

2012-010404

Klamath County, Oregon



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09/19/2012 03:06:59 PM

Fee: \$117.00

WTC 93852

**RECONTRUST COMPANY, N.A.**

**FIDELITY NATIONAL TITLE-TUSTIN OR / KLAMATH**

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

**AFTER RECORDING RETURN TO:  
RECONTRUST COMPANY, N.A.  
400 National way  
SIMI VALLEY, CA 93065**

TS No.: 12-0050247 / 1093852 / 120187623

1. **AFFIDAVIT OF MAILING NOTICE OF SALE INCLUDING NOTICE OF SALE**  
GRANTEE: RYAN D. MCNIVEN AND BRITTANY R. MCNIVEN  
GRANTOR: ALEJANDRA CASILLAS
2. **AFFIDAVIT OF MAILING NOTICE TO GRANTOR INCLUDING NOTICE TO GRANTOR**  
GRANTEE: RYAN D. MCNIVEN AND BRITTANY R. MCNIVEN  
GRANTOR: JOSE BOCANEGRA
3. **AFFIDAVIT OF PUBLICATION**  
GRANTEE: RYAN D. MCNIVEN AND BRITTANY R. MCNIVEN  
GRANTOR: HEIDI WRIGHT
4. **AFFIDAVIT OF POSTING AND SERVICE**  
GRANTEE: RYAN D. MCNIVEN AND BRITTANY R. MCNIVEN  
GRANTOR: DAVID HARTMAN

Original Grantor on Trust Deed: RYAN D. MCNIVEN AND BRITTANY R. MCNIVEN

Beneficiary/Grantee: U.S. BANK, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO  
BANK OF AMERICA, N.A., AS SUCCESSOR TO LASALLE BANK, N.A. AS TRUSTEE FOR THE  
HOLDERS OF THE MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST,  
MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-1

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.

117PMT

After Recording return to:  
RECONTRUST COMPANY, N.A.  
1800 Tapo Canyon Road., CA6-914-01-94  
Simi Valley, CA 93063

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

RE: Trust Deed from Grantor  
RYAN D. MCNIVEN and BRITTANY R. MCNIVEN  
RECONTRUST COMPANY, N.A.

Trustee

TS No. 12-0050247

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**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, Alejandra Casillas, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of California, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

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

See attached Exhibit A for all the mailing address(es).

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

Each of the notices so mailed was certified to be a true copy of the original notice of sale by RECONTRUST COMPANY, N.A., the trustee named in said notice, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at LOS ANGELES COUNTY, CALIFORNIA, 06/15/2012. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

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

State of California

County of Ventura

JUN 15 2012

Signature

*Alejandra Casillas*  
**Alejandra Casillas Assistant Vice President**

Subscribed and sworn to (or affirmed) before me on this JUN 15 2012 day of JUN 15 2012, by Alejandra Casillas, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

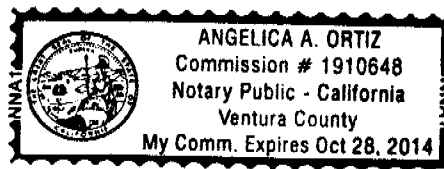
WITNESS my hand and official seal.

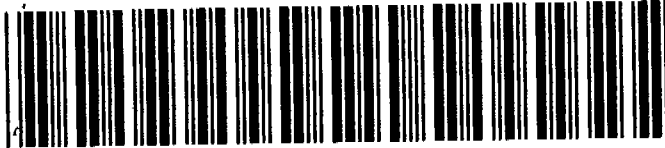
Signature

*Angelica A Ortiz*

(Seal)

