

WTZ 92684

2012-008499

Klamath County, Oregon

RECORDING REQUESTED BY  
and When Recorded Mail to:



00122174201200084990210218

08/03/2012 03:14:52 PM

Fee: \$147.00

**Fidelity National Title Insurance Company**  
1920 Main Street, Suite 1120  
Irvine, CA , 92614  
TS No: 12-00038-6  
Order No: 120019592-OR-GNO  
Loan No: 0154470025  
TAX ID: 880805

**Affidavit(s)  
RECORDING COVER SHEET  
Pursuant to ORS 205.234**

**Affidavit of Mailing Trustee's Notice of Sale**

Direct: WILLIAM TUIHALAMAKA, HEATHER VOLLMUTH

Indirect: THOMAS M. MARTINCELLO, AN UNMARRIED MAN

**Affidavit of Posting and Service**

Direct: Nationwide Process Service, Inc,

Indirect: THOMAS M. MARTINCELLO, AN UNMARRIED MAN

**Affidavit of Publication**

Direct: Herald & News (OR)

Indirect: THOMAS M. MARTINCELLO, AN UNMARRIED MAN

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.

**Original Grantor: THOMAS M. MARTINCELLO, AN UNMARRIED MAN**

**Current Beneficiary: HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR WELLS  
FARGO ASSET SECURITIES CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2006-15**

1920 Main Street, Suite 1120 , Irvine, CA 92614  
Phone: 949-252-4900 Facsimile: 949-252-4902 Office Email: E fnt-drn-oc@fnf.com

1479m



VValz Affidavit #: 3138201

# **AFFIDAVIT OF MAILING**

## **Default Resolution Network**

Date: 03/30/2012

Ref. No.: 12-00038-6

MailbatchID: 415611

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

The declarant, whose signature appears below, states that he is over the age of eighteen (18) years; is employed in Orange County, California; acting on behalf of Default Resolution Network; is not a party to the within action; and that on March 30, 2012, he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, sent Certified Mail, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X   
Affiant William Tuihalamaka

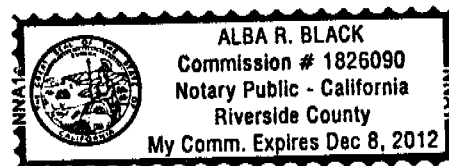
ORGRNTR  
7196 9006 9295 8894 7090  
REF #: 12-00038-6  
CURRENT OCCUPANT  
323 E MAIN STREET  
KLAMATH FALLS, OR 97601

ORGRNTR  
7196 9006 9295 8894 7106  
REF #: 12-00038-6  
THOMAS M MARTINCELLO  
114 SANDALWOOD CT  
SANTA ROSA, CA 95401

ORGRNTR  
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REF #: 12-00038-6  
THOMAS M MARTINCELLO  
323 E MAIN ST  
KLAMATH FALLS, OR 97601

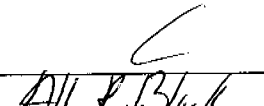
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7196 9006 9295 8894 7120  
REF #: 12-00038-6  
THOMAS M MARTINCELLO  
323 E MAIN STREET  
KLAMATH FALLS, OR 97601-3294

ORGRNTR  
7196 9006 9295 8894 7137  
REF #: 12-00038-6  
THOMAS M. MARTINCELLO  
323 E MAIN STREET  
KLAMATH FALLS, OR 97601



STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

Subscribed and sworn to (or affirmed) before me on this 20 day of April (month), 2012 (year), by William Tuihalamaka, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

 (Signature of Notary)

(Seal of Notary)



Walz Affidavit #: 3138337

**AFFIDAVIT OF MAILING****Default Resolution Network**

Date: 03/30/2012


Ref. No.: 12-00038-6

MailbatchID: 415642

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

The declarant, whose signature appears below, states that he is over the age of eighteen (18) years; is employed in Orange County, California; acting on behalf of Default Resolution Network; is not a party to the within action; and that on March 30, 2012, he personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, sent First Class, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X   
Affiant William Tuihalamaka

