

2013-012721

Klamath County, Oregon

11/14/2013 10:56:35 AM

Fee: \$92.00

1st 2119023
After Recording Return To:

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

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

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 Trustee's Notice of Sale.

I gave notice of the sale of the real property described in the attached original 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:

Occupants and/or Tenants
1321 Wilford Ave.
Klamath Falls, OR 97601

Donald R. 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

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

April Geddes, Personal Representative
1500 Karen Ave., No. 171
Las Vegas, NV 89169

///

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April Geddes, Personal Representative
c/o Nathan J. Ratliff, Attorney
Parks & Ratliff, P.C.
620 Main St.
Klamath Falls, OR 97601

Carter-Jones Collection Service, Inc.
c/o Kent Pederson, Registered Agent
1143 Pine St.
Klamath Falls, OR 97601

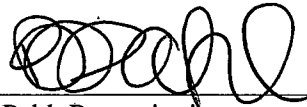
Carter-Jones Collection Service, Inc.
c/o Neal Buchanan, Attorney
435 Oak Ave.
Klamath Falls, OR 97601

Basin Tire Service
c/o Andy Brandsness, Registered Agent
411 Pine St.
Klamath Falls, OR 97601

Basin Tire Service
c/o Mike Romtvedt, President
3313 Washburn Way
Klamath Falls, OR 97603

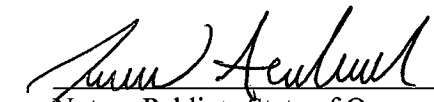
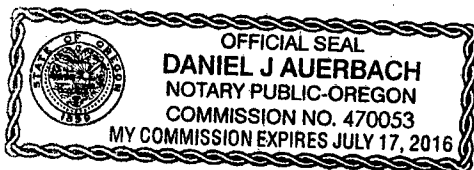
Oregon Dept. of Human Services
Estate Administration Unit
c/o Kathleen E. Rossi, Asst. Estate
Administrator
P.O. Box 14021
Salem, OR 97309-5024

Each of the notices so mailed was a true copy of the original Trustee's Notice of Sale. 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 requested. Each such notice was mailed after the Notice of Default and Election to Sell was recorded and at least 120 days before the Trustee conducts the sale.



Bianca Pahl, Receptionist

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


Notary Public - State of Oregon

TRUSTEE'S NOTICE OF SALE

Reference is made to a certain trust deed ("Trust Deed") made, executed and delivered by **Donald R. Darden and Beverly A. Darden**, as grantor, to **AmeriTitle**, as trustee, in favor of **Highland Community Federal Credit Union**, as beneficiary, dated September 4, 1998, and recorded on September 10, 1998, in Volume M98, Page 33334, in the microfilm records of Klamath County, Oregon. SOFCU Community Credit Union is the successor-by-merger of Highland Community Federal Credit Union. SOFCU Community Credit Union is now known as **First Community Credit Union**.

The Trust Deed covers the following described real property ("Property") situated in said county and state, to-wit:

See attached Exhibit A.

There are defaults by the grantor or other person owing an obligation, the performance of which is secured by the Trust Deed, with respect to provisions therein which authorize sale in the event of default of such provision; the defaults for which foreclosure is made are:

1. Grantor's failure to pay assessments of the City of Klamath Falls which assessments attained priority over the Trust Deed;
2. Grantor's failure to pay real property taxes when due;
3. Commencement of a foreclosure proceeding by the Klamath County Tax Collector;
4. Grantor's failure to avoid having junior liens recorded against the Property; and
5. Grantor's failure to pay when due the following sums: arrearage in the sum of \$2,873.37 as of July 1, 2013, plus additional payments, property expenditures, taxes, liens, assessments, insurance, late fees, attorney's and trustee's fees and costs, and interest due at the time of reinstatement or sale.

By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

Payoff in the sum of \$42,658.89 as of July 1, 2013, plus taxes, liens, assessments, property expenditures, insurance, accruing interest, late fees, attorney's and trustee's fees and costs incurred by beneficiary or its assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on **December 12, 2013**, at the hour of **11:00 a.m.**, in accord with the standard of time established by ORS 187.110, at the following place: **Main Entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon**, sell at public auction to the highest bidder for cash the interest in the above-described Property, which the grantor had or had power to convey at the time of the execution by grantor of the said 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 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 sum 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 not exceeding the amounts provided by said 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 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.

The NOTICE TO RESIDENTIAL TENANTS, attached hereto as Exhibit B, is incorporated herein by reference.

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. UNLESS YOU NOTIFY US WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE 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 NOTICE 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.

DATED: July 15, 2013.



