

2014-000143

Klamath County, Oregon

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



00147065201400001430050050

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE:  
Trust Deed from Jerome A. Fanaro & Davonna M. Fanaro

01/08/2014 01:20:28 PM

Fee: \$62.00

TO

Bruce E. Brink, Beneficiary

After recording return to: Successor trustee  
Scott D. MacArthur,  
125 S. 6th Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, being first duly sworn, depose, and say and certify that:

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 beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain 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, together with Important Notice Regarding Alternatives to Foreclosure and Notice to Tenants where applicable, to-wit:

Jerome A. Fanaro, 2447 Reclamation Avenue, Klamath Falls, OR 97601

Davonna M. Fanaro, 2447 Reclamation Avenue, Klamath Falls, OR 97601

Fisher Nicholson Realtors, LLC, an Oregon Limited Liability Company, 403 Main Street, Klamath Falls, OR 97601

Chuck Fisher, Registered Agent, Fisher Nicholson Realtors, LLC, an Oregon Limited Liability Company, 403 Main Street, Klamath Falls, OR 97601

D.A. Summers, dba Judgment Resolution, 1990 N. California Blvd., Suite 830, Walnut Creek, CA 94596

Carter-Jones Collection Services, C/O Neal Buchanan, Attorney at Law, 435 Oak Street, Klamath Falls, OR 97601

Midland Funding, LLC, C/O Daniel N. Gordon, P.C., P.O. Box 22338, Eugene, OR 97402

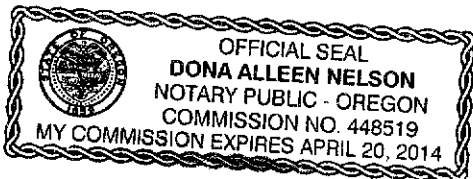
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest 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 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 Scott D. MacArthur, attorney for the 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 Klamath Falls, Oregon, on September 24, 2013, with the exception of the the notice to Chuck Fisher, Registered Agent, Fisher Nicholson Realtors, LLC, an Oregon Limited Liability Company, which was deposited by me in the United States post office at Klamath Falls, Oregon, on October 4, 2013. 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 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.

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

  
\_\_\_\_\_  
Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 8<sup>th</sup> day of January, 2014.



  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires 4-20-14

**AFFIDAVIT OF POSTING NOTICE OF SALE IN LIEU OF SERVICE**

After Recording return to:  
Scott D. MacArthur, P.C.  
125 S. 6th Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Greg Rote, being first duly sworn, depose and certify that:

At all times hereinafter mentioned, I was and now am, a resident of the State of Oregon, a competent person over the age of 18 years and not the beneficiary or his successor in interest name in the notice of sale given under the terms of that certain trust deed described in said notice.

I posted the Notice of Sale of the real property in the Notice of Sale posting said notice on the premises of:

**NAME:**

**ADDRESS:**

Jerome A. Fanaro & Davonna M. Fanaro

2447 Reclamation Avenue, Klamath Falls, OR 97601

Each of the notices so posted was certified to be a true copy of the original notice of sale and Important Notice Regarding Alternatives To Foreclosure by Scott D. MacArthur, attorney for the trustee named in said notice; and was posted by me on 9-26-, 2013. Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded and at least 90 days before the day fixed in said notice by the trustee for the trustee's sale.

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

Greg Rote

Subscribed and sworn to before me this 26 day of September, 2013.

Kathleen L. Eck

Notary Public for Oregon

My Commission Expires: 12/12/15



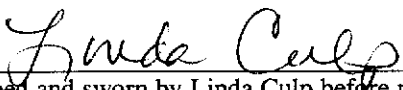
**AFFIDAVIT OF PUBLICATION  
STATE OF OREGON,  
COUNTY OF KLAMATH**

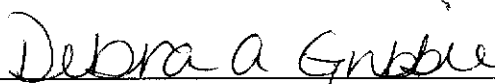
I, Linda Culp, Human Resources, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#15279 SALE BRINK/FANARO NOTICE OF DEFAULT AND EL a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

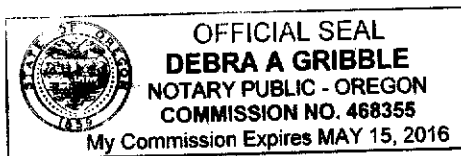
Insertion(s) in the following issues:

11/23/2013 11/30/2013 12/07/2013 12/14/2013

Total Cost: \$1553.24

  
Subscribed and sworn by Linda Culp before me on:  
16th day of December in the year of 2013

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



**NOTICE OF DEFAULT AND ELECTION TO SELL**

KNOW ALL MEN BY THESE PRESENTS, that JEROME A. FANARO and DAVONNA M. FANARO, Husband and Wife, is the grantor, and FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, is the trustee, and BRUCE BRINK is the beneficiary under that certain trust deed dated June 14, 2006, and recorded on July 7, 2006, in book/reel/volume No. M-06 at page 013781 of the Mortgage Records of Klamath County, Oregon.  
Lot 726 in Block 129, MILLS 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.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a Notice of Default has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payments in the amount of \$743.80 per month for the months of December 2006 - April 2007; June 2007; September 2007; December 2007; May 2010; January 2011 - June 2011; June 2012; August 2012; and October 2012 through the present.

Taxes for the fiscal year 2007-2008, delinquent in the sum of \$668.23, plus interest.

Taxes for the fiscal year 2012-2013, delinquent in the sum of \$719.74, plus interest.

Judgment Lien in favor of Scott G. Campbell in Klamath County Circuit Case 0800569-CV.

Judgment Lien in favor of Scott G. Campbell in Klamath County Circuit Case 0800569-CV.

Judgment Lien in favor of D.A. Summers recorded at Volume 2008 at Page 008585.

Judgment Lien in favor of Carter-Jones Collections Services in Klamath County Circuit Case 1003613-CV.

Judgment Lien in favor of Midland Funding in Klamath County Circuit Case 1004052-CV.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: \$92,129.81 as of September 24, 2013 plus interest and costs.

WHEREFORE, notice is given that the undersigned trustee will on February 1, 2014 at the hour of 11:00 a.m. Standard time, as established by Section 187.110, Oregon Revised Statutes, at 125 S. 6<sup>th</sup> Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs or their successors in interest acquired after the execution of said trust deed, to satisfy the foregoing 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 Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 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's and attorney's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

#### NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could effect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed term lease, the purchaser may require you to move out after giving you a 30 day notice on or after the date of the sale. If you have a fixed term lease, you may be entitled to receive after the date of sale a 60 day notice of the purchaser's requirement that you move out. To be entitled to a 30 day or 60 day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is January 1, 2014. The name of the trustee and the trustee's mailing address are listed on this notice. Federal law may grant you additional rights including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law. You have the right to apply your security deposit and any prepaid rent toward your current obligations under your rental agreement.

If you want to do so, you must notify your landlord in writing and in advance that you intend to do so. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. The Oregon State Bar attorney referral service may be reached at (800) 452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Legal Aid may be reached at (800) 480-9160.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 Fair Debt Collection Practices Act required that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings. This shall not be construed to be an attempt to collection the outstanding indebtedness or hold you personally liable for the debt.

DATED: November 15, 2013.

/s/Scott D. MacArthur, Successor Trustee

125 S. 6<sup>th</sup> Street, Klamath Falls, OR 97601

#15279 November 23, 30, December 07, 14, 2013.