**Angelica A Ortiz**





02 120050247

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

**TS No. 12-0050247**

RYAN D. MCNIVEN

06/15/2012

PO BOX 7356

KLAMATH FALLS, OR 97602

7187 7930 3132 4457 2188

BRITTANY R. MCNIVEN

06/15/2012

PO BOX 7356

KLAMATH FALLS, OR 97602

7187 7930 3132 4457 2201

RYAN D. MCNIVEN

06/15/2012

5418 LOCKFORD DR

KLAMATH FALLS, OR 97603

7187 7930 3132 4457 2195

BRITTANY R. MCNIVEN

06/15/2012

5418 LOCKFORD DR

KLAMATH FALLS, OR 97603

7187 7930 3132 4457 2225

Residents/Occupants

06/15/2012

5418 LOCKFORD DR

KLAMATH FALLS, OR 97603

7187 7930 3132 4457 2232

FIRST FRANKLIN

06/15/2012

1935 INTERNATIONAL WAY

C/O SECURITY CONNECTIONS

IDAHO FALLS, ID 83402

7187 7930 3132 4457 2249

FIRST FRANKLIN FINANCIAL CORP

06/15/2012

2150 NORTH FIRST STREET

AN OP. SUB. OF MLB&T CO., FSB

SAN JOSE, CA 95131

7187 7930 3132 4457 2256

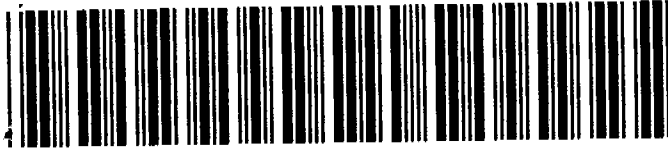
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

06/15/2012

P.O. BOX 2026

FLINT, MI 48501-2026

7187 7930 3132 4457 2270



02 120050247

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

**TS No. 12-0050247**

FIRST FRANKLIN FINANCIAL CORP

06/15/2012

P.O. BOX 2026

C/O MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

AN OP. SUB. OF MLB&T CO., FSB

FLINT, MI 48501-2026

7187 7930 3132 4457 2263

U.S. BANK N.A.

06/15/2012

60 LIVINGSTON AVE.

ST. PAUL, MN 55107

7187 7930 3132 4457 2287

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by Ryan D. Mcniven And Brittany R. Mcniven, Husband And Wife., as grantor(s), to Amerititle, as Trustee, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, dated 01/03/2007, recorded 01/05/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-000259, and subsequently assigned to U.S. BANK, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF AMERICA, N.A., AS SUCCESSOR TO LASALLE BANK, N.A. AS TRUSTEE FOR THE HOLDERS OF THE MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-1 by Assignment recorded 04/10/2012 in Book/Reel/Volume No. at Page No. as Recorder's fee/file/instrument/microfilm/reception No. 2012-003760, covering the following described real property situated in said county and state, to wit:

SEE ATTACHED LEGAL DESCRIPTION.

PROPERTY ADDRESS: 5418 LOCKFORD DR  
KLAMATH FALLS, OR 97603

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$787.77 beginning 12/01/2011; plus late charges of \$28.67 each month beginning with the 12/01/2011 payment plus prior accrued late charges of \$-85.78; plus advances of \$45.00; together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the Beneficiary has declared all sums owing on the obligation that the Trust Deed secures are immediately due and payable, said sums being the following to wit: \$144,851.30 with interest thereon at the rate of 4.75 percent per annum beginning 11/01/2011 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Monday, October 15, 2012 at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main St., Klamath Falls, Klamath County, OR, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by paying the Beneficiary the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of notice of default that is capable of being cured by tendering the performance required under the obligation that the Trust Deed secures, and in addition to paying said sums or tendering the performance necessary to cure the default by paying all costs and expenses actually incurred in enforcing the obligation that the Trust Deed secures, together with the Trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation that the Trust Deed secures, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

### **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for Monday, October 15, 2012. The date of this sale may be postponed. Unless the lender that is foreclosing on this property is paid before the sale date, the foreclosure will go through and someone new will own this property. After the sale, the new owner is required to provide you with contact information and notice that the sale took place.

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

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

### **PROTECTION FROM EVICTION**

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

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

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

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

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

- Is the result of an arm's-length transaction;
- Requires the payment of rent that is not substantially less than fair market rent for the property, unless the rent is reduced or subsidized due to a federal, state or local subsidy; and
- Was entered into prior to the date of the foreclosure sale.

### **ABOUT YOUR TENANCY BETWEEN NOW AND THE FORECLOSURE SALE: RENT**

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

### **SECURITY DEPOSIT**

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

### **ABOUT YOUR TENANCY AFTER THE FORECLOSURE SALE**

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

the foreclosure sale that you must move out, the new owner becomes your new landlord and must maintain the property. Otherwise:

- You do not owe rent;
- The new owner is not your landlord and is not responsible for maintaining the property on your behalf; and
- You must move out by the date the new owner specifies in a notice to you.

