

mtc 9499
After recording return to:
Dean S. Kaufman, Esq.
142 West 8th Avenue
Eugene, Oregon 97401

2012-012654
Klamath County, Oregon
11/14/2012 12:20:19 PM
Fee: \$77.00

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
AND
NOTICE REQUIRED BY ORS 86.750(4)**

I, DEAN S. KAUFMAN, being first duly sworn, depose and say, and certify that:

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 their successors in interest named in the attached copy of the notice of sale given under the terms of that certain trust deed described in said notice.

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 addresses, to wit:

NAME

ADDRESS

Corporation Service Company
Registered Agent for Son Shelter Properties, Inc.

285 Liberty Street NE
Salem, Oregon 97301

David E. Marchant, President
Son Shelter Properties, Inc.

1630 6th Street
Columbia City, Oregon 97018

All Occupants


519 Mt. Whitney Street
Klamath Falls, Oregon 97601

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; 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 Dean S. Kaufman, attorney for the successor 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 Eugene, Oregon, on July 12, 2012. With respect to each person listed above, one such notice was mailed 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.

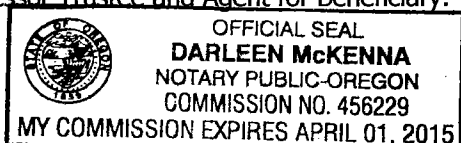
I am the agent of the beneficiary of the trust deed and make this affidavit pursuant to the provisions of ORS 86.750(5). On July 12, 2012, which was the same date the notice of sale was sent to the grantor of the trust deed, the "danger notice" required by ORS 86.750(4), was mailed by both first-class and certified mail, with return receipt requested to Corporation Service Company, registered agent for Son Shelter Properties, Inc., and David E. Marchant, President of Son Shelter Properties, Inc., the grantor of the trust deed. True copies of these documents are attached hereto and by this reference incorporated herein. No response to these notices was received from the grantor on the trust deed by the beneficiary.

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


Dean S. Kaufman, Successor Trustee and
Agent for Beneficiary

STATE OF OREGON, County of Lane) ss.

SUBSCRIBED AND SWORN, before me, this 8th day of November, 2012, by Dean S. Kaufman, Successor Trustee and Agent for Beneficiary.




Darleen McKenna
Notary Public for Oregon

After recording return to:
Dean S. Kaufman, Esq.
142 West 8th Avenue
Eugene, Oregon 97401

MTC 9409

MTC 94099

2012-007483

Klamath County, Oregon



00120907201200074830040048

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-AMT

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

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: **519 Mt. Whitney Street**

City: Klamath Falls State: Oregon ZIP: 97601

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 **May 31, 2012** (date) to bring your mortgage loan current was \$ **105,896.35**. 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 **1-800-971-1858** (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:

Fairfield Financial Services, Inc.

16055 SW Walker Road #247

Beaverton, Oregon 97006

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

Date and time: December 3, 2012 at 10:00 a.m.

Place: Front steps of the Klamath County Circuit 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 any time before the sale.
3. You can call Dean S. Kaufman (name) at 541-683-7151 (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**. 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: July 12, 2012

Trustee name (print): Dean S. Kaufman

Trustee signature:



Trustee phone number: 541-683-7151

**PROOF OF SERVICE
JEFFERSON STATE ADJUSTERS**

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 **519 Mt Whitney Klamath Falls, OR 97601**

☐ **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.

1st Attempt: July 16, 2012 10:52 AM POSTED

2nd Attempt: July 18, 2012 12:19 PM POSTED

3rd Attempt: July 20, 2012 1:12 PM 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 July 24, 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

519 Mt Whitney Klamath Falls, OR 97601

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.

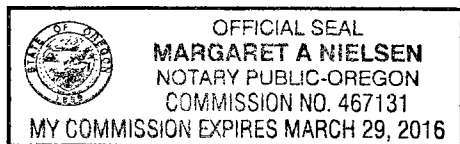
July 16, 2012 10:52 AM
DATE OF SERVICE TIME OF SERVICE

☐ or non occupancy

By: [Signature]
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 24th day of July, 2012.

Margaret A. Nielsen
Notary Public for Oregon



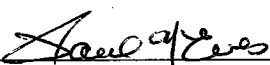
**AFFIDAVIT OF PUBLICATION
STATE OF OREGON,
COUNTY OF KLAMATH**

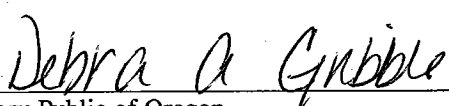
I, Paul M. Eves, Finance Director, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#14581 SALE SON SHELTER NOTICE OF DEFAULT, ELECT a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

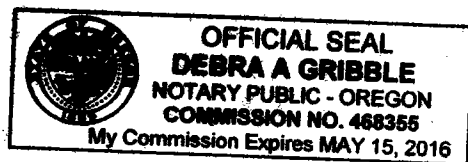
Insertion(s) in the following issues:

09/25/2012 10/02/2012 10/09/2012 10/16/2012

Total Cost: \$1037.00


Subscribed and sworn by Paul M. Eves before me on:
16th day of October in the year of 2012


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



**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, ac-
cording 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.

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, to-
gether with any interest of the Grantor or successors in inter-
est 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.

DATED: July 6, 2012.
Dean S. Kaufman, Successor Trustee
142 West 8th Avenue, Eugene, Oregon 97401.
(541) 342-5587
#14581 September 25, October 02, 09, 16, 2012.