

2012-005747

Klamath County, Oregon



00118845201200057470030030

05/29/2012 09:41:38 AM

Fee: \$47.00

## Grantor's Name and Address

Tyler D. & Eleanor L. Olson  
5815 Southgate Dr.  
Klamath Falls, OR 97603

## Beneficiary's Name and Address

Pacific Crest Federal Credit Union  
PO Box 1179  
Klamath Falls, OR 97601

## Trustee's Name and Address

Bradford J. Aspell, Esq.  
122 S. 5<sup>th</sup> Street  
Klamath Falls, OR 97601

## After Recording Return to:

Bradford J. Aspell, Esq.  
122 S. 5<sup>th</sup> Street  
Klamath Falls, OR 97601

**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#13982 SALE TYLER/OLSON LOAN NO: 401608, SUCCESSO 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:

01/18/2012 01/25/2012 02/01/2012 02/08/2012

Total Cost: \$2359.26

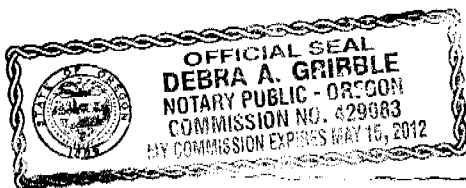
*Jeanine P Day*

Subscribed and sworn by Jeanine P Day before me on:  
8<sup>th</sup> day of February in the year of 2012

*Debra A Grubble*

Notary Public of Oregon

My commission expires on May 15, 2012



**Loan No: 401608, Successor Trustee: Bradford J. Aspell, OSB. 74015**  
**AMENDED TRUSTEE'S NOTICE OF SALE**  
**Pursuant to ORS 86.705 et seq. and ORS 79.5010, et seq.**

Reference is made to that certain trust deed made, executed and delivered by **TYLER D. OLSON and ELEANOR L. OLSON**, husband and wife, as Grantor, to **AMERITITLE**, as Trustee, the Trustee's duties of which were assigned to Bradford J. Aspell, attorney at law, OSB 74015, **ASPELL, DELLA-ROSE & RICHARD**, 122 South 5<sup>th</sup> Street, Klamath Falls, Oregon 97601, to secure certain obligations in favor of **PACIFIC CREST FEDERAL CREDIT UNION**, as Beneficiary, dated **FEBRUARY 7, 2008**, and recorded on **MARCH 3, 2008**, in the mortgage records of Klamath County, Oregon, under instrument number **2008-2678**, **AS MODIFIED** by Modification Agreement recorded at Volume M68 Page 205 and 210, records of Klamath County, Oregon. Said Trust Deed encumbers the following described real property situated in said county and state, to wit:

- **Lot 4 in Block 1 of SUNSET VILLAGE, according to the official plant thereof on file in the office of the County Clerk of Klamath County, Oregon.**

The street address or other common designation, if any, of the real property described above is purported to be:  
• **5815 SOUTHGATE DRIVE, KLAMATH FALLS, OREGON 97603**  
The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation. 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: monthly payments of **\$756.37** beginning **January 1, 2011**; plus late charges of **\$29.13** each month beginning **January 1, 2011**; plus advances of **\$1,023.32**; together with the title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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: **\$141,111.70** with interest thereon at the rate of **2.375%** percent per annum beginning **January 1, 2011**, plus late charges of **\$29.13** each month beginning **January 1, 2011** until paid; plus advances of **\$1,023.32**; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will, on **May 29, 2012**, at the hour of **10:00 a.m.**, in accord with the standard of time established by ORS 187.110, in the front entry foyer of the **Klamath County Circuit Court, 318 Main St., 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 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 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 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 of herein that is capable of being cured by tendering the performance required under the obligation or 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. Notice is also given that any person named in ORS 86.753 has the right to bring a court action to assert the non-existence of a default or any other defense to acceleration and sale.

A request for payoff or reinstatement must be communicated in a written request which complies with ORS 86.745, addressed to "Urgent Request - Member Solution Specialist," Pacific Crest Federal Credit Union, and either mailed to P.O. Box 1179, Klamath Falls, OR 97601, by first class U.S. Mail, certified, return receipt requested or physically delivered to Pacific Crest Federal Credit Union at 2972 Washburn Way, Klamath Falls, Oregon 97603, and received by Pacific Crest Federal Credit Union not less than 5 days before the scheduled sale date.

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 deed of trust, 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.

**NOTICE TO TENANTS**

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or a 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. **The date that is 30 days before the date of the sale is APRIL 29, 2012.** The name of the trustee and the trustee's mailing address are listed on this notice.

Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

Pursuant to the "Protecting Tenants at Foreclosure Act of 2000, Public Law 111-22, Section 701-704 of Article 7, provided you are and remain a *bona fide* tenant, you are given 90 day notice that your lease or rental agreement shall terminate on the later of 90 days following date of this notice to you or on the date of sale which ever is later date as subsequently provided to you.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may 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 have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

- For Legal Assistance: Oregon State Bar Referral Service, Hours: 8 am to 5 pm Monday-Friday, Phone: 503-684-3763 or toll free in Oregon at 800-452-7636, Submit On-line Referral - <http://www.osbar.org/public/ris/lrsform.html>.

- For Free Legal Assistance: Legal Aid Services of Oregon, LASO Hotline for Klamath & Lake Counties: (541) 882-6982 or 800-480-9160.

- Trustee: Bradford J. Aspell, Esq., ASPELL, DELLA-ROSE & RICHARD, 122 South 5<sup>th</sup> Street, Klamath Falls, OR 97601. Phone: 541-883-7754, Facsimile: 541-883-1756, Email: [baspell@adrllaw.com](mailto:baspell@adrllaw.com).

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.

**THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION WILL BE USED FOR THAT PURPOSE. UNLESS YOU NOTIFY US WITHIN 30 DAYS AFTER RECEIVING THIS LETTER THAT YOU DISPUTE THE VALIDITY OF THE DEBT, OR ANY PORTION OF IT, WE WILL ASSUME THE DEBT IS VALID. IF YOU NOTIFY US, IN WRITING, WITHIN 30 DAYS AFTER RECEIPT OF THIS LETTER THAT YOU DO DISPUTE THE DEBT OR ANY PORTION OF IT, WE WILL PROVIDE VERIFICATION BY MAILING YOU A COPY OF THE RECORDS. IF YOU SO REQUEST, IN WRITING, WITHIN 30 DAYS AFTER RECEIPT OF THIS NOTICE, WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT CREDITOR.**

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

DATED this 6<sup>th</sup> day of January, 2012.  
SUCCESSOR TRUSTEE: s/Bradford J. Aspell, OSB. 74015  
ASPELL, DELLA-ROSE & RICHARD, 122 South 5<sup>th</sup> Street, Klamath Falls, OR 97601, Telephone: (541)883-7754.  
#13982 January 18, 25, February 01, 08, 2012.

# ARRITOLA INVESTIGATIONS

STATE OF OREGON )

Court Case No. \_\_\_\_\_

County of Klamath )

ss.

Case No. \_\_\_\_\_

I hereby certify that I received on \_\_\_\_\_ the within:

<input type="checkbox"/> Summons & Complaint	<input type="checkbox"/> Summons & Petition	<input type="checkbox"/> Summons	<input type="checkbox"/> Notice
<input type="checkbox"/> Order of Appearance	<input type="checkbox"/> Waiver of Fees	<input type="checkbox"/> Petition	<input type="checkbox"/> Order
<input type="checkbox"/> Show Cause Order	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Complaint	<input type="checkbox"/> Motion
<input type="checkbox"/> Writ of Garnishment	<input type="checkbox"/> Restraining Order	<input type="checkbox"/> Citation	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Small Claim	<input type="checkbox"/> Certificate of Residency		

☒ Amended Notice of Default and Election to Sell Amended Trustees Notice of Sale, Notice to Grantors, Request for Modification and Affidavit  
for service on the within named: Tyler D. Olson and Eleanor L. Olson

☒ SERVED Eleanor L. Olson at 4711 Hwy. 39  
\_\_\_\_\_ personally and in person.

\_\_\_\_ SUBSTITUTE SERVICE – by leaving a true copy with \_\_\_\_\_, a person over the age of fourteen years, who resides at the place of abode of the within named, at said abode: \_\_\_\_\_.

\_\_\_\_ OFFICE SERVICE – by leaving a true copy with \_\_\_\_\_, the person in charge of the office maintained for the conduct of business by \_\_\_\_\_.

\_\_\_\_ By leaving a true copy with \_\_\_\_\_ of said corporation.

\_\_\_\_ OTHER METHOD: \_\_\_\_\_.

\_\_\_\_ NOT FOUND. After due and diligent search and inquiry, I hereby return that I have been unable to find the within named: \_\_\_\_\_ within Klamath County, Oregon.

All search and service was made within Klamath County, State of Oregon.

DATE AND TIME OF SERVICE OR NOT FOUND: 1-13-2012 10:06 AM

SERVICE FEES FOR THIS SERVICE ARE: \$ 35.<sup>00</sup> plus \_\_\_\_\_ miles  
@\$ \_\_\_\_\_ per mile for a total amount due of \$ 35.<sup>00</sup>.

ARRITOLA INVESTIGATIONS

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

Cale Arritola