

**2014-003279****Klamath County, Oregon****04/14/2014 12:03:56 PM****Fee: \$157.00****AFTER RECORDING RETURN TO:**

Anderson & Monson, P.C.  
Cascade Square - Suite 450  
8625 SW Cascade Avenue  
Beaverton, Oregon 97008

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

STATE OF OREGON                    )  
  ) ss.  
County of Washington            )

I, Miles D. Monson, first duly sworn, depose and say:

I 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 Trustee's Notice of Sale.

I mailed a true copy of the attached Trustee's Notice of Sale attached hereto 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:

<u>NAME</u>	<u>ADDRESS</u>
Seth W. Hartman, Sr.	3630 Crest Street Klamath Falls, Oregon 97603
Gloria J. Hartman	3630 Crest Street Klamath Falls, Oregon 97603
Douglas V. Osborne	Attorney for Seth and Gloria Hartman 439 Pine Street Klamath Falls, Oregon 97601
All Occupants	3630 Crest Street Klamath Falls, Oregon 97603
Claudia Belluzzo	927 W. Wyndemere Dr. Boise, Idaho 83702
Larry D. Melton	1050-A N. Carpenter Road Modesto, CA 95351

*\$157.00*

<u>NAME</u>	<u>ADDRESS</u>
WFS Financial, Inc.	c/o Michael J. Farrell, Esq. Martin Bischoff et al LLP 888 SW 5th Avenue, Suite 900 Portland, Oregon 97204
Wells Fargo Dealer Services, Inc. fka WFS Financial, Inc.	c/o Corporation Service Company 285 Liberty Street NE Salem, Oregon 97301
Wells Fargo Dealer Services, Inc. fka WFS Financial, Inc.	c/o Corporation Service Company c/o Wells Fargo Law Department 301 S. College Street Charlotte, NC 28288
WFS Financial, Inc.	c/o Beverly W. Jackson, Authorized Repr. 301 S. College Street Charlotte, NC 28288
State of Oregon	Klamath County Circuit Court Case No. 1201239CV c/o Attorney General 1162 Court Street, NE Salem, Oregon 97301
Nationwide Mutual Insurance Company	c/o Susan Hatfield, Assoc. Vice President One Nationwide Plaza - 03-04-101 Columbus, OH 43216
Nationwide Mutual Insurance Company	c/o CT Corporation System, Registered Agent 388 State Street, Suite 420 Salem, Oregon 97301

Each copy was contained in a sealed envelope, with postage prepaid, and was deposited in the United States post office at Beaverton, Oregon, on December 16, 2013. Each of the notices was mailed after the Notice of Default and Election to Sell was recorded.

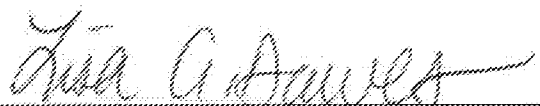
The above-named include (a) the Grantor in the Trust Deed, (b) any successor in interest to the Grantor whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice, (c) any person including the Department of Revenue or any other state agency, having a lien or 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.

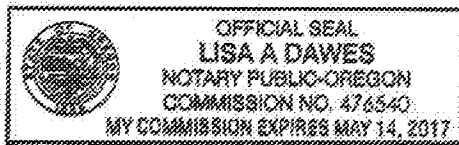
As used herein, the singular includes the plural, Trustee includes Successor Trustee, and person includes corporation and any other legal or commercial entity.

  
Miles D. Monson

STATE OF OREGON           )  
  ) ss.  
County of Washington    )

SUBSCRIBED AND SWORN TO before me this 16th day of December, 2013, by Miles D. Monson, Successor Trustee.

  
NOTARY PUBLIC FOR OREGON



clients\671\039\hartman.mos.aff.mailing.aff

## AFFIDAVIT OF POSTING

STATE OF OREGON

County of Klamath

ss.

I, Gabriel Martinez, 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; Notice upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "Property Address":

**3630 Crest St.  
Klamath Falls, OR 97603**

As follows:

On 12/19/2013 at 4:05 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 86.774 (1)(b)(A).

On 12/23/2013 at 11:18 AM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.774 (1)(b)(B).

