

1st Courtesy

2012-009515

Klamath County, Oregon



08/28/2012 03:20:15 PM

Fee: \$107.00

**RECORDING COVER SHEET**

Pursuant to ORS 205.234

**After Recording Return to:**

Nathan J. Ratliff  
Parks & Ratliff, P.C.  
620 Main Sstreet  
Klamath Falls, OR 97601

1. AFFIDAVIT OF MAILING - TRUSTEE'S NOTICE OF SALE
2. TRUSTEE'S NOTICE OF SALE with attachments:
  - A. Notice Required by the Fair Debt Collection Practices Act,  
15 USC Section 1692
  - B. "2008" Notice required by ORS 86.737
3. AFFIDAVIT OF PUBLICATION
4. AFFIDAVIT OF NON-OCCUPANCY

Original Grantor on Trust Deed: PATRICIA ANN RUGH

Beneficiary: JOE CIRINA ALSO KWNOWN AS GIUSEPPE CIRINA TRUSTEE OR  
SUCCESSOR IN TRUST UNDER THE CIRINA LOVED TRUST DATED  
OCT 15, 1990

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.

AFTER RECORDING RETURN TO:

Nathan J. Ratliff  
620 Main Street  
Klamath Falls OR 97601

Trust Deed Grantor:

Patricia Ann Rugh  
3946 Rio Vista Way  
Klamath Falls, OR 97603

Trust Deed Successor Trustee:

Nathan J. Ratliff  
620 Main Street  
Klamath Falls, OR 97601

Trust Deed Beneficiary:

Joe Cirina also known as  
Giuseppe Cirina Trustee or Successor in  
Trust under the Cirina Loved Trust Dated Oct 15, 1991  
2014 Haviland Drive  
Grants Pass, OR 97527

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

STATE OF OREGON; County of Klamath ) ss.

I, KAY HEATH, being first duly sworn, depose and say that:

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

2. I gave a notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing copies 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 addresses, to-wit:

| <u>NAME</u>       | <u>ADDRESS</u>                                    |
|-------------------|---|
| PATRICIA ANN RUGH | 3946 Rio Vista Way<br>Klamath Falls, OR 97601     |
| PATRICIA ANN RUGH | 3522 Grenada Way<br>Klamath Falls, OR 97603-7617  |
| WANDA WRIGHT      | 20596 Keno Worden Road<br>Klamath Falls, OR 97603 |
| BARBARA ANDERSON  | 165 Pyramid Hwy<br>Reno, NV 89510                 |

NAMEADDRESS

Oregon Department of  
Revenue

PTAC, Attn: Kim Lee  
P. O. Box 14725  
Salem, OR 97309

In addition to the statutory requirements regarding service of a notice of sale, the Trustee's Notice of Sale described above was emailed to Patricia Ann Rugh at [patrugh1954@yahoo.com](mailto:patrugh1954@yahoo.com) on May 1, 2012, at 2:31 p.m., as reflected on the attached Delivery Status Notification.

3. These 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 set forth in ORS 86.785.

4. Each of the notices so mailed was certified to be a true copy of the original notice of sale by Nathan J. Ratliff, attorney for the successor trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office on the following dates:

| <u>NAME</u>                     | <u>ADDRESS</u>  | <u>DATE MAILED</u> |
|---------------------------------|---|--------------------|
| Patricia Ann Rugh               | 3946 Rio Vista Way<br>Klamath Falls, OR 97603             | May 1, 2012        |
| Patricia Ann Rugh               | 3522 Grenada Way<br>Klamath Falls, OR 97603-7617          | May 9, 2012        |
| Wanda Wright                    | 20596 Keno Worden Road<br>Klamath Falls, OR 97603         | May 1, 2012        |
| Barbara Anderson                | 165 Pyramid Hwy<br>Reno, NV 89510                         | May 1, 2012        |
| Oregon Department of<br>Revenue | PTAC, Attn: Kim Lee<br>P. O. Box 14725<br>Salem, OR 97309 | May 10, 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

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

DATED this 28 day of August, 2012.

Kay Heath  
Kay Heath

SUBSCRIBED AND SWORN TO BEFORE ME this 28<sup>th</sup> day of August, 2012, by  
Kay Heath.



Wendy Jean Morrison  
NOTARY PUBLIC FOR OREGON  
My Commission expires: June 7, 2013

key

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From: System Administrator  
To: Nathan Ratliff  
Sent: Tuesday, May 01, 2012 2:31 PM  
Subject: Delivered: 3946 Rio Vista Way, Klamath Falls, OR

Your message

To: [patrugh1954@yahoo.com](mailto:patrugh1954@yahoo.com)  
Cc: Nathan Ratliff  
Subject: 3946 Rio Vista Way, Klamath Falls, OR  
Sent: 5/1/2012 2:31 PM

was delivered to the following recipient(s):

Nathan Ratliff on 5/1/2012 2:31 PM

**NOTICE TO BORROWER:** YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

**TRUSTEE'S NOTICE OF SALE**

REFERENCE IS HEREBY MADE to that certain Trust Deed made by **PATRICIA ANN RUGH**, as grantor, to **NATHAN J. RATLIFF**, as successor trustee (the trustee), in favor of **JOE CIRINA also known as GIUSEPPE CIRINA TRUSTEE OR SUCCESSOR IN TRUST UNDER THE CIRINA LOVED TRUST DATED OCT 15, 1991**, as beneficiary, dated February 24, 2010, recorded March 1, 2010, in the records of Klamath County, Oregon, as Instrument No. 2010-002764, covering the following-described real property situated in the above-mentioned county and state, to-wit:

LOT 14, BLOCK 9, SIXTH ADDITION TO SUNSET VILLAGE, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH, COUNTY, OREGON.

