

After recording return to:

Dean S. Kaufman, Esq.
142 West 8th Avenue
Eugene, Oregon 97401

MTC 9409

MTC 94099

2012-007483

Klamath County, Oregon



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07/09/2012 03:15:33 PM

Fee: \$52.00

NOTICE OF DEFAULT, ELECTION TO SELL AND NOTICE OF SALE

GRANTOR: SON SHELTER PROPERTIES, INC., an Oregon Corporation

TRUSTEE: FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON

**SUCCESSOR
TRUSTEE:** DEAN S. KAUFMAN, Attorney at Law

BENEFICIARY: LINCOLN TRUST COMPANY FBO THE BRUCE A. NELSON IRA, 69.31% undivided interest, and EQUITY TRUST COMPANY, CUSTODIAN FBO OF THE DAVID DRIVER IRA, 30.69% undivided interest

DEED OF TRUST: As follows, including its recording in the Klamath County Oregon Official Records:

Date of Trust Deed:	August 10, 2010
Date Recorded:	August 12, 2010
Recording Numbers:	Volume No. 2010-009609

DESCRIPTION OF REAL PROPERTY in Klamath County, Oregon, covered by the Deed of Trust:

Lot 8 and the Northeasterly 26.1 feet of Lot 7 in Block 9 of FIRST ADDITION TO THE CITY OF KLAMATH FALLS, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

DEFAULT FOR WHICH THE FORECLOSURE is made:

1. Failure to pay balance in full by the maturity date of May 11, 2012; and
2. Failure to pay taxes as follows:

Tax Account No. 3809-029CD-17000-000

Taxes for the year 2010-2011:	\$1,719.44, plus interest and fees, if any
Taxes for the year 2011-2012:	\$1,737.82, plus interest and fees, if any

SUM OWING ON THE OBLIGATION secured by the Deed of Trust: \$100,370.66 as principal balance, plus \$3,986.85 as accrued unpaid interest from March 11, 2012 through May 31, 2012, plus interest thereon at 18% per annum interest from June 1, 2012 until paid, plus a \$24.00 collection fee, \$328.26 in accrued late charges, \$975.00 special handling fee, \$150.00 close out fee, and \$171.00 reconveyance/recording fees.

52-AMH

ELECTION TO SELL: The Trustee elects to sell the real property to satisfy the sum owing on the obligation, which the Beneficiary has declared due.

THE SALE: **DATE:** Monday, December 3, 2012.
 TIME: 10:00 o'clock a.m., Pacific Standard Time as established by ORS 187.110.
 PLACE: Front steps of the Klamath County Circuit Courthouse, 316 Main Street,
 Klamath Falls, Oregon

The Trustee will sell the real property at oral public auction to the highest bidder for cash or cashier's check drawn on a bank or savings and loan with an Oregon branch, paid on the day of sale, the interest which the Grantor had or had power to convey at the time of execution of the deed of trust, together with any interest of the Grantor or successors in interest acquired after execution of the deed of trust, to satisfy the sum owing on the obligation plus the expenses of sale and trustee and attorney fees.

REINSTATEMENT: Any person named in ORS 86.753 has the right to have the foreclosure proceedings dismissed and the deed of trust reinstated by payment of the entire amount due, other than such portion of the principal as would not then be due had no default occurred, together with the costs and expenses actually incurred in enforcing the terms of the obligation, trustee and attorney fees as prescribed by ORS 86.753, and by curing any other default complained of in the notice of default, at any time prior to five days before the date set for the sale.

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for December 3, 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 and ask for the lawyer referral service, 16037 SW Upper Boones Ferry Road, P.O. Box 231935, Tigard, Oregon 97281-1935, telephone (503) 684-3763 or (800) 452-7636. 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. Contact information for where you can obtain free legal assistance is Legal Aid Services of Oregon, Klamath Falls Regional Office, 403 Pine Street, Suite 250, Klamath Falls, Oregon 97601, telephone (541) 273-0533 or 1-800-480-9160 (for long distance calls only), or check the website: <http://www.lawhelp.org/program/1173/index.cfm>.

DATED: July 6, 2012.

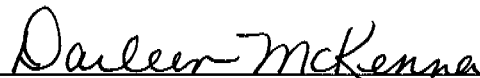
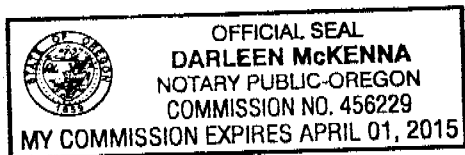


Dean S. Kaufman, Successor Trustee
142 West 8th Avenue
Eugene, Oregon 97401
(541) 342-5587

STATE OF OREGON, County of Lane) ss.

On this 6th day of July, 2012, personally appeared before me the above-named Dean S. Kaufman, Successor Trustee and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:



Notary Public for Oregon