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

IT IS UNLAWFUL FOR ANY PERSON TO TRY TO FORCE YOU TO LEAVE YOUR DWELLING UNIT WITHOUT FIRST GIVING YOU WRITTEN NOTICE AND GOING TO COURT TO EVICT YOU. FOR MORE INFORMATION ABOUT YOUR RIGHTS, YOU SHOULD CONSULT A LAWYER.

If you believe you need legal assistance, contact the Oregon State Bar at 503-684-3763 or toll-free in Oregon at 800-452-7636 and ask for the lawyer referral service. If you do not have enough money to pay a lawyer and are otherwise eligible, you may be able to receive legal assistance for free. For more information and a directory of legal aid programs, go to <http://oregonlawhelp.org> or contact the Oregon State Bar's lawyer referral service at the phone numbers referenced above.

Dated JUN 11 2012, 2012

RECONTRUST COMPANY, N.A.

By: Heidi Recinos JUN 11 2012  
Title: Assistant Vice President

For further information, please contact:  
RECONTRUST COMPANY, N.A.  
RECONTRUST COMPANY, N.A.  
1800 Tapo Canyon Rd., CA6-914-01-94  
SIMI VALLEY, CA 93063  
(800)-281-8219  
TS No. 12 -0050247

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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A parcel of land situated in the N1/2 S1/2 NE1/4 SE1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of the E1/2SE1/4 (E 1/16 corner) of said Section 11, thence North 00° 26' 00" West (North 00° 16' West by Deed Volume M74-9088 as recorded in the Klamath County Deed Records) 1786.3 feet; thence South 89° 40' 10" East (South 89° 31' East by said Deed Volume M74-9088) 150.00 feet to the True Point of Beginning of this description; thence continuing South 89° 40' 10" East 85.00 feet; thence South 00° 19' 50" West 129.99 feet to the South line of said N1/2S1/2NE1/4SE1/4; thence North 89° 40' 10" West along said line, 83.27 feet; thence North 00° 26' 00" West (North 00° 16' West by said Deed Volume M74-9088) 130.00 feet to the True Point of Beginning.

TOGETHER WITH a 60 foot easement, for ingress and egress, described as follows:

Beginning at the True Point of Beginning of the above described parcel; thence South 89° 40' 10" East 85.00 feet, thence North 00° 19' 50" East 60.00 feet; thence North 89° 40' 10" West 205.80 feet to the Easterly right of way line of Homedale Road; thence South 00° 26' 00" East, along said right of way line, 60.00 feet; thence South 89° 40' 10" East 120 feet to the Point of Beginning, with bearings based on Survey No. 1538, as recorded in the office of the Klamath County Surveyor.

*RDW*  
*BRW*



After Recording return to:

RECONTRUST COMPANY, N.A.

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

Simi Valley, CA 93063

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE TO GRANTOR

RE: Trust Deed from Grantor

RYAN D. MCNIVEN and BRITTANY R. MCNIVEN

RECONTRUST COMPANY, N.A.

Trustee

TS No. 12-0050247

## AFFIDAVIT OF MAILING NOTICE TO GRANTOR

STATE OF CALIFORNIA, COUNTY OF VENTURA) ss:

I, Jose Bocanegra, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of California, a competent person over the age of eighteen years and not the beneficiary or the beneficiary's successor in interest named in the attached original notice given pursuant to the requirements of sections 20 & 21 of Chapter 19, Oregon Laws 2008 (Amending and/or supplementing ORS 86.705 to ORS 86.795).

I gave notice to grantor(s) and occupant(s) of the real property described in the attached notice by causing a copy thereof to be mailed by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

See attached Exhibit A for all the mailing address(es).

Said persons include (a) the grantor(s) in the trust deed and (b) occupant(s) of the subject property. Each of the notices so mailed was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at LOS ANGELES COUNTY, CALIFORNIA, on 06/11/2012. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell was recorded and on or before the date of the Notice of Trustee's Sale was mailed, served and/or posted.

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

State of California

County of Ventura

Jose Bocanegra JUN 11 2012  
Signature

Jose Bocanegra Assistant Vice President

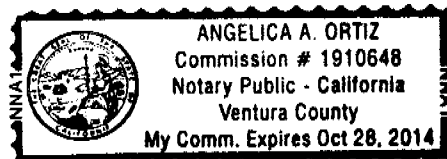
Subscribed and sworn to (or affirmed) before me on this JUN 11 2012 day of JUN 11 2012, by Jose Bocanegra, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

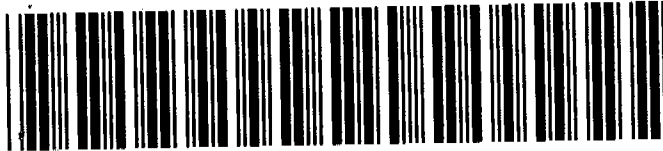
WITNESS my hand and official seal.