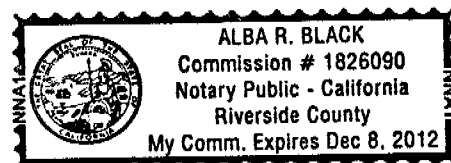
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REF #: 12-00038-6  
CURRENT OCCUPANT  
323 E MAIN STREET  
KLAMATH FALLS, OR 97601

ORGRNTR  
2260883872  
REF #: 12-00038-6  
THOMAS M MARTINCELLO  
114 SANDALWOOD CT  
SANTA ROSA, CA 95401

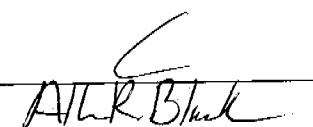
ORGRNTR  
2260883873  
REF #: 12-00038-6  
THOMAS M MARTINCELLO  
323 E MAIN ST  
KLAMATH FALLS, OR 97601

ORGRNTR  
2260883874  
REF #: 12-00038-6  
THOMAS M MARTINCELLO  
323 E MAIN STREET  
KLAMATH FALLS, OR 97601-3294

ORGRNTR  
2260883875  
REF #: 12-00038-6  
THOMAS M. MARTINCELLO  
323 E MAIN STREET  
KLAMATH FALLS, OR 97601

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

Subscribed and sworn to (or affirmed) before me on this 20 day of April (month), 2012 (year), by William Tuihalamaka, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

 (Signature of Notary)

(Seal of Notary)

## **NOTICE:**

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

**Re: TS#: 12-00038-6**

**Loan #: 0154470025**

**This notice is about your mortgage loan on your property at 323 E MAIN STREET, KLAMATH FALLS, OR 97601-3294**

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 March 22, 2012 to bring your mortgage loan current was \$3,398.40. 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 888-828-2377 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:

Wells Fargo Bank c/o FIDELITY NATIONAL TITLE INSURANCE COMPANY 1920 Main Street, Suite 1120, Irvine, CA 92614

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

Date and time: August 6, 2012 at 10:00 AM

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

### **THIS IS WHAT YOU CAN DO TO STOP THE SALE:**

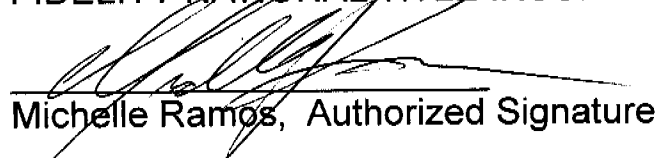
1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call Wells Fargo Bank, N.A at 888-828-2377 to request that your lender give you more time or change the terms 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 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 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://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.

**March 30, 2012**

FIDELITY NATIONAL TITLE INSURANCE COMPANY, Trustee



Michelle Ramos, Authorized Signature

Trustee telephone number: 949-252-4900

Trustee Address: 1920 Main Street, Suite 1120 , Irvine, CA 92614



Walz Affidavit #: 3146533

## AFFIDAVIT OF MAILING

### **Default Resolution Network**

Date: 04/06/2012

Ref. No.: 12-00038-6

MailbatchID: 417102

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

The declarant, whose signature appears below, states that she is over the age of eighteen (18) years; is employed in Riverside County, California; acting on behalf of Default Resolution Network; is not a party to the within action; and that on April 06, 2012, she personally served the Notice, of which the annexed is a true copy, by depositing in the United States Mail a copy of such Notice in a sealed envelope, sent Certified Mail, with postage prepaid, such envelope being addressed to the person(s) named at the addresses below.