On 12/30/2013 at 12:00 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 86.774 (1)(b)(C).

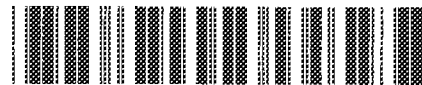
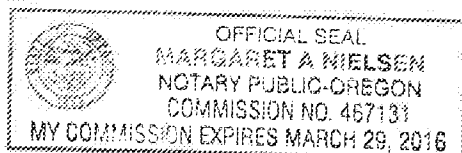
I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 31st day of February, 2014  
by Gabriel Martinez.

*Margaret A. Nielsen*  
Notary Public for Oregon

X

*[Signature]*  
Gabriel Martinez  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*305310\*

**AFFIDAVIT OF MAILING**

STATE OF OREGON

County of Klamath

ss.

I, Gabriel Martinez, being first duly sworn, depose and say that at all times herein mentioned I was and am now a competent person 18 years of age or older and a resident of the state of Oregon; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

On December 31, 2013, I mailed a copy of the Trustee's Notice of Sale; Notice, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.774(1)(b)(C).

The envelope was addressed as follows:

**OCCUPANT**  
**3630 Crest St.**  
**Klamath Falls, OR 97603**

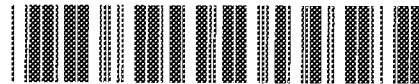
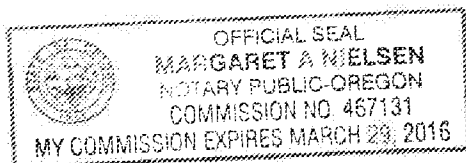
This mailing completes service upon an occupant at the above address with an effective date of 12/19/2013 as calculated pursuant to ORS 86.774 (1)(c).

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

SUBSCRIBED AND SWORN BEFORE ME,  
this 3rd day of February, 2014  
by Gabriel Martinez.

*Margaret A. Nielsen*  
Notary Public for Oregon

X *[Signature]*  
Gabriel Martinez  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*305310\*

### TRUSTEE'S NOTICE OF SALE

The trust deed to be foreclosed pursuant to Oregon law is referred to as follows (the "Trust Deed"):

Grantor:	Seth Wayne Hartman, Sr. and Gloria Jean Hartman, husband and wife
Trustee:	Aspen Title & Escrow, Inc.
Beneficiary:	Premier Finance
Date:	September 7, 2001
Recording Date:	September 12, 2001
Recording Reference:	Vol M01, Page 46298
County of Recording:	Klamath County

AmericanWest Bank is the successor beneficiary and owner and holder of the note by merger with PremierWest Bank, which was the successor in interest to Premier Finance ("Beneficiary").

**TRUSTEE:** The Successor Trustee is Miles D. Monson and the mailing address of the Successor Trustee is: Miles D. Monson, "**TRUSTEE**", Anderson & Monson, P.C., 8625 SW Cascade Avenue, Suite 450, Beaverton, Oregon 97008.

The Trust Deed covers the following described real property in the County of Klamath and State of Oregon, ("the Property"):

Lot 14, Block 8, ALTAMONT ACRES, in the County of Klamath, State of Oregon.

The Grantors or other person owing the debt has defaulted as provided under the Trust Deed, and such default allows Beneficiary to foreclose the Trust Deed.

The default for which foreclosure is made is:

The Grantors' failure to pay when due the following sums: Monthly installments of \$707.35 beginning March 15, 2013 through the installment due May 15, 2013, plus late charges of \$483.41.

The sum owing on the obligation that the Trust Deed secures (the "Obligation") is:

\$77,782.45 together with interest of \$2,107.42 through May 9, 2013, plus interest on \$77,782.45 at the rate of 9.50 percent per annum from May 10, 2013 until paid, together with Trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the Trust Deed.

The Property will be sold to satisfy the Obligation.

**The date, time and place of the sale is:**

**Date: APRIL 29, 2014**

**Time: 1:00 P.M.**

**Place: KLAMATH COUNTY COURTHOUSE, FRONT STEPS, 316 MAIN STREET, IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH AND STATE OF OREGON.**

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### **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for APRIL 29, 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:**

- 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.

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](http://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.oregonlawhelp.org>.

