

UTC 91593

2012-006915

Klamath County, Oregon



00120242201200069150160164

06/22/2012 03:29:51 PM

Fee: \$117.00

**RECORDING COVER SHEET**

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

**AFTER RECORDING RETURN TO:**

Shapiro & Sutherland, LLC

1499 SE Tech Center Place

Suite 255

Vancouver, WA 98683

S&S File No. 11-107724

**1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)**

Trustee's Affidavit of Compliance with ORS 86.737  
Affidavit of Compliance with ORS 86.737

**2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160**

Toran, Elisey & Palagea  
3333 Homedale Road, Klamath Falls, OR 97603

**3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160**

PHH Mortgage Corporation  
2001 Bishops Gate Blvd.  
Attn: Mail Stop SV-01  
Mount Laurel, New Jersey 08054

Kelly D. Sutherland, Successor Trustee  
1499 SE Tech Center Place, Suite 255  
Vancouver, WA 98683

**4) TRUE AND ACTUAL CONSIDERATION | 5) SEND TAX STATEMENTS TO:**

ORS 93.030(5) – Amount in dollars or other

\$ \_\_\_\_\_ Other \_\_\_\_\_

**6) SATISFACTION of ORDER or WARRANT | 7) The amount of the monetary**

ORS 205.125(1)(e)

CHECK ONE: FULL

(If applicable) PARTIAL

| obligation imposed by the order  
| or warrant. ORS 205.125(1)(c)

| \$ \_\_\_\_\_

**8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF \_\_\_\_\_ TO CORRECT \_\_\_\_\_ PREVIOUSLY RECORDED IN BOOK \_\_\_\_\_ AND PAGE \_\_\_\_\_, OR AS FEE NUMBER \_\_\_\_\_."**

117Amf

AFTER RECORDING RETURN TO:  
Shapiro & Sutherland, LLC  
1499 SE Tech Center Place, Suite 255  
Vancouver, WA 98683  
11-107724

**TRUSTEE'S AFFIDAVIT AS TO COMPLIANCE TO ORS 86.737**

State of Washington            )  
  )  
County of Clark                )

I, Kelly D. Sutherland, being first duly sworn, depose, say and certify that:

I am the Successor trustee in that certain trust deed executed and delivered by Elisey Toran and Palagea Toran as grantor, to First American Title Insurance Company of Oregon as trustee, in which Rogue Federal Credit Union, its successors and/or assigns, is beneficiary, recorded on October 14, 2005, in the mortgage records of Klamath County, Oregon, in Book No. Volume M05, at Page 66639, as covering the following described real property situated in said county:

See complete Legal Description attached hereto as Exhibit "A"

Commonly known as: 3333 Homedale Road, Klamath Falls, OR 97603

I hereby certify that on December 7, 2011, the attached notice of risk of loss was furnished by mailing a copy of the notice by registered or certified mail, return receipt requested, and first class mail to each of the following named persons:

Elisey Toran  
3333 Homedale Road  
Klamath Falls, OR 97603


Elisey Toran  
P.O. Box 100  
Scotts Mills, OR 97375

Palagea Toran  
3333 Homedale Road  
Klamath Falls, OR 97603

Palagea Toran  
P.O. Box 100  
Scotts Mills, OR 97375

Occupant(s)  
3333 Homedale Road  
Klamath Falls, OR 97603

The word "trustee" as used in this affidavit means any successor-trustee to the trustee named in the trust deed first mentioned above.

  
Kelly D. Sutherland

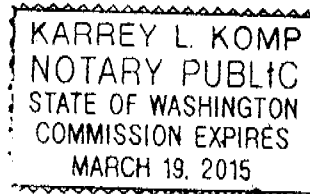
State of Washington )

County of Clark )

On this 21st day of June, in the year 2012, before me the undersigned, a Notary Public in and for said County and State, personally appeared Kelly D. Sutherland personally known to me to be the person whose name is subscribed to this instrument and acknowledged that he executed.