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

X

Affiant Heather Vollmuth

ORNOD  
7196 9006 9295 9033 9937  
REF #: 12-00038-6  
CURRENT OCCUPANT  
323 E MAIN STREET  
KLAMATH FALLS, OR 97601

ORNOD  
7196 9006 9295 9033 9944  
REF #: 12-00038-6  
GREENPOINT MORTGAGE FUNDING,  
INC  
981 AIRWAY COURT, SUITE E  
SANTA ROSA, CA 95403-2049

ORNOD  
7196 9006 9295 9033 9951  
REF #: 12-00038-6  
GREENPOINT MORTGAGE FUNDING,  
INC.  
PO BOX 507  
C/O MORTGAGE ELECTRONIC  
REGISTRATION SYSTEM, INC.  
HERNDON, VA 20172-0507

ORNOD  
7196 9006 9295 9033 9968  
REF #: 12-00038-6  
GREENPOINT MORTGAGE FUNDING,  
INC.  
100 WOOD HOLLOW DRIVE  
NOVATO, CA 94945

ORNOD  
7196 9006 9295 9033 9975  
REF #: 12-00038-6  
THOMAS M MARTINCELLO  
114 SANDALWOOD CT  
SANTA ROSA, CA 95401

ORNOD  
7196 9006 9295 9033 9982  
REF #: 12-00038-6  
THOMAS M MARTINCELLO  
323 E MAIN ST  
KLAMATH FALLS, OR 97601

ORNOD  
7196 9006 9295 9033 9999  
REF #: 12-00038-6  
THOMAS M MARTINCELLO  
323 E MAIN STREET  
KLAMATH FALLS, OR 97601-3294

ORNOD  
7196 9006 9295 9034 0001  
REF #: 12-00038-6  
THOMAS M. MARTINCELLO  
323 E MAIN STREET  
KLAMATH FALLS, OR 97601

ORNOD  
7196 9006 9295 9034 0018  
REF #: 12-00038-6  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEM, INC.  
PO BOX 507  
HERNDON, VA 20172-0507

**AFFIDAVIT OF MAILING**

***Default Resolution Network***

Date: 04/06/2012

Ref. No.: 12-00038-6

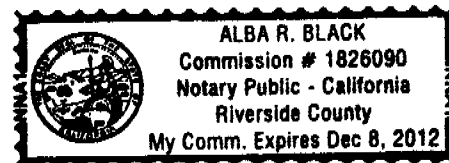
MailbatchID: 417102

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    )

Subscribed and sworn to (or affirmed) before me on this 10 day of April (month),  
2012 (year), by Heather Vollmuth, proved to me on the basis of satisfactory evidence to be  
the person who appeared before me.

Alba R. Black (Signature of Notary)

(Seal of Notary)



## TRUSTEE'S NOTICE OF SALE

Loan No: 0154470026  
T.O. No.: 12-00038-0

Reference is made to that certain Deed of Trust dated as of August 31, 2006 made by, THOMAS M. MARTINCELLO, AN UNMARRIED MAN, as the original grantor, to FIDELITY NATIONAL TITLE INSURANCE COMPANY, as the original trustee, in favor of WELLS FARGO BANK, N.A., as the original beneficiary, recorded on September 13, 2006, as Instrument No. 2006-018474 of Official Records in the Office of the Recorder of Klamath County, Oregon (the "Deed of Trust").

The current beneficiary is: HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR WELLS FARGO ASSET SECURITIES CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-15, (the "Beneficiary").

APN: 880805

As more particularly described in Exhibit "A" attached hereto and made a part hereof

Commonly known as: 323 E MAIN STREET, KLAMATH FALLS, OR

Both the Beneficiary and the Trustee have elected to sell the said real property to satisfy the obligations secured by the Deed of Trust and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default(s) for which the foreclosure is made is that the grantor(s): failed to pay payments which became due; together with late charges due; together with other fees and expenses incurred by the Beneficiary; and which defaulted amounts total: \$3,398.40 as of March 22, 2012.

By this reason of said default the Beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to wit: The sum of \$97,827.16 together with interest thereon at the rate of 6.50000% per annum from September 1, 2011 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 deed of trust.

Whereof, notice hereby is given that FIDELITY NATIONAL TITLE INSURANCE COMPANY, as the duly appointed Trustee under the Deed of Trust will on **August 6, 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, State of Oregon**, 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 of the Deed of Trust, together with any interest which the grantor or his successor(s) in interest acquired after the execution of the Deed of Trust, 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 Deed of Trust, at any time prior to five days before the date last set for sale.



