

2014-000800

Klamath County, Oregon

After recording return to:
 Schmid Malone LLC
 550 NW Franklin Ave., Ste. 378
 Bend, OR 97701



00147880201400008000100101

01/29/2014 09:11:45 AM

Fee: \$87.00

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

I, Kyle Schmid, depose, say and certify that I am the successor trustee in that trust deed made by Darrell McAllister and Norma McAllister, grantor, to First American Title Insurance Company of Oregon as trustee, in favor of The Theodore M. Rosen and Ileyne C. Rosen 2007 Revocable Trust, beneficiary, dated November 12, 2008, recorded November 19, 2008, in the official records of Klamath County, Oregon instrument no. 2008-015596 covering the property described in the attached Trustee's Notice of Sale.

I certify that I mailed, by first class mail and by certified mail, return receipt requested, a copy of the attached Trustee's Notice of Sale to the persons listed below, on the date and to the addresses indicated, which was the last known addresses available to the Successor Trustee, by placing said notice in a sealed envelope, with postage fully paid thereon, and depositing the same in the United States Mail:

<u>Person/Entity</u>	<u>Address</u>	<u>Date</u>
Darrell McAllister	PO Box 990, LaPine, OR 97739	9/27/2013
Darrell McAllister	9012 Split Rail Rd., LaPine, OR 97739	9/27/2013
Norma McAllister	PO Box 990, LaPine, OR 97739	9/27/2013
Norma McAllister	9012 Split Rail Rd., LaPine, OR 97739	9/27/2013
Unifund CCR Partners	c/o Daniel N. Gordon, P.C. and Lindsay K. Wostmann, PO Box 22338, Eugene, OR 97402	9/27/2013

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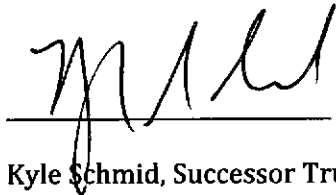
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Oregon Dept. of Consumer
and Business Services
Collections Unit

350 Winter St. NE Room 400
PO Box 14480, Salem OR 97309-0405

9/27/2013



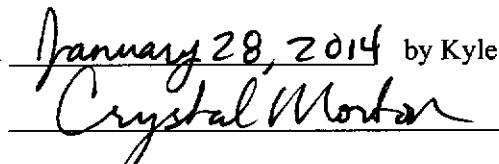
Kyle Schmid, Successor Trustee

550 NW Franklin Ave, Ste. 378

Bend, OR 97701

State of Oregon)
)
County of Deschutes) ss.

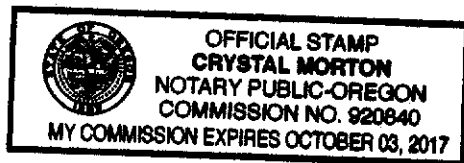
This instrument was acknowledged before me on January 28, 2014 by Kyle Schmid.



Notary Public for Oregon

Commission No.: 920840

My Commission Expires: 10/03/17



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Darrell McAllister and Norma McAllister, grantor, to First American Title Insurance Company of Oregon as trustee, in favor of The Theodore M. Rosen and Ileyne C. Rosen 2007 Revocable Trust, beneficiary, dated November 12, 2008, recorded November 19, 2008, in the official records of Klamath County, Oregon instrument no. 2008-015596 covering the following described real property (the "Property"), to-wit:

A TRACT OF LAND SITUATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 23 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 27; THENCE NORTH 00° 13' 02" WEST 990.46 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00° 13' 02" WEST 329.30 FEET; THENCE EAST 661.19 FEET; THENCE SOUTH 00° 17' 12" EAST 329.30 FEET; THENCE WEST 661.59 FEET TO THE TRUE POINT OF BEGINNING.

The name and address of the Successor Trustee are as follows:

Kyle Schmid
550 NW Franklin, Ste. 378
Bend, OR 97701

Both the Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations that the Trust Deed secures and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3). The defaults for which the foreclosure is made are:

- Allowing attachment of a lien by Unifund CCR Partners & Daniel N. Gordon, P.C. & Lindsay K. Wostmann, Attorneys.
- Allowing attachment of a lien by the Oregon Department of Consumer and Business Services.
- Failure to pay taxes when due.
- Failure to pay amounts due under the Trust Deed referenced above.


