

2014-001347

Klamath County, Oregon



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Fee: \$62.00

FORM No. 1174—AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE—Oregon Trust Deed Series.

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE. 97204

OC



## AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE

(after release from stay)

STATE OF OREGON, County of Josephine, ss:I, Sharon Deardorff, 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 his successor in interest named in the attached original 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 Amended Trustee's Notice of Sale by mailing a copy thereof by registered or certified mail to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

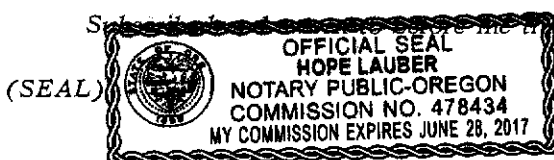
NAME	ADDRESS
Geo. Ann Baker, Trustee	PO Box 734, Chiloquin, OR 97624
Occupants	522 S. Park Street, Chiloquin, OR 97624
Andrew S. Mathers	250 NW Franklin Ave #401, Bend, OR 97701
Attorney for Debtor	
Joseph M. Charter-Bankruptcy Trustee	258 "A" St., Suite 1-64, Ashland, OR 97520
Jason Hayward	717 NW 5th Street, Grants Pass, OR 97526
Attorney for Creditor	

Said Amended Trustee's Notice of Sale was given in compliance with ORS 86.755(6), within 30 days after release from a stay of the foreclosure proceedings, and the above named persons include all of those persons listed in ORS 86.740 and ORS 86.750(1).

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Patrick J. Kelly, 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 Grants Pass, Oregon, on January 21, 2014 ~~XXXXXX~~ which was within 30 days after release from a stay of the foreclosure proceeding set forth therein.

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

SHARON DEARDORFF



14 day of February, 2014  
Hope Lauber  
 Notary Public for Oregon.  
 My commission expires 6-28-2017

NOTE: An original amended notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

**AFFIDAVIT OF MAILING  
AMENDED TRUSTEE'S NOTICE OF SALE**  
 (after release from stay)

Re: Trust Deed From

Geo. Ann Baker Trust

PO Box 734

Chiloquin, OR 97624

Grantor

to

First American Title Ins. Co.

404 Main Street, Suite 1

Klamath Falls, OR 97601

Trustee

AFTER RECORDING RETURN TO

**PATRICK J. KELLY**  
 ATTORNEY AT LAW  
 717 N.W. 5th STREET  
 GRANTS PASS, OR 97526

(DON'T USE THIS  
SPACE: RESERVED  
FOR RECORDING  
LABEL IN COUN-  
TIES WHERE  
USED.)

STATE OF OREGON,

County of \_\_\_\_\_ } ss.

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Mortgages of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_ Deputy

**AMENDED TRUSTEE'S NOTICE OF SALE** (after release from stay)

*Reference is made to that certain trust deed made by Geo. Ann Baker, Trustee of the Geo. Ann Baker Trust under agreement dated 12/7/98, as Grantors, to First American Title Insurance Company of Oregon, as Trustee, in favor of Ronald J. Young, as Beneficiary, dated June 18, 2010, recorded on June 25, 2010, in the Official Records of Klamath County, Oregon, in, as Document #2010-007696, covering the following described real property situated in that county and state, to-wit:*

**Lots 38 and 39, Ponderosa Park, in the City of Chiloquin, Klamath County, Oregon, according to the official plat thereof on file and of record in the office of the County Clerk of Klamath County, Oregon.**

Said real property is commonly known as: **522 S. Park Street, Chiloquin, Oregon.**

PATRICK J. KELLY, Attorney at Law, OSB #79-2882, is now the Successor Trustee. His office is located at 717 NW Fifth St., Grants Pass, OR 97526. His telephone number is (541) 474-1908.

The beneficiary's interest in said trust deed was assigned to: **None**

*Both the beneficiary and/or the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made in grantor's failure to pay when due the following sums:*

**The December 24, 2011 monthly installment in the amount of \$358.68 and each month thereafter, plus buyer's fees of \$153.00, plus late charges of \$286.88.**

*By reason of the default just described, the beneficiary has declared all sums owing on the obligation that the trust deed secures immediately due and payable, those sums being the following, to-wit:*

**The unpaid principal balance in the amount of \$23,504.87 with interest thereon at 12% per annum from January 11, 2012 until paid, plus late charges of \$286.88.**

*The Notice of Default and original Notice of Sale given pursuant thereto stated that the property would be sold on **October 23, 2013**, at the hour of **10:30 o'clock am**, in accord with the standard of time established by ORS 187.110, at **Front entrance of the Klamath County Courthouse, 316 Main Street, in the city of Klamath Falls, County of Klamath, State of Oregon**; however, subsequent to the recording of said Notice of Default the original sale proceedings were stayed by order of the court or by proceedings under the National Bankruptcy Act or for other lawful reason. The beneficiary did not participate in obtaining such stay. Said stay was terminated on **January 7, 2014**.*

*WHEREFORE, notice hereby is given that the undersigned trustee will on **February 18, 2014**, at the hour of **10:30 o'clock, am**, in accord with the standard of time established by ORS 187.110 at **The front entrance of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon**, (which is the new date, time and place set for said sale), sell at public auction to the highest bidder for cash the interest in the real property described above which the grantor had or had power to convey at the time the grantor executed the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed will be sold by the undersigned trustee at public auction to the highest bidder for cash to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee.*

## **NOTICE TO RESIDENTIAL TENANTS:**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for FEBRUARY 18, 2014. 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 60 DAYS FROM THE DATE YOU ARE GIVEN A WRITTEN TERMINATION NOTICE, IF YOU HAVE A FIXED TERM LEASE; OR AT LEAST 30 DAYS FROM THE DATE YOU ARE GIVEN A WRITTEN TERMINATION NOTICE, IF YOU HAVE A MONTH-TO-MONTH OR WEEK-TO-WEEK RENTAL AGREEMENT.**

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 30 days, even though you have a fixed term lease with more than 30 days left. You must be provided with at least 30 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 30 or 60 days. 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 30 or 60 days. 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.**

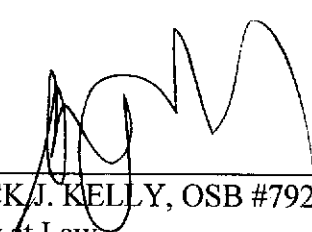
*Notice is further given that any person named in ORS 86.753 that the right exists under ORS 86.753 to have the proceeding dismissed and the trust deed reinstated by paying the entire amount then due, together with costs, trustee's fees and attorney fees, and by curing any other default complained of in the notice of default, at any time that is not later than five days before the date last set for the sale.*

*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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.*

## FAIR DEBT COLLECTION PRACTICES ACT NOTICE

**Trustee is a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.**

DATED: January 9, 2014



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PATRICK J. KELLY, OSB #792882  
Attorney at Law  
717 NW Fifth St.  
Grants Pass, OR 97526  
(541) 474-1908

*State of Oregon, County of Josephine ) ss.*

*I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.*

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PATRICK J. KELLY      Attorney for Trustee