

15-1843008

**RECORDING COVER SHEET**

(Per ORS 205.234 or ORS 205.244)

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

**2012-008781**

Klamath County, Oregon



00122497201200087810200202

Tr 08/09/2012 02:48:06 PM  
the County Recording Office

Fee: \$152.00

**After recording return to:**

**T.D. Service Company  
4000 W. Metropolitan Dr  
Orange CA 92868**

**1) Title(s) of Transaction(s) ORS 205.234(a)**

Affidavit of Mailing Trustee's Notice of Sale  
Trustee's Notice of Sale  
Affidavit of Publication  
Affidavit of Compliance  
Affidavit of Non-Military Service  
Proof of Service

**2) Indirect Party/Original Grantor(s) and address ORS 205.125(1)(b) and ORS 205.160**

Cole B. Terrell, Katie S. Terrell

**3) Direct Party/Original Trustee(s) and address ORS 205.125(1)(a) and ORS 205.160**

Fidelity Service Corp

**3a) Trustee and address, if any**

Christopher C. Dorr

**4) True and Actual Consideration ORS 93.030**

N/A

**5) Send Tax Statements to:**

☐ : If this box is checked, then below applies:

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 \_\_\_\_\_."

(Legal description if corrected is attached to included certified document of the original.)

**After recording Mail to**

T.D. SERVICE COMPANY  
4000 W. METROPOLITAN DRIVE  
SUITE 400  
ORANGE , CA 92868

6489267 / 1843008

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE  
AND ADDITIONAL DOCUMENTS AS ATTACHED.**

T.S. No: D535298 OR    Unit Code: D    Loan No: 115205000-1/TERRELL

STATE OF CALIFORNIA, COUNTY OF ORANGE, ss:

I, Nelly Douglas, being first duly sworn, depose, and say and certify that: At all times hereinafter mentioned I was and now am a resident of the State of California a competent person over the age of eighteen years and not the beneficiary or his successor in interest and not a party to the within action.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, attached hereto.

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee of the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien of interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by CHRISTOPHER C. DORR, OSBA # 992526 , the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited in the United States mail at Orange, CA on March 2, 2012. With respect to each person listed on the attached, one such notice was mailed with postage thereon sufficient for first-class delivery to the address indicated, and another such notice was mailed with proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

T.S. No: D535298 OR Unit Code: D Loan No: 115205000-1/TERRELL

By: \_\_\_\_\_

STATE OF CA )

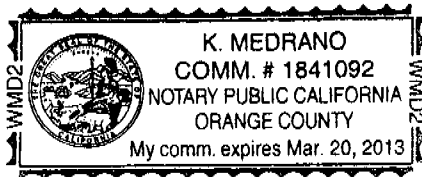
COUNTY OF Orange )SS

On 3/2/12 before me, K. Medrano, a Notary Public in and for said County and State, personally appeared Nelly Douglas, 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.

Signature K. Medrano (Seal)



DECLARATION OF MAILING BY CERTIFIED/REGISTERED MAIL

T.S.# D 535298

Date: 03/05/12

COLE B. TERRELL  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1694 0125  
RETURN RECEIPT REQUESTED

SPOUSE OF COLE B. TERRELL  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1694 0132  
RETURN RECEIPT REQUESTED

KATIE S. TERRELL  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1694 0149  
RETURN RECEIPT REQUESTED

SPOUSE OF KATIE S. TERRELL  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1694 0156  
RETURN RECEIPT REQUESTED

OCCUPANT  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1694 0163  
RETURN RECEIPT REQUESTED

U.S. BANK TRUST COMPANY NATIONAL ASSOCIATION  
4325 17TH AVENUE S.W.  
FARGO, ND 58103

CERTIFIED 7105 2257 2920 1694 0170  
RETURN RECEIPT REQUESTED

TENANT OF THE PROPERTY  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

CERTIFIED 7105 2257 2920 1694 0187  
RETURN RECEIPT REQUESTED

STATE OF CALIFORNIA  
COUNTY OF ORANGE

The undersigned does hereby declare that he/she is over the age of 18 year and that his/her business address is 4000 W. Metropolitan Drive, Suite 400, Orange, CA 92868. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by Certified/Registered mail, in a sealed envelope, a copy of the document which is attached to this declaration.