Witness my hand and official seal

Karrey L. Komp  
Notary Public  
My Commission Expires 3-19-2015



**Exhibit "A"**

Real property in the County of Klamath, State of Oregon, described as follows:

A tract of land situated in Lot 8 and Lot 9 Block 2 of Subdivision of Tracts 2B and 3, Homedale, in the NE 1/4 NE 1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Northeasterly corner of said Lot 8; thence South 00°00'09" East 154.90 feet to the Southeasterly corner of said Lot 8; thence North 50°57'37" West, along the line common to said Lots 8 and 9, 416.05 feet; thence North 76°34'13" West 42.68 feet to the West line of said Lot 9; thence North 00°20'00" East, along the West line of said Lots 8 and 9, 59.90 feet, more or less, to a point from which the Northwesterly corner of said Lot 8 bears North 00°20'00" East 77.10 feet; thence North 82°05'19" East 34.49 feet; thence North 89°48'06" East 69.57 feet to a point on the Northerly line of said Lot 8; thence South 55°04'30" East 317.83 feet to the point of beginning, with bearings based on recorded Survey No. 1303.

Tax Parcel Number: 548385

**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 3333 Homedale Road, Klamath Falls, OR 97603

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called 'foreclosure'.

In order to bring your mortgage loan current, the amount you need to pay as of today, December 7, 2011 is \$7,104.20.

**By law, your lender has to provide you with details about the amount you owe, if you ask. You may call this office at (360) 260-2253, or toll-free 1-800-970-5647, extension 278, 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:**

Shapiro & Sutherland, LLC  
1499 SE Tech Center Place, Suite 255  
Vancouver, WA 98683  
Our File #: 11-107724

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

April 12, 2012, at the hour of 10:00 AM PT, at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of 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 call the Loss Mitigation department of PHH Mortgage Corporation at 800-936-0721 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 phone contact number at **1-800-SAFENET (1-800-723-3638)**. 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 **1-800-452-7636** or you may visit its website 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 800-936-0721. 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 **1-800-SAFENET (1-800-723-3638)**. 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 JANUARY 6, 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 any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: December 7, 2011

Kelly D. Sutherland, Shapiro & Sutherland, LLC

Trustee signature:

Trustee telephone number: (360) 260-2253 or 1-800-970-5647

## LOAN MODIFICATION REQUEST FORM

Elisey Toran  
3333 Homedale Road  
Klamath Falls, OR 97603

Palagea Toran  
3333 Homedale Road  
Klamath Falls, OR 97603

RE: Loan#: XXXXXX5005

Property Address: 3333 Homedale Road, Klamath Falls, OR 97603

Pursuant to Oregon law, we are providing you with this Modification Request Form. The mortgage servicer is interested in helping you stay in your home. The mortgage servicer wants you to know there are payment assistance programs available that may help you. If you qualify under the programs, the mortgage servicer may be able to bring be able to bring your loan current and /or decrease the monthly payment so that you can avoid foreclosure.

**If you want to apply to modify you must fill out this form and provide all the documentation to the address shown in Step 2 of this form.** Please make sure to provide your current address, phone number and electronic mail address (Email). **The form must be received by the mortgage servicer no later than January 6, 2012 at the address shown in Step 2 of this form.** Please indicate by checking the applicable location whether or not you would like your Loan Modified, whether you would like to meet the mortgage servicer, or both

\_\_\_\_\_ I would like to have my loan modified.

\_\_\_\_\_ I would like to meet with the mortgage servicer.

\_\_\_\_\_  
Borrower's signature

\_\_\_\_\_  
Borrower's signature

\_\_\_\_\_  
Borrower's Printed Name

\_\_\_\_\_  
Borrower's Printed Name

\_\_\_\_\_  
Borrower's Address

\_\_\_\_\_  
Borrower's Address

\_\_\_\_\_  
Borrower's Phone Number

\_\_\_\_\_  
Borrower's Phone Number

\_\_\_\_\_  
Borrower's E-mail Address

\_\_\_\_\_  
Borrower's E-mail Address

### STEP 1: GATHER THE INFORMATION NEEDED TO HELP YOU

Detailed Instructions on what you need to do to take advantage of this program are set forth below. Generally, you will need to:



- Explain in Hardship letter (attached) outlining your situation in detail noting all measures taken to date to resolve your problems
- Completed financial disclosure statement (attached) for all mortgagors of record.

If you meet the eligibility criteria, you may be offered either a temporary or permanent payment assistance program with a decreased monthly payment. The monthly payments will be based on the Income documentation that you provide.

