

1st 2119023
AFTER RECORDING, RETURN TO:
Valerie A. Tomasi [EAD]
Tomasi Salyer Baroway
121 SW Morrison, Suite 1850
Portland, OR 97204-3136

2013-012720
Klamath County, Oregon
11/14/2013 10:56:35 AM
Fee: \$72.00

AFFIDAVIT OF COMPLIANCE
with Oregon Laws 2012, chapter 112, section 4a

Grantor:	Donald R. Darden and Beverly A. Darden
Beneficiary:	SOFCU Community Credit Union, as successor-by-merger of Highland Community Federal Credit Union, nka First Community Credit Union
Successor Trustee:	Valerie A. Tomasi
Property Address:	1321 Wilford Ave., Klamath Falls, OR 97601
Instrument/Recording No./ Date or Legal Description	Deed of Trust recorded on September 10, 1998 as Vol. M98, Page 33334

I, Valerie A. Tomasi, being first duly sworn, hereby depose and say that:

(1) I am the attorney for SOFCU Community Credit Union, as successor-by-merger of Highland Community Federal Credit Union, nka First Community Credit Union, who is the beneficiary in the above referenced foreclosure.

(2) To the best of my knowledge, the beneficiary and the trustee as of this date are the beneficiary and trustee named above.

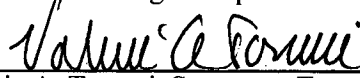
(3) On the date shown and in the manner described on the attached proof of service and in accordance with ORS 86.740, I caused to be served on the grantor written notice that explains in plain language that:

- ☒ the grantor is not eligible for any foreclosure avoidance measure; or
☐ the grantor has not complied with the terms of a foreclosure avoidance measure to which the grantor and beneficiary had agreed.

(4) On the same date, I caused the same notice to be mailed to the Oregon Department of Justice.

(5) By reason of the above, the beneficiary or beneficiary's agent has complied with the requirements of subsections (1) and (2) of Oregon Laws 2012, chapter 112, section 4a.

(6) I have caused a copy of this affidavit to be mailed to the Oregon Department of Justice.


Valerie A. Tomasi, Successor Trustee

State of Oregon)
) ss.
County of Multnomah)

Signed and sworn to (or affirmed) before me this 12th day of November, 2013 by Valerie A. Tomasi.




Notary Public - State of Oregon

After Recording Return To:

Valerie A. Tomasi [EAD]
Tomasi Salyer Baroway
121 SW Morrison, Suite 1850
Portland, OR 97204

AFFIDAVIT OF MAILING FORECLOSURE AVOIDANCE MEASURE NOTICE

STATE OF OREGON)
) ss
County of Multnomah)

I, Bianca Pahl, Receptionist at Tomasi Salyer Baroway, being first duly sworn, depose, say and certify that:

At all times mentioned herein, 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 original Foreclosure Avoidance Measure Notice.

I gave notice of the Lender's determination 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:

Donald R. Darden
1321 Wilford Ave.
Klamath Falls, OR 97601

Beverly A. Darden
1321 Wilford Ave.
Klamath Falls, OR 97601

Donald R. Darden
c/o Beverly A. Darden
c/o April Geddes, Personal Representative
1500 Karen Ave., No. 171
Las Vegas, NV 89169

Beverly A. Darden
c/o April Geddes, Personal Representative
1500 Karen Ave., No. 171
Las Vegas, NV 89169

Each of the notices so mailed was a copy of the original Foreclosure Avoidance Measure 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 at Portland, Oregon, on July 16, 2013. With respect to each person listed above, one such notice was mailed by first class mail to the address indicated, and another such notice was mailed by certified mail with return receipt

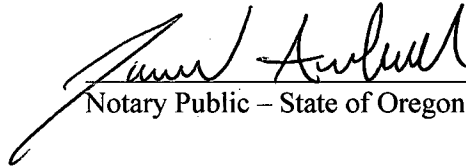
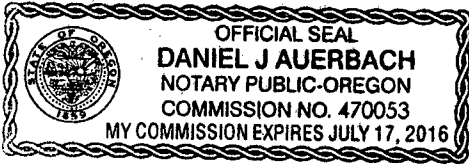
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requested. Each such notice was mailed at least 30 days before the date set for sale in the Trustee's Notice of Sale.



Bianca Pahl, Receptionist

SUBSCRIBED AND SWORN to before me this 16 day of July, 2013.


Notary Public – State of Oregon

**AMENDED
AFFIDAVIT OF SERVICE**

STATE OF NEVADA
County of Clark

ss.

I, Robert Hoadley, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the subject Notice, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise. I made service of a true copy of:

*Trustee's Notice of Sale; Exhibits A and B; Foreclosure Avoidance Measure Notice; and Letter
(dated July 16, 2013 and addressed To Whom It May Concern)*


Pursuant to ORCP 7D(3):

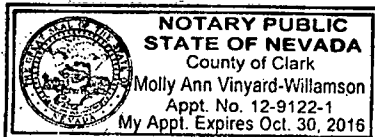
Upon **BEVERLY A. DARDEN c/o April Geddes, Personal Representative**, by delivering such true copy, personally and in person, to April Geddes, who is the Personal Representative thereof, at 1500 Karen Ave., No. 171, Las Vegas, NV 89169 on July 20, 2013 at 9:30 AM.