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

  
Nelly Dinglas

AFFIDAVIT OF MAILING  
BY FIRST CLASS MAIL

T.S.# D 535298

Date: 03/22/12

STATE OF CALIFORNIA  
COUNTY OF ORANGE

SS.

The undersigned does hereby declare that he/she is over the age of 18 years and that his/her business address is 4000 W. Metropolitan Drive, Suite 400, Orange, CA 92868. That he/she did cause to be deposited, on the above date, in the United States mail, with postage fully prepaid, mailed by First Class Mail, in a sealed envelope, a copy of the Notice of Default / Notice of Trustee's Sale (Circle)

Addressed to the following:

COLE B. TERRELL  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

SPOUSE OF COLE B. TERRELL  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

KATIE S. TERRELL  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

SPOUSE OF KATIE S. TERRELL  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

OCCUPANT  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

U.S. BANK TRUST COMPANY NATIONAL ASSOCIATION  
4325 17TH AVENUE S.W.  
FARGO, ND 58103

TENANT OF THE PROPERTY  
4306 BARRY AVE  
KLAMATH FALLS, OR 97603

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

  
\_\_\_\_\_  
Nelly Dinglas

RECORDING REQUESTED BY

T.D. SERVICE COMPANY

and when recorded mail to

T.D. SERVICE COMPANY  
4000 W. METROPOLITAN DRIVE  
SUITE 400  
ORANGE, CA 92868

\_\_\_\_\_  
Space above this line for recorder's use

## OREGON TRUSTEE'S NOTICE OF SALE



T.S. No: D535298 OR    Unit Code: D    Loan No: 115205000-1/TERRELL  
Min No: 100186300000114940  
AP #1: R554251  
Title #: 6489267

Reference is made to that certain Trust Deed made by COLE B. TERRELL, KATIE S. TERRELL as **Grantor**, to FIDELITY SERVICE CORPORATION as **Trustee**, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR ACTION MORTGAGE COMPANY as **Beneficiary**.

Dated August 8, 2005, Recorded August 15, 2005 as Instr. No. M05-61919 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON

covering the following described real property situated in said county and state, to wit:  
LOT 14 OF TONATEE HOMES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE  
OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Both the beneficiary and the trustee have elected to sell the said real property. The property will be sold to satisfy the obligations secured by said Trust Deed and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is Grantor's failure to pay when due, the following sums:

4 PYMTS FROM 11/01/11 TO 02/01/12 @ 1,053.48	\$4,213.92
TOTAL LATE CHARGES	\$279.07
PROPERTY INSPECTION	\$27.00
RETURN CHECK	\$64.00
 Sub-Total of Amounts in Arrears:	 \$4,583.99

Together with any default in the payment of recurring obligations as they become due.

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Trust Deed, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned

Page 2

T.S. No: D535298 OR Unit Code: D Loan No: 115205000-1/TERRELL

Trustee.

The street or other common designation if any, of the real property described above is purported to be :  
4306 BARRY AVE., KLAMATH FALLS, OR 97603

The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable, said sums being the following, to wit: Principal \$117,165.56, together with interest as provided in the note or other instrument secured from 10/01/11, and such other costs and fees are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned trustee will, on July 2, 2012, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 187.110, INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS , County of KLAMATH, State of OREGON, (which is the date, time and place set for said sale) 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 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 the right exists under O.R.S.86.753, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by paying the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of in the Notice of Default, that is capable of being cured by tendering the performance required under the obligation of the Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

Page 3

T.S. No: D535298 OR Unit Code: D Loan No: 115205000-1/TERRELL

It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check.