## **STEP 2: COMPLETE AND SUBMIT**

Please submit all the required income documentation by no later than January 6, 2012. If you have any questions, please contact mortgage servicer at (800) 936-0721.

### **Act Now!**

To see if you qualify for this program, complete the attached form and send it with the items listed below to Mortgage Servicer no later than January 6, 2012 to the address provided below:

***Shapiro & Sutherland, LLC***  
***1499 SE Tech Center Place, Suite 255***  
***Vancouver, WA 98683***

Documentation to verify all of the income of each borrower. (Including any alimony or child support that you choose to rely upon to qualify). This documentation should include:

Complete income tax returns for the 2 previous years for all mortgagors listed on loan.

Last two months bank statements, including all checking, savings, money market, etc.

Copies of the most recent pay stubs (2 months) for all mortgagors on the loan.

If applicable - the mortgage servicer will order an appraisal or independent broker price opinion on the subject property.

If applicable - A copy of the listing agreement for the subject property.

If applicable - A copy of the fully executed contract of sale for the subject property. Also, a copy of the estimated sales proceeds listing a breakdown of all closing costs. A clause must be included in the contract of sale making it contingent upon the approval of the mortgage loan investor and the insurer or guarantor of your loan.

If applicable a copy of the buyers prequalification letter.

If you have other types of Income, cannot locate required documents, or have questions about the documentation required, please contact the mortgage servicer at (800) 936-0721.

**You must send in all required documentation by no later than January 6, 2012.**

Keep a copy of documents for records. Don't send original income documents, as copies are acceptable.

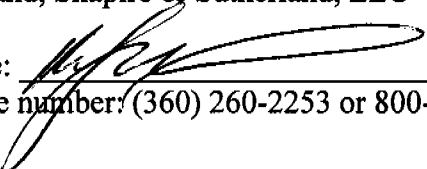
### **NEXT STEPS: HERE'S WHAT WILL HAPPEN:**

Once the mortgage servicer receives all of your documentation and verifies your information, the mortgage servicer will determine whether you qualify for a payment assistance program. The mortgage servicer will contact you, as reasonably practical but not less than 45 days after receiving the form, to notify you whether the mortgage servicer approves or denies your request, or requires additional information. During this period, the mortgage servicer may require additional information to determine whether the loan can be modified. IF you do not qualify, the mortgage servicer will discuss other alternative with you that may help you keep your home or ease your transition to another home.

DATED: December 7, 2011

Kelly D. Sutherland, Shapiro & Sutherland, LLC

Trustee signature:

  
Trustee telephone number: (360) 260-2253 or 800-970-5647

PHH Mortgage Services

**PHH**

Mortgage Loan #: \_\_\_\_\_ Property Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_ am requesting that Cendant Mortgage Services  
(aka: PHH Mortgage Services) review my financial situation to see if I qualify for a  
Workout Option to avoid Foreclosure.

I am having difficulty making my monthly payments because of financial difficulties  
created by: (Please check the one that CLOSEST matches your situation or use the or  
use the "other field to briefly describe your situation)

- |   |  |                                     |
|---|--|-------------------------------------|
| <input type="radio"/> Unemployment                  | <input type="radio"/> Reduced Income     | <input type="radio"/> Divorce       |
| <input type="radio"/> Separation                    | <input type="radio"/> Excessive Debts    | <input type="radio"/> Medical Bills |
| <input type="radio"/> Death of Spouse               | <input type="radio"/> Payment Increase   | <input type="radio"/> Illness       |
| <input type="radio"/> Job Relocation                | <input type="radio"/> Business Failure   | <input type="radio"/> Incarceration |
| <input type="radio"/> Military Service              | <input type="radio"/> Damage to Property |                                     |
| <input type="radio"/> Other (please specify): _____ |  |                                     |

Explain Hardship: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I believe that my situation/hardship is:	<input type="radio"/> Temporary	<input type="radio"/> Permanent
I would like to participate in a Workout Solution:	<input type="radio"/> Yes	<input type="radio"/> No
I would like to keep my property:	<input type="radio"/> Yes	<input type="radio"/> No

Are there any additional liens on this property to the best of your knowledge. If so,  
please fill out the name, company or firm that is holding that lien.