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### RIGHT TO CURE

The right exists under ORS 86.753 to have this foreclosure proceeding dismissed and the Trust Deed reinstated by doing all of the following at any time that is not later than five days before the date last set for the sale:

- (1) Paying to the Beneficiary the entire amount then due (other than such portion as would not then be due, had no default occurred); and
- (2) Curing any other default complained of herein that is capable of being cured by tendering the performance required under the Trust Deed; and
- (3) 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 ORS 86.753.

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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

**We are a debt collector attempting to collect a debt and any information we obtain will be used to collect the debt.**

Cashier's checks for the foreclosure sale must be made payable to Miles D. Monson, Successor Trustee.

DATED: December 16, 2013.

clients\671\039\hartman.sale.notice

**AFTER RECORDING RETURN TO:**

Anderson & Monson, P.C.  
8625 SW Cascade Avenue - Suite 450  
Beaverton, Oregon 97008

**AFFIDAVIT OF MAILING NOTICE REQUIRED UNDER ORS 86.737**

STATE OF OREGON                                 )  
  ) ss.  
County of Washington                         )

I, Miles D. Monson, first duly sworn, depose and say:

I 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 Notice Required Under ORS 86.737 ("Statutory Notice").

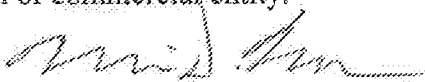
I mailed a true copy of the Statutory Notice attached hereto by both first class and certified mail with return receipt requested, to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

<u>NAME</u>	<u>ADDRESS</u>
Seth W. Hartman, Sr.	3630 Crest Street Klamath Falls, Oregon 97603
Gloria J. Hartman	3630 Crest Street Klamath Falls, Oregon 97603
Douglas V. Osborne	Attorney for Seth and Gloria Hartman 439 Pine Street Klamath Falls, Oregon 97601
All Occupants	3630 Crest Street Klamath Falls, Oregon 97603

Each true copy of the Statutory Notice was: (a) contained in a sealed envelope, with postage prepaid, and was deposited in the United States post office at Beaverton, Oregon, on December 16, 2013 and (b) mailed on or before the date the notice of sale was served or mailed pursuant to ORS 86.740.

The above-named include the Grantor in the Trust Deed and any successor in interest to the Grantor whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice.

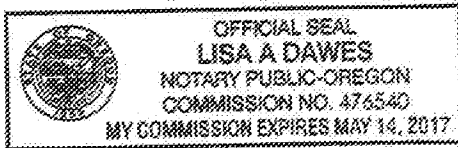
As used herein, the singular includes the plural, Trustee includes Successor Trustee, and person includes corporation and any other legal or commercial entity.

  
\_\_\_\_\_  
Miles D. Monson

STATE OF OREGON            )  
  ) ss.  
County of Washington    )

SUBSCRIBED AND SWORN TO before me this 16th day of December, 2013, by Miles D. Monson, Successor Trustee.

  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON



**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 at:**

Street address: **3630 CREST STREET**

City: **KLAMATH FALLS** State: **OR** ZIP: **97603**

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 **5/16/2013** (date) to bring your mortgage loan current was \$ **2,605.46**. 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 can call **877-646-9230** (phone 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:

**Miles D. Monson, Successor Trustee**

**Anderson & Monson, P.C., 8625 SW Cascade Avenue #450**

**Beaverton, Oregon 97008**

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

Date and time: **APRIL 29, 2014 AT 1:00 P.M.**

**KLAMATH COUNTY COURTHOUSE, FRONT STEPS, 316**  
**MAIN STREET, IN THE CITY OF KLAMATH FALLS, COUNTY**  
**OF KLAMATH AND STATE OF OREGON**

Place:

**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 any time before the sale.
3. You can call Miles D. Monson at 877-646-9230 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 toll-free telephone contact number at **855-480-1950**. 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 website at **[www.osbar.org](http://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.oregonlawhelp.org>**. For information on federal loan modification programs go to **<http://www.makinghomeaffordable.gov>**.