Signature

Angelica A Ortiz  
Angelica A Ortiz

(Seal)





02 120050247

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

**TS No. 12-0050247**

RYAN D. MCNIVEN  
PO BOX 7356  
KLAMATH FALLS, OR 97602  
7187 7930 3132 4425 9577

06/11/2012

BRITTANY R. MCNIVEN  
PO BOX 7356  
KLAMATH FALLS, OR 97602  
7187 7930 3132 4425 9591

06/11/2012

RYAN D. MCNIVEN  
5418 LOCKFORD DR  
KLAMATH FALLS, OR 97603  
7187 7930 3132 4425 9584

06/11/2012

BRITTANY R. MCNIVEN  
5418 LOCKFORD DR  
KLAMATH FALLS, OR 97603  
7187 7930 3132 4425 9607

06/11/2012

Residents/Occupants  
5418 LOCKFORD DR  
KLAMATH FALLS, OR 97603  
7187 7930 3132 4425 9621

06/11/2012

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

**This notice is about your mortgage loan on your property at:**

Street address: 5418 LOCKFORD DR

City: KLAMATH FALLS

State: OR

ZIP: 97603

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

The amount you would have had to pay as of 06/11/12 to bring your mortgage current was \$4,623.72. The amount you must now pay to bring your loan current may have increased since that date.

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

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

Bank of America, N.A.

400 National Way

SIMI VALLEY, CA 93065

**THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU DO NOT TAKE ACTION:** 10/15/2012 at 10:00 AM inside the 1st floor lobby of the Klamath County Courthouse, 316 Main St., Klamath Falls, Klamath County, OR

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

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call Hassan Javed at 1-866-880-1657 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 **800-SAFENET (800-723-3638)**. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's

Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or you may visit its web site at: [www.osbar.org](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>.

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

Date: June 11, 2012

TS No.: 12 -50247

Trustee name: RECONTRUST COMPANY, N.A.

Trustee phone number: (800) 281-8219



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Jose Bocanegra Assistant Vice President

# Affidavit of Publication

## STATE OF OREGON, COUNTY OF KLAMATH

I, Heidi Wright, Publisher,  
being first duly sworn, depose and say  
that I am 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 # 14470

Sale - McNiven

#1006.161615

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

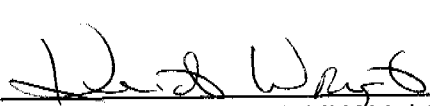
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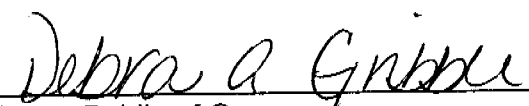
Insertion(s) in the following issues:

July 25, 2012

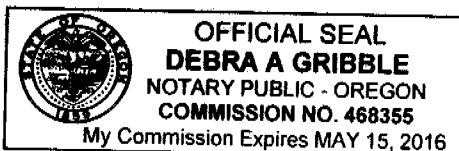
August 01, 08, 15, 2012.

