active duty as a member of the Army of the United States, or the United States Navy, or the United States Air Force, or the Women's Army Corps, or as an officer of the Public Health Service; or (b) in training or being educated under the supervision of the United States preliminary to induction into the military service; or (c) under orders to report for induction under the Selective Training Service Act of 1940; or (d) a member of the Enlisted Reserve Corps under orders to report to military service; or (e) an American Citizen, serving with the forces of any nation allied with the United States in the prosecution of the war, within the purview of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended; or (f) serving in the armed forces of the United States pursuant to the Selective Service Act of 1948.

That this declaration is made for the above referenced trustee's sale number for the purpose of inducing MTC FINANCIAL INC. dba TRUSTEE CORPS, as trustee, without leave of court first obtained, to cause said property to be sold under the terms of said deed of trust pursuant to the power of sale contained therein.

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

Executed on 6-1-11
(Date)

FLAGSTAR BANK, F.S.B.

By: 
SHARON MORGAN

**THIS DECLARATION MUST BE COMPLETED AND RETURNED
PRIOR TO THE DATE OF SALE.**