**WARNING:** You may get offers from people who tell 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 questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: **DECEMBER 16, 2013**

Trustee name (print): **MILES D. MONSON, SUCCESSOR TRUSTEE**

Trustee signature:



Trustee phone number:

**877-646-9230**

Anderson & Monson, P.C.  
8625 SW Cascade Avenue, Suite 450  
Beaverton, Oregon 97008

STATE OF OREGON                         )  
  ) ss.  
County of Washington                         )

I am a resident of the State of Oregon, a competent person over the age of eighteen years, and the agent for the Beneficiary named in the attached Foreclosure Avoidance Measure Notice (the "Notice").

Grantor:	Seth Wayne Hartman, Sr. and Gloria Jean Hartman, husband and wife
Trustee:	Aspen Title & Escrow, Inc.
Beneficiary:	Premier Finance
Date:	September 7, 2001
Recording Date:	September 12, 2001
Recording Reference:	Vol M01, Page 46298
County of Recording:	Klamath County

The Trust Deed covers the following described real property in the County of Klamath and State of Oregon, ("the Property"):

Lot 14, Block 8, ALTAMONT ACRES, in the County of Klamath, State of Oregon.

The Beneficiary has complied with the requirements set forth in Oregon Laws 2013, Chapter 304, by doing the following:

1. On December 16, 2013, by mailing a copy of the attached Foreclosure Avoidance Measure Notice by first class mail and certified mail, return receipt requested to the Grantor at the following addresses:

Seth W. Hartman, Sr.  
3630 Crest Street  
Klamath Falls, Oregon 97603

Gloria J. Hartman  
3630 Crest Street  
Klamath Falls, Oregon 97603

2. On December 16, 2013, a copy of this Compliance Affidavit and the Foreclosure Avoidance Measure Notice was mailed to the Attorney General by first class mail to the following address:

Department of Justice  
Attn: Attorney General of Oregon  
Foreclosure Avoidance Department  
1162 Court Street, NE  
Salem, Oregon 97301

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

Wm. Brown

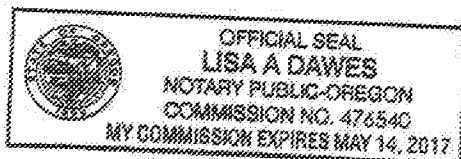
Miles D. Monson  
Attorney for Beneficiary and  
Successor Trustee

STATE OF OREGON )  
 ) ss.  
County of Washington )

On this 16<sup>th</sup> day of December, 2013, personally appeared the above-named Miles D. Monson, Successor Trustee, and acknowledged the foregoing instrument to be his voluntary act and deed.

Isa A. Dawes

NOTARY PUBLIC FOR OREGON





## FORECLOSURE AVOIDANCE MEASURE NOTICE

### YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY

<b>HOMEOWNER/GRANTOR:</b>	SETH W. HARTMAN, SR. GLORIA J. HARTMAN
<b>LENDER/ BENEFICIARY:</b>	AmericanWest Bank successor in interest Premier Finance
<b>PROPERTY ADDRESS:</b>	3630 Crest Street Klamath Falls, OR 97603

Your Lender has determined that:

[X ] You are not eligible for any foreclosure avoidance measure offered by your lender. The following foreclosure avoidance measures were considered but you are not eligible for them. The basis for the Lender's determination is:

- AmericanWest Bank ("Beneficiary") is exempt from a resolution conference pursuant to Chapter 304, of Oregon Laws 2013.

- If Chapter 304, of Oregon Laws 2013 applies, the Beneficiary has considered the following foreclosure avoidance measures and has determined that Seth W. Hartman, Sr. and Gloria J. Hartman (collectively "Grantor") is not eligible for a foreclosure avoidance measure for the following reasons:

a- Loan Modification: Grantor filed a chapter 7 bankruptcy in 2010 and received a bankruptcy discharge. The loan obligation was not reaffirmed in the bankruptcy. Because the loan obligation was not reaffirmed in the chapter 7 bankruptcy, the loan cannot be modified.

b- Deed in Lieu of Foreclosure: The Grantor has not offered a deed in lieu of foreclosure. The foreclosure guarantee for the real property being foreclosed discloses junior liens which means the Grantor cannot deliver clear title on a deed in lieu of foreclosure. The way to clear junior liens, absent payment of that lien by the Grantor, is for the Beneficiary to foreclose those liens. A deed in lieu of foreclosure is not an effective resolution because of the junior liens.