By reason of said defaults the Beneficiary has declared all sums owing on the obligation that the Trust Deed secures immediately due and payable, said sums being the following, to-wit: The principal sum owing on the promissory note secured by the trust deed of \$50,000.00, together with all interest thereafter accruing at the rate of 8.5% per annum until paid, late fees, title expenses, costs, and trustee's and attorney's fees incurred herein by reason of said default, and any sums advanced by the beneficiary for the protection of the above Property and its interest therein.

WHEREFORE, notice is hereby given that Kyle Schmid, the undersigned Successor Trustee, will, on **January 29, 2014**, at the hour of **10:00 AM** in accord with the standard of time established by ORS 187.110, at the following place: **Front steps of Klamath County Courthouse, 316 Main Street, Klamath Falls, OR 97601**, sell at public auction to the highest

bidder for cash the interest in the described real property which the grantor 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 aft the execution of the 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 ORS 86.753 has the right, at any time that is not later than five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by paying 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 in the notice of default that is capable of being cured by tendering the performance required under the obligation that the Trust Deed secures, 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 that the Trust Deed secures, together with the Trustee's and attorney fees not exceeding the amounts provided by ORS 86.753. You may reach 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, contact the Oregon State Bar at the phone numbers indicated above or go to <http://www.oregonlawhelp.org>.

Dated: September 27, 2013.



Kyle Schmid, Successor Trustee

For further information, please contact:

Kyle Schmid, Successor Trustee
Schmid Malone LLC
550 NW Franklin Ave, Ste. 378
Bend, OR 97701
(541) 388-1107

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **January 29, 2014**, at the hour of **10:00 AM** in accord with the standard of time established by ORS 187.110, at the following place: **Front steps of Klamath County Courthouse, 316 Main Street, Klamath Falls, OR 97601**. 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. 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: 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 identified in this Trustee's Notice of Sale.

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 July 24, 2013 (date) to bring your mortgage loan current was \$4,924.00. 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 may call 541-388-1107 (telephone 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: Kyle Schmid, Schmid Malone LLC, 550 NW Franklin, Ste. 378, Bend, OR 97701.

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

January 29, 2014, at the hour of **10:00 AM** in accord with the standard of time established by ORS 187.110, at the following place: **Front steps of Klamath County Courthouse, 316 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 anytime before the sale.
3. You can call Kyle Schmid at 541-388-1107 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 telephone number of an organization near you, please call the statewide telephone contact number at 1-800-SAFENET (723-3638) or visit the Oregon Foreclosure

Page 35 of 40 [Rev. 7/30/2013] PROFESSIONAL LIABILITY FUND (TRUST DEED FORECLOSURE CHECKLIST.DOC)

Help Web site at <http://oregon.gov/DCBS/foreclosurehelp/index.shtml>. You may also wish to talk to 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 Web site 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.osbar.org/public/ris/LowCostLegalHelp/LegalAid.html>.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: September 27, 2013

Trustee name: Kyle Schmid

Trustee signature: _____

Trustee telephone number: 541-388-1107

After recording return to:
Schmid Malone LLC
550 NW Franklin Ave., Ste. 378
Bend, OR 97701

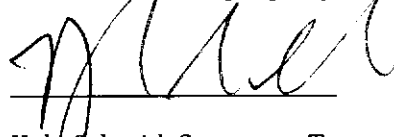
AFFIDAVIT OF NON-OCCUPANCY

I, Kyle Schmid, depose, say and certify that I am the successor trustee in that trust deed made by Darrell McAllister and Norma McAllister, grantor, to First American Title Insurance Company of Oregon as trustee, in favor of The Theodore M. Rosen and Ileyne C. Rosen 2007 Revocable Trust, beneficiary, dated November 12, 2008, recorded November 19, 2008, in the official records of Klamath County, Oregon instrument no. 2008-015596 covering the following described real property (the "Property"), to-wit:

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BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 27; THENCE NORTH 00° 13' 02" WEST 990.46 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00° 13' 02" WEST 329.30 FEET; THENCE EAST 661.19 FEET; THENCE SOUTH 00° 17' 12" EAST 329.30 FEET; THENCE WEST 661.59 FEET TO THE TRUE POINT OF BEGINNING.

I certify that as of September 9, 2013, the above-described real property was not occupied.



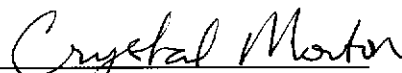
Kyle Schmid, Successor Trustee

550 NW Franklin Ave, Ste. 378

Bend, OR 97701

State of Oregon)
) ss.
County of Deschutes)

This instrument was acknowledged before me on January 28, 2014 by Kyle Schmid.



Notary Public for Oregon

Commission No.: 920840

My Commission Expires: 10/03/17

