



Robert Gunderson, Jr., Grantor(s)  
18051 Hwy 58  
Crescent Lake, OR 97733

**2014-002492**

**Klamath County, Oregon**

03/24/2014 09:59:07 AM

Fee: \$57.00

John W. Weil, Successor Trustee  
10300 SW Greenburg Rd, Suite 430  
Portland, OR 97223

**After recording return to:**

John W. Weil, Successor Trustee  
10300 SW Greenburg Rd, Suite 430  
Portland, OR 97223

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to the deed of trust under which Robert G. Gunderson, Jr. is the grantor First American Title Insurance Company of Oregon is the trustee, and Vanderbilt Mortgage and Finance, Inc. is the beneficiary, which was dated November 6, 2008 and recorded on November 12, 2008 as Recording No. 2008-015260 in the Official Records of Klamath County, Oregon. Said deed of trust covers the following described real property situated in the above-mentioned county and state, to-wit:

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

A parcel of land situated in Section 18, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the East one-quarter corner of Section 18, Township 24 South, Range 7 East of the Willamette Meridian; thence North 1° 03' 41" East 546.65 feet along the East line of said Section 18 to the true point of beginning on the Northerly right of way line of the Willamette Highway No. 58; thence North 52° 43' 28" West 1191.49 feet along said right of way line to a point opposite to and 40.00 feet from the centerline station 770+88.4 P.C.; thence, continuing along said right of way line and along the arc of a curve to the right having a radius of 5689.58 feet to a point on the North line of the SE1/4 of the NE1/4 of said Section 18, which bears North 52° 20' 56" West 74.59 feet from the last described point; thence South 89° 54' 39" East 1021.36 feet to the Northeast corner of the SE1/4 of the NE1/4 of said Section 18; thence South 1° 03' 41" West 765.74 feet to the true point of beginning in Klamath County, Oregon.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the records of the county or counties in which the above-described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor, or grantor's successor in interest, 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 default for which foreclosure is made is grantor's failure to pay when due the following sums:

Failure to make monthly payments of **\$887.85** each due on the 1st day of September 2013 through March 1, 2014.

5700

By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

**\$163,681.74**; plus a per diem of \$19.87; plus attorney and trustee's fees and costs.

Notice is hereby given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantors have, or have the power to convey, at the time of the execution by grantors of the trust deed, together with any interest grantor or grantors' successor interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorney(s).

The sale will be held at **11:00 A.M.**, in accord with the standard of time established by ORS 187.110, on **Friday, August 29, 2014** at the following place: the **Klamath County Courthouse located at 316 Main St, Klamath Falls, OR 97601**.

Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to grantors or of any lessee or other person in possession of or occupying the property.

Notice is further given that any person named in ORS 86.778 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 the 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 fees not exceeding the amounts provided by ORS 86.778.

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.

The beneficiary is exempt from ORS 86.726(1)(b)(A) (Foreclosure Avoidance Mediation Program). The Beneficiary Exemption Affidavit was filed with the Office of the Attorney General of Oregon on January 21, 2014 and a copy of said Affidavit is attached hereto.

*The total amount due on the debt as of the date of this notice is \$163,681.74. Unless you notify this office in writing within 30 days after receiving this communication that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this communication that you dispute the validity of the debt or any portion thereof, this office will obtain a verification of debt and mail you a copy of the verification. If you request this office in writing within 30 days from receiving this communication this office will provide you with the name and address of the original creditor, if different from the current creditor.*

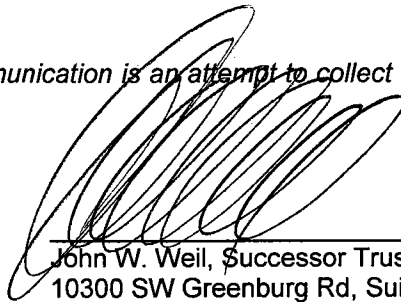
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*We are a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.*

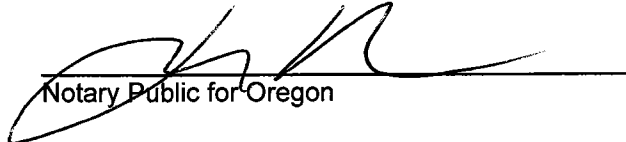
DATED: March 19, 2014.



John W. Weil, Successor Trustee  
10300 SW Greenburg Rd, Suite 430  
Portland, OR 97223  
Telephone: (503) 226-0500

STATE OF OREGON    )  
                              ) ss.  
County of Washington )

This instrument was acknowledged before me by John W. Weil on March 19, 2014.



Notary Public for Oregon

RECEIVED

JAN 21 2014

**After recording, return to:**

Attn: James Horn  
Vanderbilt Mortgage and Finance, Inc.  
PO Box 9800  
Maryville, TN 37802

DEPARTMENT OF JUSTICE  
PORTLAND LEGAL

**OREGON FORECLOSURE AVOIDANCE PROGRAM  
BENEFICIARY EXEMPTION AFFIDAVIT**

Lender/Beneficiary:	Vanderbilt Mortgage and Finance, Inc.
Jurisdiction*	Tennessee

\*If Lender/Beneficiary is not a natural person, provide the state or other jurisdiction in which the Lender/Beneficiary is organized.

I, Robert Morris (printed name) being first duly sworn, depose, and state that:

This affidavit is submitted for a claim of exemption to the Office of the Attorney General of Oregon under Oregon Laws 2013, chapter 304, §2(1)(b).

1. The above named individual or entity commenced or caused an affiliate or agent of the individual or entity to commence the following number of actions to foreclose a residential trust deed by advertisement and sale under ORS 86.735 or by suit under ORS 88.010 during the calendar year preceding the date of this affidavit: 20 [not to exceed 175];
2. The undersigned further certifies that she/he: [check only one of the following boxes]  
☐ is the individual claiming exemption from requirements established under Or Laws 2013, ch 304, or  
☒ is the Assistant Secretary [insert title] of the entity claiming exemption from requirements established under Or Laws 2013, ch 304, and is authorized by such entity to execute this affidavit on its behalf.

(Signature)

State of Tennessee )

) ss.

County of Blount )

Signed and sworn to (or affirmed) before me this 21 day of January, 2014  
by Robert Morris, Assistant Secretary of Vanderbilt Mortgage and Finance, Inc.

Notary Public for Tennessee

My commission expires: 4/24/2017