c- Short Sale: Beneficiary is not aware of any serious offers to purchase the real property being foreclosed. A short sale would be contingent upon the Grantor selling the real property and obtaining an agreement from junior lienholders to release the junior lien. An online search for the real property discloses the real property is not currently for sale. The decision whether the Grantor can conduct a short sale is not within the control of the Beneficiary.

d- Forbearance: The Grantor is in default to Beneficiary and Grantor filed bankruptcy and received a bankruptcy discharge. The Beneficiary has determined that it can not forbear or defer collection of the debt secured by the real property. Foreclosure is the only remaining legal remedy for Beneficiary because of Grantor's bankruptcy discharge.

[ ] You are not in compliance with the terms of an agreement with your Lender for forbearance, a temporary or permanent loan modification, a short sale, a deed-in-lieu of foreclosure, or another foreclosure avoidance measure. The basis for the Lender's determination is:

Your Property is currently set for sale on **APRIL 29, 2014 at 1:00 P.M., at the KLAMATH COUNTY COURTHOUSE, FRONT STEPS, 316 MAIN STREET, IN THE CITY OF KLAMATH FALLS, COUNTY OF KLAMATH AND STATE OF OREGON.** If you disagree with your Lender's determination, you should seek legal advice immediately.

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 211 or visit [www.oregonhomeownersupport.gov](http://www.oregonhomeownersupport.gov). If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service online at [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636. Free legal assistance may be available if you are very low income. For more information and a directory of legal aid programs, go to [www.oregonlawhelp.org](http://www.oregonlawhelp.org).

DATED this 5<sup>th</sup> day of December, 2013.

AMERICANWEST BANK:

By: 

Title: V.P.

**AFFIDAVIT OF SERVICE RE: NON-MILITARY SERVICE**

STATE OF OREGON           )  
  ) ss  
County of Washington    )


THIS IS TO CERTIFY that I am the Successor Trustee on that certain trust deed described as follows:

Grantor:                       Seth Wayne Hartman, Sr. and Gloria Jean Hartman,  
  husband and wife  
Trustee:                       Aspen Title & Escrow, Inc.  
Beneficiary:                  Premier Finance  
Date:                          September 7, 2001  
Recording Date:               September 12, 2001  
Recording Reference:         Vol M01, Page 46298  
County of Recording:         Klamath County

AmericanWest Bank is the successor beneficiary and owner and holder of the note by merger with PremierWest Bank, which was the successor in interest to Premier Finance ("Beneficiary").

A Notice of Default with respect to the trust deed was recorded November 26, 2013 as 2013-013184, in the mortgage records. Grantors are not on active military duty according to the United States Department of Defense Manpower Data Center. Attached as Exhibit 1, is a Military Status Report pursuant to the Servicemembers Civil Relief Act of 2003 confirming that the Grantors are not on active military duty.

In construing this certificate, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any, named in the trust deed.

  
\_\_\_\_\_  
Miles D. Monson

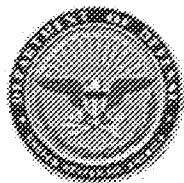
STATE OF OREGON           )  
  ) ss.  
County of Washington    )

On this 11<sup>th</sup> day of April, 2014, personally appeared the above-named Miles D. Monson, Successor Trustee, and acknowledged the foregoing instrument to be his voluntary act and deed.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

clients\671\039\hartman.nonmilitary.aff



## Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: HARTMANFirst Name: SETHMiddle Name: WActive Duty Status As Of: Apr-11-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individual's active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Shavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350

Ex. 1  
page 1 of 4

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

### More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

### Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: D8B3GF7E9075SE0

Ex. 1  
pg. 2 of 4



Status Report  
Pursuant to Servicemembers Civil Relief Act

Last Name: HARTMAN

First Name: GLORIA

Middle Name: J

Active Duty Status As Of: Apr-11-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individual's active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

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*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350

Ex. 1

Pg. 3 of 4

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

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Certificate ID: C8W53F4EO075U80