The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

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

The Beneficiary may be attempting to collect a debt and any information obtained may be used for that purpose.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: (714) 480-5690 or you may access sales information at [www.tacforeclosures.com/sales](http://www.tacforeclosures.com/sales)

DATED: FEBRUARY 21, 2012

CHRISTOPHER C. DORR, OSBA # 992526

By 

CHRISTOPHER C. DORR, ATTORNEY AT LAW

**DIRECT INQUIRIES TO:**  
T.D. SERVICE COMPANY  
FORECLOSURE DEPARTMENT  
4000 W. Metropolitan Drive  
Suite 400  
Orange, CA 92868  
(800) 843-0260



T.S. No: D535298 OR

Loan#: 115205000-1/TERRELL

Free legal assistance:

Oregon Law Center

Portland: (503) 473-8329

Coos Bay: 1-800-303-3638

Ontario: 1-888-250-9877

Salem: (503) 485-0696

Grants Pass: (541) 476-1058

Woodburn: 1-800-973-9003

Hillsboro: 1-877-726-4381

<http://www.oregonlawcenter.org/>

and Oregon Law Help Site (providing more information and a directory of legal aid programs)

<http://oregonlawhelp.org/OR/index.cfm>

and Oregon State Bar Lawyer Referral Service

503-684-3763 or toll-free in Oregon at 800-452-7636

<http://www.osbar.org>

<http://www.osbar.org/public/ris/ris.html#referral>

and information on federal loan modification programs at:

<http://www.makinghomeaffordable.gov/>

T.S. Number: D535298 OR  
Loan No: 115205000-1/TERRELL

**NOTICE: Pursuant to CH 864, 2009 Oregon Laws  
IF 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:  
4306 BARRY AVE., KLAMATH FALLS, OR 97603**

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

The amount you would have had to pay as of **February 21, 2012** to bring your mortgage loan current was **\$5,815.39**.

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 **(800) 843-0260** 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: **T.D. SERVICE COMPANY 4000 W. Metropolitan Drive, Suite 400, Orange, CA 92868**.

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

**SALE DATE: July 2, 2012 AT 10:00 A.M. INSIDE THE MAIN LOBBY OF  
THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET  
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 at 509/227-0910 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 phone 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 Web site at: **<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 509/227-0910. 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: 1-800-723-3638. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at:  
<http://www.makinghomeaffordable.gov/> or 1-888-995-Hope.

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 April 1, 2012 WHICH IS AT LEAST 30 DAYS AFTER THE DATE SHOWN BELOW.

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

Trustee name (print): **CHRISTOPHER C. DORR, OSBA # 992526**  
Trustee phone number: **(971) 208-3346**

Trustee signature  Date: FEBRUARY 21, 2012

## **LOAN MODIFICATION REQUEST FORM**

**Your home is at risk of foreclosure.** There may be options available to help you keep your home. If you want to request a loan modification, you must return this form to the address below by April 1, 2012.

Please deliver the documents as requested below to T.D.Service Company

**T.D.Service Company  
4000 Metropolitan Drive                      Suite 400  
Orange, CA 92868**

**Fax:** 714/541-6300

**Email #1:** jdevelasco@tdsf.com

**Email #2:** prandall@tdsf.com

There may be options available to you, including:

- 1) Modifying your loan terms
- 2) Temporarily lowering payments
- 3) Scheduling payments to cure the arrears
- 4) Temporary suspension of payments
- 5) Other options based on your lender and the type of loan.

In order to discuss your loan options, they will need a complete understanding of your current financial situation. You should gather and provide the following documents:

- 1) Last year's filed tax returns with all schedules
- 2) Pay stubs for the last 2 months
- 3) Bank statements for the last 3 months
- 4) Other documents showing your financial hardship status
- 5) List of monthly expenditures
- 6) Your lender may request that you complete additional forms or provide additional information

**RETURNING THIS REQUEST DOES NOT MODIFY YOUR LOAN.** Your lender is required to contact you within 45 days after you return this form to discuss a possible loan modification. The foreclosure sale will not occur until your lender has contacted you about your request. **YOUR LENDER IS NOT REQUIRED TO MODIFY YOUR LOAN.** The foreclosure sale may proceed if your loan is not modified.

If you are interested in attempting to save your home from foreclosure, T.D.Service Company may be able to assist you. Please contact 800/843-0260 for more information.

**REQUEST A MEETING.** Before the lender responds to your request for a loan modification, you may request **IN WRITING** or **FAX** to 714/541-6300 a request to meet with the lender. Upon receipt of your written request for a meeting, the lender will attempt to contact you by mail, telephone or e-mail to schedule a meeting in person or by telephone at the lender's option. **NOTE:** It is important that you respond immediately to any contact from your lender to schedule a meeting that you have requested. If you do not respond within 7 days from the date your lender attempts to contact you to schedule a meeting, your lender may refuse to meet, deny your request for consideration of a loan modification and resume foreclosure activities.