Valerie A. Tomasi, Successor Trustee
Tomasi Salyer Baroway
121 SW Morrison, Suite 1850
Portland, OR 97204
Phone: 503-894-9900; fax: 971-544-7236

Exhibit A
Legal Description

Real property in the County of Klamath, State of Oregon, described as follows:

PARCEL 1:

Lot 24 Block 13, FAIRVIEW 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.

AND ALSO beginning to the Southeast corner of Lot 24 in Block 13, of FAIRVIEW ADDITION; thence North 50 feet; thence East 44 feet; thence South 50 feet; thence West 44 feet to the plat of beginning, being a portion of the NW1/4 SE1/4 of Section 29, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 2:

The Northerly 40 feet of Lot 25, Block 13, FAIRVIEW ADDITION, to the City of Klamath Falls, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and ALSO:

Beginning at the Northeast corner of Lot 25, Block 13, FAIRVIEW ADDITION to the City of Klamath Falls, Oregon, thence Easterly along the Northerly line extended of said Lot 25 a distance of 44 feet; thence Southerly parallel to the Easterly line of said Lot 25 a distance of 40 feet; thence Westerly parallel to said Northerly line of Lot 25 extended a distance of 44 feet to the Easterly line of said Lot 25; thence Northerly along the Easterly line of said Lot 25 to the point of beginning.

Tax Parcel Number: R303040 and R303059

EXHIBIT B
NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **December 12, 2013**. 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:

- 1) THE REMAINDER OF YOUR FIXED TERM LEASE, IF YOU HAVE A FIXED TERM LEASE; OR**
- 2) 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. 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.

HOW TO FIND A LAWYER: If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763, or toll free in Oregon at (800) 452-7636, or you may 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 www.oregonlawhelp.org.

AFFIDAVIT OF POSTING

STATE OF OREGON

County of Klamath

ss.

I, Robert Bolenbaugh, 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 original trustee's Notice of Sale attached hereto, 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 the attached original Trustee's Notice of Sale; Exhibits A and B and Letter (dated July 16, 2013 and addressed To Whom It May Concern) upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "**Property Address**":

**1321 Wilford Ave.
Klamath Falls, OR 97601**

As follows:

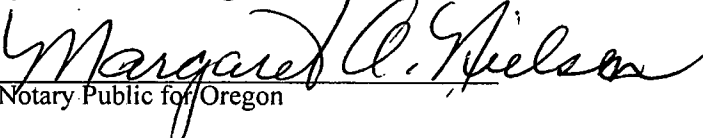
On 07/23/2013 at 3:57 PM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.750 (1)(b)(A).

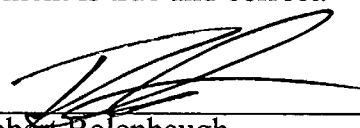
On 07/30/2013 at 3:25 PM, I returned to the Property Address. A locked gate and "NO TRESPASSING" sign continue to exist at the entrance to the Property Address effectively preventing lawful access to the Property. At that time, I POSTED such true copy conspicuously and securely on the locked gate, pursuant to ORS 86.750 (1)(b)(B).

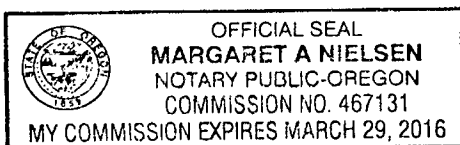
On 08/01/2013 at 5:58 PM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.750(1)(b)(C).

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

SUBSCRIBED AND SWORN BEFORE ME
this 7th day of August, 2013
by Robert Bolenbaugh.


Notary Public for Oregon

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



301560

AFFIDAVIT OF MAILING

STATE OF OREGON
County of Multnomah

ss.

I, Mary Brodbeck, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On August 05, 2013, I mailed a copy of the Trustee's Notice of Sale; Exhibits A and B and Letter (dated July 16, 2013 and addressed To Whom It May Concern), by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.750(1)(b)(C).

The envelope was addressed as follows:

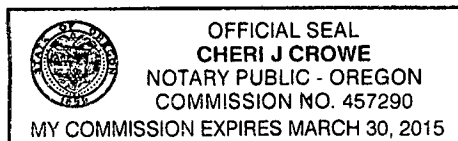
OCCUPANT
1321 Wilford Ave.
Klamath Falls, OR 97601

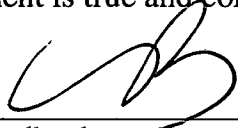
This mailing completes service upon an occupant at the above address with an effective date of 07/23/2013 as calculated pursuant to ORS 86.750 (1)(c).

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

SUBSCRIBED AND SWORN BEFORE ME
this 5 day of August, 2013
by Mary Brodbeck.