Property ID.: R564428; Map ID No.: R-3909-012CB-08600-000

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a Notice of Default has been recorded pursuant to ORS 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due, the following sums:

- |   |                 |
|---|-----------------|
| 1. Payments (Interest Only in the amount of \$1,000.00 each): |                 |
| March 1, 2012   |                 |
| April 1, 2012   |                 |
| Total of 2 payments   | 2,000.00        |
| 2. Late Charges:  |                 |
| At the rate of \$50.00 per late payment                       |                 |
| for the months specified above (2 months)                     | 100.00          |
| 3. Insurance: Fire and other Hazards                          |                 |
| Farmers Insurance Group                                       |                 |
| Terry Spitz Insurance   |                 |
| 1690 Williams Highway   |                 |
| Grants Pass, OR 97527   | <u>757.50</u>   |
| <b>TOTAL:</b>   | <b>2,857.50</b> |

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.

By reason of such default described above, the beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following, to-wit:

UNPAID PRINCIPAL IN THE AMOUNT OF \$100,000.00, PLUS INTEREST THEREON AT TWELVE PERCENT (12%) PER ANNUM FROM JANUARY 25, 2012, UNTIL PAID, together with foreclosure costs, trustee fees, attorney fees, and sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, NOTICE IS HEREBY GIVEN that the undersigned trustee will on **SEPTEMBER 14, 2012**, at the hour of **10:30 A.M.**, in accord with the standard of time established by ORS 187.110, at 620 Main Street, Klamath Falls, County of Klamath, State of

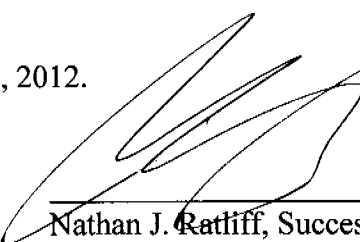
f 107-

Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above 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 the 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 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 those 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 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 person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED this 30 day of April, 2012.



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Nathan J. Ratliff, Successor Trustee  
Parks & Ratliff, P.C.  
620 Main Street  
Klamath Falls, OR 97601  
Phone: 541-882-6331

I CERTIFY THAT I am the attorney for the above-named trustee and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

PARKS & RATLIFF, P.C.

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Nathan J. Ratliff, OSB #03426

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

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **SEPTEMBER 14, 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 or 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 owner can have a 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 a 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 FORECLOSURES 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 foreclosures ale may be willing to allow you to stay as a tenant instead of requiring you to move out at 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.

**NOTICE REQUIRED BY THE  
FAIR DEBT COLLECTION PRACTICES ACT, 15 USC SECTION 1692**

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
2. The beneficiaries named in the attached Trustee's Notice of Sale is the creditor to whom the debt is owed.
3. The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within thirty (30) days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
4. If the debtor notifies the trustee in writing within thirty (30) days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
5. If the creditor named as beneficiary(ies) in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within thirty (30) days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
6. Written requests or objections should be addressed to:

Nathan J. Ratliff  
Parks & Ratliff, P.C.  
620 Main Street  
Klamath Falls, OR 97601

7. This communication is an attempt to collect a debt, and any information obtained will be used for that purpose.

**ATTACHMENT:**  
Trustee's Notice of Sale

**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: 3946 Rio Vista Way

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 foreclosure.

The amount you would have had to pay as of April 18, 2012 (date) to bring your mortgage loan current was \$ 2,857.50. 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 can call 541-882-6331 (phone number) 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:

Nathan J. Ratliff, Attorney at Law

620 Main Street

Klamath Falls, OR 97601

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

Date and time: September 14, 2012 at 10:30 A.M.

Place: 620 Main Street, Klamath Falls, OR 97601

**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 any time before the sale.
3. You can call Nathan J. Ratliff (name) at 5418826331 (phone number) 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, call the statewide phone contact number at **800-SAFENET (800-723-3638)**. You may also want to talk to a lawyer. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or visit its website at **[www.osbar.org](http://www.osbar.org)**. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal-aid programs, go to **<http://www.oregonlawhelp.org>**.

**WARNING:** You may get offers from people saying they can help you keep your property. 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.