File No.: D535298 OR

Loan No.: 115205000-1/TERRELL

Borrower Name: COLE B. TERRELL, KATIE S. TERRELL

Property Address: 4306 BARRY AVE., KLAMATH FALLS, OR 97603

I wish to apply for a loan modification.

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Please indicate where your lender may contact you:

Mailing Address:

\_\_\_\_\_  
\_\_\_\_\_

Home Telephone Number: \_\_\_\_\_

Work Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_ providing your e-mail address authorizes the lender or its agent to communicate with you by e-mail concerning your request for loan modification consideration and for the purpose of scheduling and confirming a meeting.

**T.S. Number: D535298 OR**

**Property Address: 4306 BARRY AVE., KLAMATH FALLS, OR 97603**

*The Trustee is required to give you the following "Notice to Residential Tenants," which was written by the Oregon Legislature. The Trustee cannot give you legal advice regarding these matters. If you have questions, you should consult with your own legal advisor.*

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

The property in which you are now living is in foreclosure. A foreclosure sale is scheduled for July 2, 2012. The date of this sale may be postponed. Unless the lender that is foreclosing on this property is paid before the sale date, the foreclosure will go through and someone new will own this property. After the sale, the new owner is required to provide you with contact information and notice that the sale took place.

The following information applies to you only if you are a bona fide tenant occupying and renting this property as a residential dwelling under a legitimate rental agreement. The information does not apply to you if you own this property or if you are not a bona fide residential tenant.

If the foreclosure goes through, the new owner will have the right to require you to move out. Before the new owner can require you to move, the new owner must provide you with written notice that specifies the date by which you must move out. If you do not leave before the move-out date, the new owner can have the sheriff remove you from the property after a court hearing. You will receive notice of the court hearing.

### **PROTECTION FROM EVICTION**

**IF YOU ARE A BONA FIDE TENANT OCCUPYING AND RENTING THIS PROPERTY AS A RESIDENTIAL DWELLING, YOU HAVE THE RIGHT TO CONTINUE LIVING IN THIS PROPERTY AFTER THE FORECLOSURE SALE FOR:**

**THE REMAINDER OF YOUR FIXED TERM LEASE, IF YOU HAVE A FIXED TERM LEASE; OR  
AT LEAST 90 DAYS FROM THE DATE YOU ARE GIVEN A WRITTEN TERMINATION NOTICE.**

If the new owner wants to move in and use this property as a primary residence, the new owner can give you written notice and require you to move out after 90 days, even though you have a fixed term lease with more than 90 days left.

You must be provided with at least 90 days' written notice after the foreclosure sale before you can be required to move.

A bona fide tenant is a residential tenant who is not the borrower (property owner) or a child, spouse or parent of the borrower, and whose rental agreement:

Is the result of an arm's-length transaction;

Requires the payment of rent that is not substantially less than fair market rent for the property, unless the rent is reduced or subsidized due to a federal, state or local subsidy; and

Was entered into prior to the date of the foreclosure sale.

### **ABOUT YOUR TENANCY**

#### **BETWEEN NOW AND THE FORECLOSURE SALE: RENT**

**YOU SHOULD CONTINUE TO PAY RENT TO YOUR LANDLORD UNTIL THE PROPERTY IS SOLD OR UNTIL A COURT TELLS YOU OTHERWISE. IF YOU DO NOT PAY RENT, YOU CAN BE EVICTED. BE SURE TO KEEP PROOF OF ANY PAYMENTS YOU MAKE.**

### **SECURITY DEPOSIT**

You may apply your security deposit and any rent you paid in advance against the current rent you owe your landlord as provided in ORS 90.367. To do this, you must notify your landlord in writing that you want to subtract the amount of your security deposit or prepaid rent from your rent payment. You may do this only for the rent you owe your current landlord. If you do this, you must do so before the foreclosure sale. The business or individual who buys this property at the foreclosure sale is not responsible to you for any deposit or prepaid rent you paid to your landlord.