_____ Lien Holder's Name	_____ Amount of Lien
_____ Borrower's Signature	_____ Co-Borrower's Signature

## BORROWER'S FINANCIAL STATEMENT

Loan #:							
Borrower Name:				Social Security #:			
Mailing Address:							
Employer:				Position:			
Employer Address:				Employer Phone:			
Daytime Phone:				Evening Phone:			
Email Address:							
Number of Dependents at this address:							
Co-Borrower Name:				Social Security#:			
Mailing Address:							
Employer:				Position:			
Employer Address:				Employer Phone:			
Daytime Phone:				Evening Phone:			
Email Address:							
ASSETS/LIABILITIES							
MONTHLY INCOME DATA							
DESCRIPTION	Estimated Value	Amount Owed	Net Value	DESCRIPTION	Borrower	Co-Bor	Total
Primary Residence				Gross Pay:			
Other Real Estate				Overtime:			
Automobile:				Commissions:			
Automobile:				Bonus:			
Checking Account:				Child Support:			
Savings Account:				Rental Income:			
IRA/Keough Accts:				Other (Specify):			
401 (k) Acct:							
Stocks/Bonds/CD's:							
Boats:							
Collections/Art/Etc:							
Personal Items:							
				NET INCOME:			
ACKNOWLEDGEMENT and AUTHORIZATION							
ACKNOWLEDGEMENT							
I obtained a Mortgage loan secured by the above referenced mortgaged property. I have described my current							
financial condition with this Financial Statement form and I certify that all information presented herein, as well as							
all attachments is true, accurate, and correct to the best of my knowledge. I understand that submission of this							
information in no way obligates my Lender, Mortgage Servicer, Investor or Insurer to provide assistance to me.							
AUTHORIZATION							
By signing this Financial Statement, I hereby authorize my lender, Mortgage Servicer, Insurer and their							
respective agents to order a credit report and verify any and all employment and account information.							
Borrower Signature		Date		Co-Borrower Signature		Date	

# MONTHLY EXPENDITURES

DESCRIPTION	MONTHLY DUE	BALANCE DUE	DELINQUENT Y/N?
<b><u>Household Expenses:</u></b>			
Mortgage Payment			
Other Mortgages			
Alimony /Child Support			
Child Care			
Electric /Gas /Heat			
Water /Sewage			
Telephone /Internet			
Food for Household			
School /Work Lunches			
Clothing /Dry Cleaning			
Cable TV /Satellite			
Total Household Expenses	\$		
<b><u>Credit Card Expenses:</u></b>			
VISA			
MASTER CARD			
DEPT STORE CREDIT			
Other Credit Cards			
Total Credit Card Expenses	\$		
<b><u>Auto Expenses:</u></b>			
Auto Loan #1			
Auto Loan #2			
Auto Insurance			
Gasoline			
Auto Repairs			
Parking			
Total Auto Expenses	\$		
<b><u>Personal Loans:</u></b>			
Personal Loan #1			
Personal Loan #2			
Total Personal Loans	\$		
<b><u>Ins./Medical Expenses:</u></b>			
Health Insurance			
Life Insurance			
Doctors/Dentists			
Prescriptions			
Medical bills			
Total Ins/Medical Expenses	\$		
<b><u>Miscellaneous Expenses:</u></b>			
Charity /Donations			
Union Dues /Club Dues			
Entertainment			
Sports /Hobbies			
Vacations			
MISC. Expense #1			
MISC. Expense #2			
MISC. Expense #3			
Total Misc Expenses	\$		
<b>TOTAL EXPENSES</b>			
	\$		

\*\*\*Please note: DO NOT list bills in the MONTHLY DUE column if they are a "onetime" debt.  
Please NOTATE if any of the above bills are deducted from your paycheck.  
Please NOTATE any loans which will be paid in full within the next 6 months.