DATED: April, 212

Trustee name (print): Nathan J. Ratliff

Trustee signature: \_\_\_\_\_

Trustee phone number: 541 882-6331

**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#14424 SALE RUGH

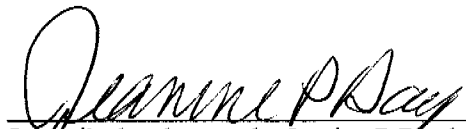
**NOTICE TO BORROWER: YOU**


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

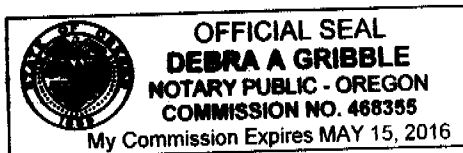
Insertion(s) in the following issues:

06/29/2012 07/06/2012 07/13/2012 07/20/2012

Total Cost: \$1253.00

  
Subscribed and sworn by Jeanine P Day before me on:  
20th day of July in the year of 2012

  
Notary Public of Oregon  
My commission expires on May 15, 2016



**NOTICE TO BORROWER: YOU SHOULD BE AWARE THAT THE UNDERSIGNED IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**TRUSTEE'S NOTICE OF SALE**

REFERENCE IS HEREBY MADE to that certain Trust Deed made by **PATRICIA ANN RUGH**, as grantor, to **NATHAN J. RATLIFF**, as successor trustee (the trustee), in favor of **JOE CIRINA also known as GIUSEPPE CIRINA TRUSTEE OR SUCCESSOR IN TRUST UNDER THE CIRINA LOVED TRUST DATED OCT 15, 1991**, as beneficiary, dated February 24, 2010, recorded March 1, 2010, in the records of Klamath County, Oregon, as Instrument No. 2010-002764, covering the following-described real property situated in the above-mentioned county and state, to-wit:

**LOT 14, BLOCK 9, SIXTH ADDITION TO SUNSET VILLAGE, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON.**

Property ID.: R564428; Map ID No.: R-3909-012CB-08600-000

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a Notice of Default has been recorded pursuant to ORS 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due, the following sums:

1. Payments (Interest Only in the amount of \$1,000.00 each): March 1, 2012, April 1, 2012,  
Total of 2 payments 2,000.00
2. Late Charges:  
At the rate of \$50.00 per late payment for the months specified above (2 months) 100.00
3. Insurance: Fire and other Hazards  
Farmers Insurance Group, Terry Spitz Insurance  
1690 Williams Highway, Grants Pass, OR 97527

**TOTAL: 2,857.50**

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.

By reason of such default described above, the beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following, to-wit:

**UNPAID PRINCIPAL IN THE AMOUNT OF \$100,000.00, PLUS INTEREST THEREON AT TWELVE PERCENT (12%) PER ANNUM FROM JANUARY 25, 2012 UNTIL PAID.**

PLUS INTEREST THEREON AT TWELVE PERCENT (12%) PER ANNUM FROM JANUARY 25, 2012, UNTIL PAID, together with foreclosure costs, trustee fees, attorney fees, and sums required for the protection of the property and additional sums secured by the Deed of Trust.

WHEREFORE, NOTICE IS HEREBY GIVEN that the undersigned trustee will on SEPTEMBER 14, 2012, at the hour of 10:30 A.M., in accord with the standard of time established by ORS 187.110, at 620 Main Street, Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above 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 the 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 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 those 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 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 person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED this 30 day of April, 2012.

/s/ Nathan J. Ratliff

Nathan J. Ratliff, Successor Trustee  
Parks & Ratliff, P.C.,  
620 Main Street, Klamath Falls, OR 97601  
Phone: 541-882-6331

#14424 June 29, July 06, 13, 20, 2012.

**AFFIDAVIT OF NON-OCCUPANCY**

STATE OF OREGON; County of Klamath ) ss.

I, Don Downing, being first duly sworn, depose and say that:

1. At all times herein mentioned, I was and now am a resident of the state of Oregon, a competent person over the age of eighteen years, and not the beneficiary or the beneficiary's successor in interest named in the Trustee's Notice of Sale recorded concurrently herewith, given under the terms of that certain deed described in the notice of sale.

2. That I am a broker licensed to sell real estate in the state of Oregon; that my license currently hangs with Coldwell Banker/Holman Premier Realty in Klamath Falls, Oregon.

3. That I am personally familiar with the real property located at 3946 Rio Vista Way, Klamath Falls, Oregon 97601; said real property more particularly described as follows, to-wit:

LOT 14, BLOCK 9, SIXTH ADDITION TO SUNSET VILLAGE, ACCORDING TO  
THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF  
KLAMATH, COUNTY, OREGON.


Property ID.: R564428; Map ID No.: R-3909-012CB-08600-000

4. That the hereinabove described real property was vacant and not occupied at the commencement of this non-judicial foreclosure proceeding on May 1, 2012, and that said real property remains vacant and is not occupied as of the date hereof.

DATED this 28 day of August, 2012.

  
Don Downing

SUBSCRIBED AND SWORN TO BEFORE ME this 28 day of August, 2012, by  
Don Downing.

  
NOTARY PUBLIC FOR OREGON  
My Commission expires 10-27-14