Total Cost: \$1,388.00

  
Subscribed and sworn by Heidi Wright  
before me on: August 15, 2012

  
Notary Public of Oregon

My commission expires on May 15, 2016



### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by RYAN D. MCNIVEN AND BRITTANY R. MCNIVEN, HUSBAND AND WIFE., as grantor(s), to AMERITITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as Beneficiary, dated 01/03/2007, recorded 01/05/2007, in the mortgage records of Klamath County, Oregon, as Recorder's fee/file/instrument/microfilm/reception Number 2007-000259, and subsequently assigned to U.S. BANK, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF AMERICA, N.A., AS SUCCESSOR TO LASALLE BANK, N.A. AS TRUSTEE FOR THE HOLDERS OF THE MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-1 by Assignment recorded 04/10/2012 in Book/Reel/Volume No. at Page No. as Recorder's fee/file/instrument/microfilm/reception No. 2012-003760, covering the following described real property situated in said county and state, to wit: LEGAL DESCRIPTION: A parcel of land situated in the N1/2 S1/2 NE1/4 SE1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at the Southwest corner of the E1/2SE1/4 (E 1/16 corner) of said Section 11, thence North 00 degrees 26' 00" West (North 00 degrees 16' West by deed Volume M74-9088 as recorded in the Klamath County Deed Records) 1786.3 feet; thence South 89 degrees 40' 10" East (South 89 degrees 31' East by said Deed Volume M74-9088) 150.00 feet to the True Point of Beginning of this description; thence continuing South 89 degrees 40' 10" East 85.00 feet; thence South 00 degrees 19' 50" West 129.99 feet to the South line of said N1/2S1/2NE1/4SE1/4; thence North 89 degrees 40' 10" West along said line, 85.27 feet; thence North 00 degrees 26' 00" West (North 00 degrees 16' West by said Deed Volume M74-9088) 130.00 feet to the True Point of Beginning. TOGETHER WITH a 60 foot easement for ingress and egress, described as follows: Beginning at the True Point of Beginning of the above described parcel; thence South 89 degrees 40' 10" East 85.00 feet; thence North 00 degrees 19' 50" East 60.00 feet; thence North 89 degrees 40' 10" West 205.80 feet to the Eastern right of way line of Homedale Road; thence South 00 degrees 26' 00" East, along said right of way line, 60.00 feet; thence South 89 degrees 40' 10" East 120 feet to the Point of Beginning, with bearings based on Survey No. 1538, as recorded in the office of the Klamath County Surveyor. PROPERTY ADDRESS: 5418 LOCKFORD DR KLAMATH FALLS, OR 97603.

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(5); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$787.77 beginning 12/01/2011; plus late charges of \$28.67 each month beginning with the 12/01/2011 payment plus all accrued late charges of \$-85.78; plus advances of \$45.00; together with all expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest therein.

By reason of said default the Beneficiary has declared all sums owing on the obligation that the Trust Deed secures are immediately due and payable, said sums being the following to wit: \$144,851.30 with interest thereon at the rate of 4.75 percent per annum beginning 11/01/2011 until paid, plus all accrued late charges thereon together with title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default; and any further sums advanced by the Beneficiary for the protection of the above described real property and its interests therein.

WHEREFORE, notice hereby is given that, RECONTRUST COMPANY, N.A., the undersigned Trustee will on Monday, October 15, 2012 at the hour of 10:00 AM, in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main St., Klamath Falls, Klamath County, OR, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time that is not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by paying the Beneficiary the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of notice of default that is capable of being cured by tendering the performance required under the obligation that the Trust Deed secures, and in addition to paying said sums or tendering the performance necessary to cure the default by paying all costs and expenses actually incurred in enforcing the obligation that the Trust Deed secures, together with the Trustee's and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation that the Trust Deed secures, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. Dated: June 11, 2012 RECONTRUST COMPANY, N.A. For further information, please contact: RECONTRUST COMPANY, N.A. 1800 Tapo Canyon Rd., CA# 914 01 04 SIMI VALLEY, CA. 93063 (800) 281-8216 (TS# 12-0050247) 1008.161615-File No.

#14470 July 25, August 01, 08, 15, 2012.

**FEI, LLC**  
**Affidavit of Posting and Service**

State of Oregon  
County of Klamath

David Hartman, being sworn, says:

- That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale:
- That my business address is. 422 N 6th St, Klamath Falls, OR.
- That I personally served a copy of the Notice of Trustee's Sale upon an adult occupant of the real property, commonly referred to as 5418 LOCKFORD DR, KLAMATH FALLS, OR 97603 in the manner in which a summons is served by delivering to or leaving with Ryan D. McNiven, a person over the age of eighteen (18) years, then residing therein on Tuesday, June 12, 2012, at 07:10 pm.

Signed in Klamath County, Oregon by:

Signature

David Hartman

Date

06-13-2012

State of Oregon

County of Klamath

On this 13<sup>th</sup> day of June in the year of 2012, before me a Notary Public, Personally appeared DAVID HARTMAN, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Notary Public for Oregon:

Kimberly A Davis

Residing at:

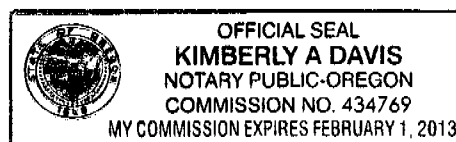
Klamath County

Commission expires:

01 Feb 2013



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12-0050247

ReconTrust Company