### **ABOUT YOUR TENANCY**

#### **AFTER THE FORECLOSURE SALE**

The new owner that buys this property at the foreclosure sale may be willing to allow you to stay as a tenant instead of requiring you to move out after 90 days or at the end of your fixed term lease. After the sale, you should receive a written notice informing you that the sale took place and giving you the new owner's name and contact information. You should contact the new owner if you would like to stay. If the new owner accepts rent from you, signs a new residential rental agreement with you or does not notify you in writing within 30 days after the date of the foreclosure sale that you must move out, the new owner becomes your new landlord and must maintain the property. Otherwise:

You do not owe rent;

The new owner is not your landlord and is not responsible for maintaining the property on your behalf; and

. You must move out by the date the new owner specifies in a notice to you.

The new owner may offer to pay your moving expenses and any other costs or amounts you and the new owner agree on in exchange for your agreement to leave the premises in less than 90 days or before your fixed term lease expires. You should speak with a lawyer to fully understand your rights before making any decisions regarding your tenancy.

IT IS UNLAWFUL FOR ANY PERSON TO TRY TO FORCE YOU TO LEAVE YOUR DWELLING UNIT WITHOUT FIRST GIVING YOU WRITTEN NOTICE AND GOING TO COURT TO EVICT YOU. FOR MORE INFORMATION ABOUT YOUR RIGHTS, YOU SHOULD CONSULT A LAWYER. If you believe you need legal assistance, contact the Oregon State Bar 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.

Trustee: **CHRISTOPHER C. DORR, OSBA # 992526**  
c/o T.D. SERVICE COMPANY  
Foreclosure Department  
4000 W. Metropolitan Drive  
Suite 400  
Orange, CA 92868-0000  
(800) 843-0260

Free legal assistance: Oregon Law Center

Portland: (503) 473-8329

Coos Bay: 1-800-303-3638

Ontario: 1-888-250-9877

Salem: (503) 485-0696

Grants Pass: (541) 476-1058

Woodburn: 1-800-973-9003

Hillsboro: 1-877-726-4381

<http://www.oregonlawcenter.org/>

and Oregon Law Help Site (providing more information and a directory of legal aid programs)

<http://oregonlawhelp.org/OR/index.cfm>

and Oregon State Bar Lawyer Referral Service

503-684-3763 or toll-free in Oregon at 800-452-7636 <http://www.osbar.org>

<http://www.osbar.org/public/ris/ris.html#referral>

and information on federal loan modification programs at:

<http://www.makinghomeaffordable.gov/>

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

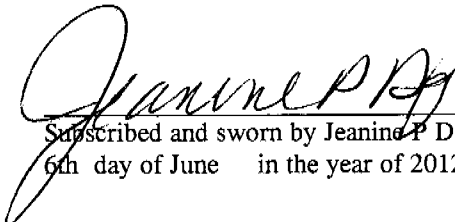
I, Jeanine P. Day, Finance Director, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#14271 SALE TERRELL

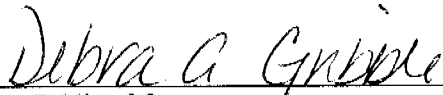
#956489

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

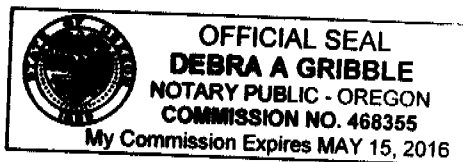
Insertion(s) in the following issues:

05/16/2012 05/23/2012 05/30/2012 06/06/2012

  
Subscribed and sworn by Jeanine P. Day before me on:  
6th day of June in the year of 2012

  
Notary Public of Oregon

My commission expires on May 15, 2016



**OREGON TRUSTEE'S NOTICE OF SALE**  
T.S. No: D535298 OR Unit Code: D Loan No: 115205000-  
1/TERRELL Min No: 100186300000114940  
AP #1: R554251 Title #: 6489267