**FOR FURTHER INFORMATION, PLEASE CONTACT FIDELITY NATIONAL  
TITLE INSURANCE COMPANY, 1920 Main Street, Suite 1120, Irvine, CA  
92614 949-252-4900**

**FOR SALE INFORMATION CALL: 714.730.2727  
Website for Trustee's Sale Information: [www.lpsasap.com](http://www.lpsasap.com)**

**TRUSTEE'S NOTICE OF 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 Deed of Trust, the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

Dated: April 4, 2012

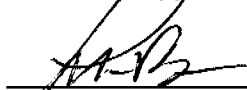
FIDELITY NATIONAL TITLE INSURANCE COMPANY, Trustee



Michael Busby, Authorized Signature

State of California  
County of Orange

I, the undersigned, certify that I am the Trustee Sale Officer and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.



Michael Busby, Authorized Signature

E. The land referred to in this Guarantee is described as follows:

A parcel of land situated in a portion of Lots 18, 19, 20 and 21 of Block 18, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 33, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the Northerly right of way line of East Main Street, said point being the most Southerly corner of said Lot 18; thence North 55° 33' 00" West, along said right of way line, 37.47 feet to the most Southerly corner of Parcel "A" of said Property Line Adjustment 1-PL-96; thence along the boundary of said Parcel "A" North 34° 27' 00" East 90.00 feet and North 55° 33' 00" West 62.45 feet; thence North 34° 27' 00" East 25.00 feet to the most Northerly corner of said Lot 21; thence South 55° 33' 00" East 99.92 feet to the most Easterly corner of said Lot 18; thence South 34° 27' 00" West 115.00 feet to the point of beginning.

## **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for August 6, 2012. The date of this sale may be postponed. Unless the lender who 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 residential tenant.

If the foreclosure 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 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 and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you do not have enough money to pay a lawyer and are otherwise eligible, you may be able to receive legal assistance for free. Information about whom to contact for free legal assistance is included with this notice.

**Free legal assistance:**

**Oregon Law Center**

Portland: 503-295-2760  
Coos Bay: 800-303-3638  
Ontario: 888-250-9877  
Salem: 503-485-0696  
Grants Pass: 541-476-1058  
Woodburn: 800-973-9003  
Hillsboro: 877-726-4381  
<http://www.oregonlawcenter.org/>

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 website at: <http://www.osbar.org> or <http://www.osbar.org/public/ris/ris.html>.

RECORDING REQUESTED BY  
and When Recorded Mail to:

**Fidelity National Title Insurance Company**  
1920 Main Street, Suite 1120  
Irvine, CA 92614

TS No.: 12-00038-6  
Loan No. 0154470025

**TAX ID: R3809033AB13701000**

This Document was Recorded on

3/26/12

As instrument number

2012-003130

Book

Page

In

Klamath

County

OR

**NOTICE OF DEFAULT  
RECORDING COVER SHEET  
Pursuant to ORS 205.324**

**Direct: Fidelity National Title Insurance Company**  
Address: 1920 Main Street, Suite 1120  
Irvine, CA 92614

**Indirect: THOMAS M. MARTINCELLO, AN UNMARRIED MAN**  
114 SANDALWOOD CT  
SANTA ROSA, CA 95401

This cover sheet has been prepared by the person presenting the attached instrument for recording.  
Any errors contained in this cover sheet to not affect the transaction(s) contained in the instrument  
itself.

**ORIGINAL GRANTOR:**

THOMAS M. MARTINCELLO, AN UNMARRIED MAN  
114 SANDALWOOD CT  
SANTA ROSA, CA 95401

**CURRENT BENEFICIARY:**

HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR WELLS FARGO ASSET SECURITIES  
CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-15  
c/o Wells Fargo Bank, N.A  
3476 Stateview Boulevard  
MAC X7801-01D  
Fort Mill, SC 29715

Reference is made to that certain Deed of Trust made by THOMAS M. MARTINCELLO, AN UNMARRIED MAN, as the original grantor, to FIDELITY NATIONAL TITLE INSURANCE COMPANY, as the original trustee, in favor of WELLS FARGO BANK, N.A., as the original beneficiary, dated as of August 31, 2006, and recorded September 13, 2006, as Instrument No. 2006-018474, of Official Records in the Office of the Recorder of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, (the "Deed of Trust"):

The current beneficiary is: HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR WELLS FARGO ASSET SECURITIES CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-15, the ("Beneficiary").