Ex. 1  
p9484

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

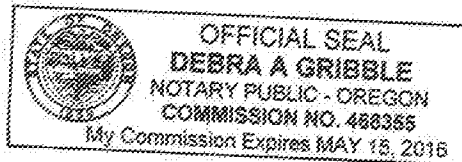
I, Linda Culp, Human Resources, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#15466 SALE HARTMAN TRUSTEE'S NOTICE OF SALE 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:  
03/06/2014 03/13/2014 03/20/2014 03/27/2014

Total Cost: \$1191.20

*Linda Culp*  
Subscribed and sworn by Linda Culp before me on:  
27th day of March in the year of 2014

*Debra A Gribble*  
Notary Public of Oregon  
My commission expires on May 15, 2016



**TRUSTEE'S NOTICE OF SALE**

The trust deed to be foreclosed pursuant to Oregon law is referred to as follows (the "Trust Deed"):  
Grantor: Seth Wayne Hartman, Sr. and Gloria Jean Hartman, husband and wife  
Trustee: Aspen Title & Escrow, Inc.  
Beneficiary: Premier Finance  
Date: September 7, 2001  
Recording Date: September 12, 2001  
Recording Reference: Vol M01, Page 46298  
County of Recording: Klamath County

AmericanWest Bank is the successor beneficiary and owner and holder of the note by merger with PremierWest Bank, which was the successor in interest to Premier Finance ("Beneficiary").

**TRUSTEE:** The Successor Trustee is Miles D. Monson and the mailing address of the Successor Trustee is: Miles D. Monson, "TRUSTEE", Anderson & Monson, P.C., 8625 SW Cascade Avenue, Suite 450, Beaverton, Oregon 97008.

The Trust Deed covers the following described real property in the County of Klamath

and State of Oregon, ("the Property"):  
Lot 14, Block 8, ALTAMONT ACRES, in the County of Klamath, State of Oregon.

The Grantors or other person owing the debt has defaulted as provided under the Trust Deed, and such default allows Beneficiary to foreclose the Trust Deed.

The default for which foreclosure is made is:  
The Grantors' failure to pay when due the following sums:  
Monthly installments of \$707.35 beginning March 15, 2013 through the installment due May 15, 2013, plus late charges of \$483.41.

The sum owing on the obligation that the Trust Deed secures (the "Obligation") is:

\$77,762.45 together with interest of \$2,107.42 through May 9, 2013, plus interest on \$77,762.45 at the rate of 9.50 percent per annum from May 10, 2013 until paid, together with Trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the Trust Deed.

The Property will be sold to satisfy the Obligation.

The date, time and place of the sale is:

Date: APRIL 29, 2014

Time: 1:00 P.M.

Place: KLAMATH COUNTY COURTHOUSE,  
FRONT STEPS, 316 MAIN STREET, IN THE  
CITY OF KLAMATH FALLS, COUNTY OF  
KLAMATH AND STATE OF OREGON.

**RIGHT TO CURE**

The right exists under ORS 86.753 to have this foreclosure proceeding dismissed and the Trust Deed reinstated by doing all of the following at any time that is not later than five days before the date last set for the sale:

(1) Paying to the Beneficiary the entire amount then due (other than such portion as would not then be due, had no default occurred); and

(2) Curing any other default complained of herein that is capable of being cured by tendering the performance required under the Trust Deed; and

(3) 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 ORS 86.753.

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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

We are a debt collector attempting to collect a debt and any information we obtain will be used to collect the debt.

Cashier's checks for the foreclosure sale must be made payable to Miles D. Monson, Successor Trustee.

**Bankruptcy Information:** The personal liability of the grantors to pay the debt owed to Beneficiary was discharged in the grantors' chapter 7 bankruptcy, however, the Trust Deed lien against the real property described above remains in existence and is in full force and effect. Beneficiary will not seek to enforce any debt obligation as a personal liability of the grantors as a discharge order was entered in their chapter 7 bankruptcy case. Beneficiary is merely foreclosing its lien which will not be affected by any bankruptcy discharge.

DATED: December 16, 2013.

/s/ Miles D. Monson

Miles D. Monson, Successor Trustee  
8625 SW Cascade Avenue #450, Beaverton, Oregon 97008  
(503) 646-9230

#15466 March 06, 13, 20, 27, 2014.