Reference is made to that certain Trust Deed made by COLE B. TERRELL, KATIE S. TERRELL as Grantor, to FIDELITY SERVICE CORPORATION as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR ACTION MORTGAGE COMPANY as Beneficiary. Dated August 8, 2005, Recorded August 15, 2005 as Instr. No. M05-61919 in Book --- Page --- of Official Records in the office of the Recorder of KLAMATH County; OREGON covering the following described real property situated in said county and state, to wit: LOT 14 OF TONATEE HOMES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is Grantor's failure to pay when due, the following sums: 4 PYMTS FROM 11/01/11 TO 02/01/12 @ 1,053.48 \$4,213.92 TOTAL LATE CHARGES \$279.07 PROPERTY INSPECTION \$27.00 RETURN CHECK \$64.00 Sub-Total of Amounts in Arrears: \$4,583.99 Together with any default in the payment of recurring obligations as they become due. ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and Trust Deed, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee. The street or other common designation if any, of the real property described above is purported to be: 4306 BARRY AVE., KLAMATH FALLS, OR 97603. The undersigned Trustee disclaims any liability for any incorrectness of the above street or other common designation.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable, said sums being the following, to wit: Principal \$117,165.56, together with interest as provided in the note or other instrument secured from 10/01/11, and such other costs and fees are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned trustee will, on July 2, 2012, at the hour of 10:00 A.M. in accord with the Standard Time, as established by ORS 187.110, INSIDE THE MAIN LOBBY OF THE KLAMATH COUNTY COURTHOUSE, 316 MAIN STREET KLAMATH FALLS, County of KLAMATH, State of OREGON, (which is the new date, time and place set for said sale) 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 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 O.R.S.86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained herein that is capable of being cured by tendering the performance required under the obligation of the Trust Deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. It will be necessary for you to contact the undersigned prior to the time you tender reinstatement or payoff so that you may be advised of the exact amount, including trustee's costs and fees, that you will be required to pay. Payment must be in the full amount in the form of cashier's or certified check. The effect of the sale will be to deprive you and all those who hold by, through and under you of all interest in the property de-



the sale will be to deprive you and all those who hold by, through and under you of all interest in the property described above.

In construing this notice, the masculine gender includes the feminine and the neuter; the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. The Beneficiary may be attempting to collect a debt and any information obtained may be used for that purpose. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse. If available, the expected opening bid and/or postponement information may be obtained by calling the following telephone number(s) on the day before the sale: (714) 490-5690 or you may access sales information at [www.tacforeclosures.com/sales](http://www.tacforeclosures.com/sales)

DATED: 02/21/12  
CHRISTOPHER C. DORR, OSBA # 992526 By CHRISTOPHER C. DORR, ATTORNEY AT LAW DIRECT INQUIRIES TO: T.D. SERVICE COMPANY FORECLOSURE DEPARTMENT 4000 W. Metropolitan Drive Suite 400 Orange, CA 92868 (800) 843-0260 TAC# 956489  
PUB: 05/16/12, 05/23/12, 05/30/12, 06/06/12.  
#14271 May 16, 23, 30, June 06, 2012.

After recording return to:

T.D. SERVICE COMPANY  
4000 W. Metropolitan Drive, Suite 400  
Orange, CA 92868  
T.S. No: D535298  
Loan No: 115205000-1/TERRELL

**AFFIDAVIT OF COMPLIANCE WITH Ch. 864 (2009 Oregon Laws)**

STATE OF Washington, County of Spokane ) ss:

I, Amy L. Friemel, being first duly sworn, depose, and say that am employed by Sterling Bank dba Sterling Savings Bank (hereinafter "beneficiary") and I am familiar name(s) is/are COLE B. TERRELL, KATIE S. TERRELL :

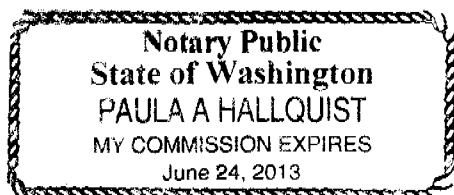
- ☒ Beneficiary did not receive a Modification Request Form from the grantor(s) within the time specified in Chapter 864 (2009 Oregon Laws); or  
☐ Beneficiary received a timely Modification Request from the grantor(s) on \_\_\_\_\_

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 notified the grantor(s) that the beneficiary has denied the request for modification of the loan and the beneficiary or the beneficiary's agent has provided the grantor(s) with the information described in Section (1)(b) or (c) of this subsection.  
☐ Beneficiary or beneficiary's agent notified the 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 telephone before the beneficiary or beneficiary's agent responded to the grantor(s) request to modify the loan.  
The person representing beneficiary or beneficiary's agent who met or spoke with grantor(s) had 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 this loan. The beneficiary has informed the grantor(s) that the grantor(s) is not eligible for a modification of this loan.  
☐ Other action taken: \_\_\_\_\_

By: \_\_\_\_\_

Subscribed and sworn to before me on 7-26-12 by Amy L. Friemel  
(name of affiant).