APN: R3809033AB13701000

As more particularly described in Exhibit "A" attached hereto and made a part hereof

Commonly known as: 323 E MAIN STREET, KLAMATH FALLS, OR

The undersigned Fidelity National Title Insurance Company, as duly appointed Trustee, hereby certifies that to the best of its knowledge and based on information available, that no assignments of the Deed of Trust by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the records of the county or counties in which the above described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the Deed of Trust, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor or other person owing an obligation, performance of which is secured by the Deed of Trust, or by the successor in interest, with respect to provisions therein which authorize sale in the event of such provision. The default for which foreclosure is made is that the grantor(s): failed to pay payments which became due; together with late charges due; together with other fees and expenses incurred by the Beneficiary; and which defaulted amounts total: \$3,398.40 as of March 22, 2012.

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Deed of Trust immediately due and payable, those sums being the following, to wit: The sum of \$97,827.16 together with interest thereon at a rate of 6.50000% per annum from September 1, 2011 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 deed trust.

Notice hereby is given that the Beneficiary and Trustee, by reason of default, have elected and do hereby elect to foreclose the Deed of Trust by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the Deed of Trust, together with any interest grantor or grantor's successor in interest acquired after the execution of the Deed of Trust, to satisfy the obligations secured by the Deed of Trust and the expenses of the sale, including the compensations of the Trustee as provided by law, and the reasonable fees of Trustee's attorneys.

The sale will be held at the hour of **10:00 AM**, in accord with the standard of time established by ORS 187.110, on **August 6, 2012**, at the following place: **on the front steps of the Circuit Court, 316 Main Street., in the City of Klamath Falls, County of Klamath, State of Oregon.**

**FOR SALE INFORMATION CALL: 714.730.2727**  
**Website for Trustee's Sale Information: [www.lpsasap.com](http://www.lpsasap.com)**

Other than as shown of record, neither the Beneficiary nor the Trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the Trustee in the Deed of Trust, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property.

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred), together with costs, Trustee's and attorney's fees, by curing any other

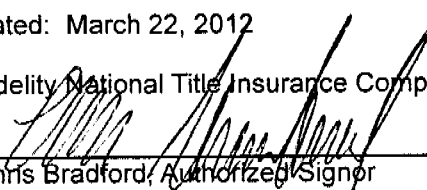
default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale.

FOR FURTHER INFORMATION CONTACT:  
FIDELITY NATIONAL TITLE INSURANCE COMPANY  
1920 Main Street, Suite 1120  
Irvine, CA 92614  
949-252-4900

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

Dated: March 22, 2012

Fidelity National Title Insurance Company, Trustee

  
Chris Bradford, Authorized Signor

State of California                    }ss.  
County of Orange                    }ss

On March 22, 2012, before me, Shena Marie La Rue, Notary Public, personally appeared Chris Bradford, 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.

  
Shena Marie La Rue # 1807664  
My Commission Expires July 27, 2012



**Exhibit A**

**A parcel of land situated in a portion of Lots 18, 19, 20 and 21 of Block 18, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, in the NE 1/4 NW 1/4 and the NW 1/4 NE 1/4 of Section 33, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:**

Beginning at a point on the Northerly right of way line of East Main Street, said point being the most Southerly corner of said Lot 18; thence North 55° 33' 00" West, along said right of way line, 37.47 feet to the most Southerly corner of Parcel "A" of said Property Line Adjustment 1-PL-96; thence along the boundary of said Parcel "A" North 34° 27' 00" East 96.00 feet and North 55° 33' 00" West 62.45 feet; thence North 34° 27' 00" East 25.00 feet to the most Northerly corner of said Lot 21; thence South 55° 33' 00" East 99.92 feet to the most Easterly corner of said Lot 18; thence South 34° 27' 00" West 115.00 feet to the point of beginning.

**CODE 001 MAP 3809-833AB TL 13701 KEY# 830805**



**AFFIDAVIT OF POSTINGS**

STATE OF OREGON }  
County of Klamath } ss.