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 24 day of October, 2013
by Robert Hoadley.


Notary Public

X 
Robert Hoadley
Nationwide Process Service, Inc.
300 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



381562

AMENDED
AFFIDAVIT OF SERVICE

STATE OF NEVADA

County of Clark

ss.

I, Robert Hoadley, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the subject Notice, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise. I made service of a true copy of:

*Trustee's Notice of Sale; Exhibits A and B; Foreclosure Avoidance Measure Notice; and Letter
(dated July 16, 2013 and addressed To Whom It May Concern)*

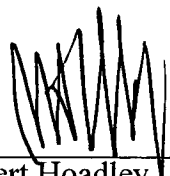
Pursuant to ORCP 7D(3):

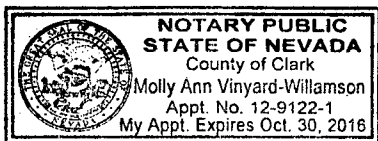
Upon **DONALD R. DARDEN c/o Beverly A. Darden**, by delivering such true copy, personally and in person, to April Geddes, who is the Personal Representative thereof, at 1500 Karen Ave., No. 171, Las Vegas, NV 89169 on July 20, 2013 at 9:30 AM.

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 24 day of October, 2013
by Robert Hoadley.

Molly Ann Vinyard-Williamson
Notary Public

X 
Robert Hoadley
Nationwide Process Service, Inc.
300 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



301561

**AMENDED
AFFIDAVIT OF MAILING**

STATE OF NEVADA

County of Clark

ss.


I, Robert Hoadley, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc.. On July 20, 2013, I mailed a true copy of the Trustee's Notice of Sale; Exhibits A and B; Foreclosure Avoidance Measure Notice; and Letter (dated July 16, 2013 and addressed To Whom It May Concern) by First Class Mail, postage pre-paid, to the Oregon Attorney General.

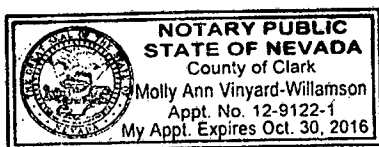
The envelope was addressed as follows:

ATTORNEY GENERAL OF OREGON
OREGON DEPARTMENT OF JUSTICE
1162 COURT STREET NE
SALEM, OR 97301-4096

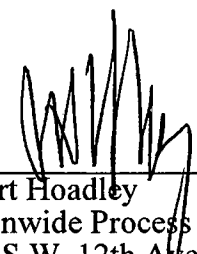
I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 24 day of October, 2013
by Robert Hoadley.


Notary Public



X


Robert Hoadley
Nationwide Process Service, Inc.
1201 S.W. 12th Avenue, Suite 300
Portland, OR 97205
503-241-0636



301562

FORECLOSURE AVOIDANCE MEASURE NOTICE

YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY

Homeowner/Grantor:	Donald R. Darden and Beverly A. Darden
Lender/Beneficiary:	SOFCU Community Credit Union
Property Address:	1321 Wilford Ave, Klamath Falls, OR 97601

Your Lender has determined that:

☒ You are not eligible for any of the following: a forbearance agreement, a temporary or permanent loan modification, a short sale, a deed-in-lieu of foreclosure, or any other foreclosure avoidance measure. The following foreclosure avoidance measures were considered but are not available. The basis for the Lender's determination is (must be described with specificity in plain language):

The grantors are not eligible for a foreclosure avoidance measure due to no response to requests for payments or contact, as they are both deceased.

☐ You are not in compliance with the terms of an agreement with your Lender for forbearance, a temporary or permanent loan modification, a short sale, a deed-in-lieu of foreclosure, or another foreclosure avoidance measure. The basis for the Lender's determination is (must be described with specificity in plain language):

Has the lender been able to make contact with the grantor or receive adequate response from the grantor?

☐ Yes

☒ No

If no, and the grantor is ineligible for a foreclosure avoidance measure because the Lender has been unable to make contact with, or receive adequate response from the grantor, what efforts were made to contact the grantor and what was the nature of the grantor's response (must be described with specificity in plain language):

The grantors are both deceased. Attempts to contact the newly appointed personal representative of the estate are being made.

Your property is currently set for sale on December 12, 2013 @ 11:00am (time/date) at Klamath County Courthouse * (location). If you disagree with your Lender's determination, you should seek legal advice immediately.

* 316 main St., Klamath Falls, Oregon

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 211 or visit www.ohcs.oregon.gov. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636. Free legal assistance may be available if you are very low income. For more information and a directory of legal aid programs, go to www.oregonlawhelp.org.

[Beneficiary/Beneficiary's Agent]

By  Date: 7-3-2013