AFTER RECORDING RETURN TO:

Shapiro & Sutherland, LLC  
1499 SE Tech Center Place, Suite 255  
Vancouver, WA 98683  
11-107724

**Affidavit of Compliance with Oregon ORS 86.737**

**County Clerk Recording Info:**

**Grantor (name):** Elisey Toran and Palagea Toran

**Trustee (name):** First American Title Insurance Company of Oregon

**Original Beneficiary (name):** Rogue Federal Credit Union, its successors and/or assigns,

**Assignee(s), if any (name(s)):** PHH Mortgage Corporation

**Original Loan Amount:** \$127,499.20

**Borrower name(s):** Toran, Elisey & Palagea

**Property Address:** 3333 Homedale Road, Klamath Falls, OR 97603

The undersigned is an employee of the beneficiary of the trust deed securing the above-referenced loan or of its authorized agent, at least 18 years of age and competent to testify in a court of law and, except as noted below, having personal knowledge of the matters set forth below, represents and avers, under the penalty of perjury, that the following selected paragraph(s) is/are true and correct (select all that apply):

- ☒ **No Request for Meeting or Loan Modification Received.** Based on information and belief, the borrower failed to return the required Loan Modification Request Form sent by the Trustee to the address required on the form within 30 days of the date the Trustee signed the Notice required by ORS 86.737 ("Law.")
- ☐ **Meeting Requested But Borrower Unavailable to Schedule Meeting.** Borrower requested a meeting within 30 days of the date the Trustee signed the notice required by "Law" and sent the required Loan Modification Request Form to beneficiary or its agent. The beneficiary or beneficiary's authorized agent attempted to contact the borrower by the methods contemplated by "Law" within the statutory time period after receiving the loan modification request. Borrower did not respond within 7 days of attempted contact. Accordingly, no meeting was required and no meeting occurred.
- ☐ **Meeting Occurred.** Borrower requested a meeting by telephone or in person within 30 days of the date the trustee signed the notice required by Law and sent the required Loan Modification Request Form to beneficiary or its agent. The beneficiary or beneficiary's authorized agent contacted Borrower by the methods allowed by law to schedule a meeting. A meeting was scheduled and took place between borrower and a representative of the beneficiary or beneficiary's agent -- authorized to modify the loan or able to obtain authority to modify the loan -- prior to the beneficiary determining whether or not to grant borrower's request for a loan modification.

- [ ] **Loan Modification Requested. Borrower Deemed Ineligible. Request Denied.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by Law and sent the Loan Modification Request Form to beneficiary. The loan modification request was evaluated in good faith within required statutory time period. After considering the most current financial information provided by borrower, the beneficiary or beneficiary's agent determined that borrower is ineligible for a loan modification. Within the required statutory time period of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower is ineligible for a loan modification.
- [ ] **Loan Modification Requested. After Evaluation, Request Denied.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by Law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in good faith within the required statutory time period. Within the required statutory time period, the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied.
- [ ] **Loan Modification Requested. Borrower Approved for a Modification but Subsequently Defaulted.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by Law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in good faith within the required statutory time period. Within the required statutory time period of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was approved. Borrower subsequently failed to return the executed modification agreement, required down payment, or failed to timely make the payment(s) under the terms of the agreement.
- [ ] **Loan Modification Requested. Insufficient Information Provided by Borrower. Request Denied.** Borrower requested a loan modification within 30 days of the date the trustee signed the notice required by law and sent the Loan Modification Request Form to beneficiary or its agent. The loan modification request was evaluated in good faith within the required statutory time period, but borrower, despite one or more additional requests from beneficiary or its agent, failed to provide sufficient information to enable beneficiary to determine in good faith whether borrower is eligible for a loan modification. Accordingly, within 45 days of the beneficiary's receipt of borrower's Loan Modification Request Form, the beneficiary or beneficiary's authorized agent notified borrower that borrower's request for a loan modification was denied.

✓ Other (Specify):  
contacted realtor to see if any short sale offers  
were made, no response and no documents sent in

If the borrower's loan modification request was denied after May 27, 2010, the beneficiary or beneficiary's agent provided the grantor with the information described in subsection (1)(b) of (c) of Section 3, Chapter 864, Oregon Laws 2009.

DATED: June 13, 2012

By: Rakell Brisard

Typed Name: Rakell Brisard

Title: Assistant Vice President

State of New Jersey )

County of Burlington ) ss.

This instrument was acknowledged before me on June 18, 2012 by  
Rakell Brisard as AVP of  
Pitt Mortgage Corp

Alice P. Harden  
Notary signature

My commission expires

ALICE P. HARDEN  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 4/17/2013