I, Erick Kaber, hereby certify and swear that at all times herein mentioned I was and am now a competent person 18 years of age or older and a resident of Oregon; that I am not the beneficiary or trustee named in the original Trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale; Exhibit "A;" and Notice You are in Danger of Losing Your Property upon the occupants of the addresses named below, by delivering a true copy of the aforementioned documents upon an **OCCUPANT** in each of the individual dwellings situated upon the subject property, as hereinafter described:

**323 East Main Street  
Klamath Falls, OR 97601  
(hereinafter "Property Address")**

On April 6, 2012 at 9:47 a.m., I attempted personal service at **Unit 2** of the Property address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750(1)(b)(A).

On April 10, 2012 at 5:00 p.m., I returned to Unit 2 of the Property Address and, again, received no answer at the front door. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750(1)(b)(B).

On April 17, 2012 at 10:22 a.m., I returned to Unit 2 of the Property Address and, again, received no answer at the front door. This attempt in person satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

On April 6, 2012 at 9:49 a.m., I attempted personal service at **Unit 4** of the Property address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750(1)(b)(A).

On April 10, 2012 at 5:01 p.m., I returned to Unit 4 of the Property Address and, again, received no answer at the front door. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750(1)(b)(B).

On April 17, 2012 at 10:24 a.m., I returned to Unit 4 of the Property Address and, again, received no answer at the front door. This attempt in person satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

On April 6, 2012 at 9:52 a.m., I delivered such true copy, personally and in person, to Pauline Garcia at Unit 6 of the Property Address.

On April 6, 2012 at 9:56 a.m., I delivered such true copy, personally and in person, to Delores Smith at Unit 8 of the Property Address.

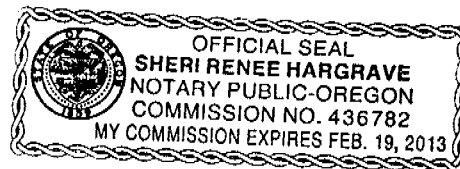
The aforementioned attempts of service upon an occupant at each of the aforementioned residential addresses has an effective date of service on April 6, 2012, as calculated pursuant to ORS 86.750(1)(c).

I declare under penalty of perjury that the above statements are true and correct.

Erick S. Kaber  
Erick Kaber (285810)

SUBSCRIBED AND SWORN TO before me this 20<sup>th</sup> day of April 2012, by Erick Kaber.

Sheri Renee Hargrave  
Notary Public for Oregon



**AFFIDAVIT OF MAILINGS**

STATE OF OREGON }  
County of Multnomah } ss.

I, Lisa Paolo, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On April 19, 2012, I mailed a copy of the Trustee's Notice of Sale and Exhibit "A;" by First Class Mail, postage pre-paid, to occupant at each of the following addresses, where attempts on three different dates, not less than 2-days between each attempt, did not result in personal service, pursuant to ORS 86.750(1)(b)(C). Separate mailings, addressed in separate envelopes, were made to "occupant" at each of the following street addresses and proper postage was affixed to each separate envelope before I deposited such envelopes in a United States Postal Service mailbox on said date.

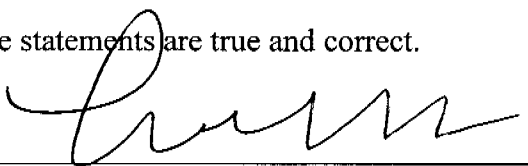
The envelopes were addressed as follows:

OCCUPANT  
319 East Main Street  
Unit 2  
Klamath Falls, OR 97601

OCCUPANT  
319 East Main Street  
Unit 4  
Klamath Falls, OR 97601

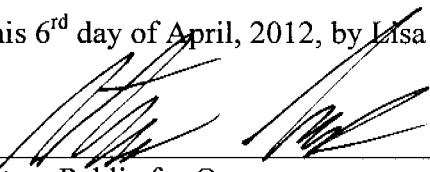
The aforementioned mailings complete service upon an occupant at each of the aforementioned residential addresses with an **effective date of service on April 6, 2012**, as calculated pursuant to ORS 86.750(1)(c).