Notary Public for State of Washington

**AFFIDAVIT OF NON-MILITARY SERVICE**

Date:

T.S. Number: D535298OR

Unit Code: D

Loan No: 115205000-1/Terrell

STATE OF Washington )  
COUNTY OF Spokane )ss,

Amanda Schwartz, BEING DULY SWORN, DEPOSES AND SAYS:

TO THE BEST OF OUR KNOWLEDGE:

COLE B. TERRELL, KATIE S. TERRELL

ARE NOT, AND NEITHER IS, IN THE MILITARY SERVICE OF THE UNITED STATES, WITHIN THE MEANING OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT, AS AMENDED; THAT NEITHER PERSON IS A MEMBER OF THE UNITED STATES MARINE CORPS, WOMEN'S RESERVE, OR WOMEN'S ARMY AUXILIARY CORPS OR WOMEN'S ARMY CORPS (WACS), OR WOMEN'S COAST GUARD RESERVE UNDER ORDERS TO REPORT FOR INDUCTION UNDER THE SELECTIVE TRAINING AND SERVICE ACT OF 1940, AS AMENDED, OR AS A MEMBER OF THE ENLISTED RESERVE CORPS UNDER ORDERS TO REPORT FOR MILITARY SERVICE OR AN AMERICAN CITIZEN SERVING WITH THE FORCES OF ANY NATION ALLIED WITH THE UNITED STATES IN THE PROSECUTION OF A WAR, OR IN THE FEDERAL SERVICE OR ACTIVE DUTY AS A MEMBER OF THE ARMY OF THE UNITED STATES, OR THE UNITED STATES NAVY, OR THE MARINE CORPS, OR THE COAST GUARD, OR AS AN OFFICER OF THE PUBLIC HEALTH SERVICE WITHIN THE PURVIEW OF THE SERVICE MEMBERS CIVIL RELIEF ACT OF 2003.

THAT THIS AFFIDAVIT IS MADE FOR THE PURPOSE OF INDUCING CHRISTOPHER C. DORR, OSBA #992526, AS TRUSTEE WITHOUT LEAVE OF COURT FIRST OBTAINED, TO CAUSE CERTAIN PROPERTY TO BE SOLD UNDER THE TERMS OF A DEED OF TRUST PURSUANT TO THE POWER OF SALE CONTAINED THEREIN.

DATED: 5.21.12

BY: [Signature]

SUBSCRIBED AND SWORN BEFORE ME THIS 21<sup>st</sup> DAY OF May, 2012.

Michelle R. Robb  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

MY COMMISSION EXPIRES ON 8.27.15

Notary Public  
State of Washington  
Michelle R Robb  
Commission Expires 08-27-15

PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS

D 535298  
TACH 954374

STATE OF: Oregon  
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **4306 Barry Ave. Klamath Falls, OR 97603** ✓

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to \_\_\_ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to \_\_\_, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1<sup>st</sup> Attempt: February 29, 2012 12:59 PM POSTED

2<sup>nd</sup> Attempt: March 05, 2012 12:23 PM POSTED

3<sup>rd</sup> Attempt: March 08, 2012 9:52 AM POSTED

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on \_\_\_ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of March 12, 2012, I mailed a copy of the Trustee's Notice of Sale addressed to All Known Occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed

*Chelsea Chambers*

4306 Barry Ave. Klamath Falls, OR 97603  
**ADDRESS OF SERVICE**

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

February 29, 2012 12:59 PM  
**DATE OF SERVICE TIME OF SERVICE**

☐ or non occupancy

By:

*[Signature]*  
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 3<sup>rd</sup> day of April, 2012.

*Margaret A. Nielsen*  
Notary Public for Oregon