Cheri J Crowe
Notary Public for Oregon



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



301560

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Linda Culp, Human Resources, being first duly sworn, depose and say that I am the principal clerk of the publisher of the Herald and News a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state: that I know from my personal knowledge that the

Legal # 15174

Trustee's Notice of Sale

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

Insertion(s) in the following issues:

10/01/13 10/08/13

10/15/13 10/22/13

Total Cost: \$1,635.86

Linda Culp

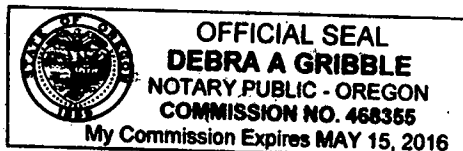
Subscribed and sworn by Linda Culp

before me on: October 29, 2013

Debra A Gribble

Notary Public of Oregon

My commission expires May 15, 2016



TRUSTEE'S NOTICE OF SALE

Reference is made to a certain trust deed ("Trust Deed") made, executed and delivered by **Donald R. Darden and Beverly A. Darden**, as grantor, to **AmeriTitle**, as trustee, in favor of **Highland Community Federal Credit Union**, as beneficiary, dated September 4, 1998, and recorded on September 10, 1998, in Volume M98, Page 33334, in the microfilm records of Klamath County, Oregon. SOFCU Community Credit Union is the successor-by-merger of Highland Community Federal Credit Union. SOFCU Community Credit Union is now known as **First Community Credit Union**. The Trust Deed covers the following described real property ("Property") situated in said county and state, to-wit: See attached Exhibit A.

Exhibit A Legal Description

Real property in the County of Klamath, State of Oregon, described as follows:

PARCEL 1:

Lot 24 Block 13, FAIRVIEW 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.

AND ALSO beginning to the Southeast corner of Lot 24 in Block 13, of FAIRVIEW ADDITION; thence North 50 feet; thence East 44 feet; thence South 50 feet; thence West 44 feet to the plat of beginning, being a portion of the NW1/4 SE1/4 of Section 29, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 2:

The Northerly 40 feet of Lot 25, Block 13, FAIRVIEW ADDITION, to the City of Klamath Falls, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and ALSO:

Beginning at the Northeast corner of Lot 25, Block 13, FAIRVIEW ADDITION to the City of Klamath Falls, Oregon, thence Easterly along the Northerly line extended of said Lot 25 a distance of 44 feet; thence Southerly parallel to the Easterly line of said Lot 25 a distance of 40 feet; thence Westerly parallel to said Northerly line of Lot 25 extended a distance of 44 feet to the Easterly line of said Lot 25; thence Northerly along the Easterly line of said Lot 25 to the point of beginning.

Tax Parcel Number: R303040 and R303059

There are defaults by the grantor or other person owing an obligation, the performance of which is secured by the Trust Deed, with respect to provisions therein which authorize sale in the event of default of such provision; the defaults for which foreclosure is made are:

1. Grantor's failure to pay assessments of the City of Klamath Falls which assessments attained priority over the Trust Deed;
2. Grantor's failure to pay real property taxes when due;
3. Commencement of a foreclosure proceeding by the Klamath County Tax Collector;
4. Grantor's failure to avoid having junior liens recorded against the Property; and
5. Grantor's failure to pay when due the following sums: arrearage in the sum of \$2,873.37 as of July 1, 2013, plus additional payments, property expenditures, taxes, liens, assessments, insurance, late fees, attorney's and trustee's fees and costs, and interest due at the time of reinstatement or sale.

By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

Payoff in the sum of \$42,658.89 as of July 1, 2013, plus taxes, liens, assessments, property expenditures, insurance, accruing interest, late fees, attorney's and trustee's fees and costs incurred by beneficiary or its assigns.

WHEREFORE, notice hereby is given that the undersigned trustee will on **December 12, 2013**, at the hour of **11:00 a.m.**, in accord with the standard of time established by ORS 187.110, at the following place: **Main Entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon**, sell at public auction to the highest bidder for cash the interest in the above-described Property, which the grantor had or had power to convey at the time of the execution by grantor of the said 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 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 sum 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 not exceeding the amounts provided by said 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 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.

The **NOTICE TO RESIDENTIAL TENANTS**, attached hereto as Exhibit B, is incorporated herein by reference. [Exhibit B, **NOTICE TO RESIDENTIAL TENANTS**, is not published pursuant to 86.750(2)(b).]

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. UNLESS YOU NOTIFY US WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE 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 NOTICE 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.

DATED: July 15, 2013.

Valerie A. Tomasi, Successor Trustee

Tomasi Salyer Baroway

121 SW Morrison, Suite 1850, Portland, OR 97204

Phone: 503-894-9900; fax: 971-544-7236

#15174 October 01, 08, 15, 22, 2013.