I declare under penalty of perjury that the above statements are true and correct.

  
\_\_\_\_\_  
Lisa Paolo (285810)

SUBSCRIBED AND SWORN TO before me this 6<sup>th</sup> day of April, 2012, by Lisa Paolo.



  
\_\_\_\_\_  
Notary Public for Oregon

12-00038-6

**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#14165 SALE MARTINCELLO #4227072

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:

04/13/2012 04/20/2012 04/27/2012 05/04/2012

Total Cost: \$1143.62

*Jeanine P Day*  
Subscribed and sworn by Jeanine P. Day before me on:  
4th day of May in the year of 2012

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



**TRUSTEE'S NOTICE OF SALE**  
Loan No.: 0154470025 T.S. No.: 12-00038-6

Reference is made to that certain Deed of Trust dated as August 31, 2006 made by, THOMAS M. MARTINCELLO, AN UNMARRIED MAN, as the original grantor, to FIDELITY NATIONAL TITLE INSURANCE COMPANY, as the original trustee, in favor of WELLS FARGO BANK, N.A., as the original beneficiary, recorded on September 13, 2006, as Instrument No. 2006-018474 of Official Records in the Office of the Recorder of Klamath County, Oregon (the "Deed of Trust"). The current beneficiary is: HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR WELLS FARGO ASSET SECURITIES CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-15, (the "Beneficiary"). APN: 880805 A parcel of land situated in a portion of Lots 18,19,20 and 21 of Block 18, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 33, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows: Beginning at a point on the Northerly right of way line of East Main Street, said point being the most Southerly corner of said Lot 18; thence North 55 degrees 33' 00" West, along said right of way line, 37.47 feet to the most Southerly corner of Parcel "A" of said Property Line Adjustment 1-PL-96; thence along the boundary of said Parcel "A" North 34 degrees 27' 00" East 90.00 feet and North 55 degrees 33' 00" West 62.45 feet; thence North 34 degrees 27' 00" East 25.00 feet to the most Northerly corner of said Lot 21; thence South 55 degrees 33' 00" East 99.92 feet to the most Easterly corner of said Lot 18; thence South 34 degrees 27' 00" West 115.00 feet to the point of beginning. Commonly known as: 323 E MAIN STREET, KLAMATH FALLS, OR.

Both the Beneficiary and the Trustee have elected to sell the said real property to satisfy the obligations secured by the Deed of Trust and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes: the default(s) for which the foreclosure is made is that the grantor(s): failed to pay payments which became due; together with late charges due; together with other fees and expenses incurred by the Beneficiary; and which defaulted amounts total: \$3,398.40 as of March 22, 2012.

By this reason of said default the Beneficiary has declared all obligations secured by said deed of trust immediately due and payable, said sums being the following, to wit: The sum of \$97,827.16 together with interest thereon at the rate of 6.50000% per annum from September 1, 2011 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 deed of trust.

Whereof, notice hereby is given that FIDELITY NATIONAL TITLE INSURANCE COMPANY, as the duly appointed Trustee under the Deed of Trust will on August 6, 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, State of Oregon, 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 of the Deed of Trust, together with any interest which the grantor or his successor(s) in interest acquired after the execution of the Deed of Trust, 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), to-

cipal 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 of Deed of Trust, at any time prior to five days before the date last set for sale. FOR FURTHER INFORMATION, PLEASE CONTACT FIDELITY NATIONAL TITLE INSURANCE COMPANY, 1920 Main Street, Suite 1120, Irvine, CA 92614 949-252-4900 FOR SALE INFORMATION CALL: 714.730.2727 Website for Trustee's Sale Information: [www.lpsasap.com](http://www.lpsasap.com).

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 Deed of Trust, the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. Dated: April 4, 2012 FIDELITY NATIONAL TITLE INSURANCE COMPANY, Trustee  
Michael Busby, Authorized Signature A-4227072  
04/13/2012, 04/20/2012, 04/27/2012, 05/04/2012.  
#14165 April 13, 20, 27, May 04, 2012.