

AMERITITLE  
MIC100038

AFTER RECORDING RETURN TO:  
Richard B. Thierolf, Jr. (OSB #763565)  
JACOBSON THIEROLF & DICKEY, P.C.  
Two North Oakdale Ave.  
Medford, OR 97501

2014-006443

Klamath County, Oregon

06/18/2014 11:54:42 AM

Fee: \$72.00

AFFIDAVIT OF SERVICE: THAT THE TRUSTEE'S NOTICE OF SALE,  
FOR TRUST DEED RECORDED AS DOCUMENT NO. 2012-009287,  
WAS SERVED IN ACCORDANCE WITH ORS 86.764

STATE OF OREGON            )  
  : ss.  
County of Jackson         )

I, Richard B. Thierolf, Jr., being first duly sworn, certify on the basis of my personal knowledge that:

1. At all times herein mentioned, I have been an Oregon resident, competent, over the age of 18 years, and not the beneficiary or beneficiaries' successor-in-interest named in the Trustee's Notice of Sale dated February 10, 2014, a copy of which is attached hereto as Exhibit "A."

2. I am the successor trustee named in said Trustee's Notice of Sale.

3. On February 10, 2014, I mailed, by regular first class mail and also by certified mail with return receipt requested, duplicate originals of said Trustee's Notice of Sale to Michelle Wait. Michelle Wait is the grantor in the trust deed. The address to which I mailed the Trustee's Notice of Sale, in each instance, on February 10, 2014, was 3021 Chester Avenue N.E., Salem, OR 97301, which is Michelle Wait's last-known address.

4. There is no successor-in-interest to the grantor whose interest appears of record or of whose interest I have actual notice.

AFFIDAVIT OF SERVICE - 1


\$72.00

5. No person known to me has a lien or interest of record, or a lien or interest which is otherwise known to me or to the trust deed beneficiaries, in the real property described in said Trustee's Notice of Sale.


6. No person has requested notice as provided in ORS 86.806.

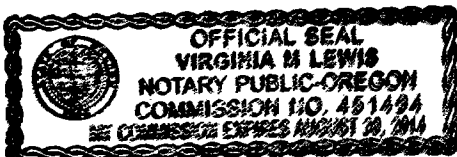
7. Attached hereto as Exhibit "B" is the May 1, 2014, Beneficiaries' Non-Residential Trust Deed Affidavit and Affidavit of Non-Occupancy, establishing that the real property described in said Trustee's Notice of Sale is unoccupied bare land, and the trust deed is not a "residential trust deed" as defined in ORS 86.705 or otherwise.

8. Michelle Wait is not now and has not been, within 367 days before the recording of the Notice of Default in this matter, in the military service; nor has she been a dependent of a service member in the military service. I base this on the following facts made known to me by the trust deed beneficiaries or through my own or my office staff's inquiry: a) Michelle Wait's address is not part of a military installation; b) the beneficiaries have not been provided with any information that indicated that Michelle Wait is a member of any branch of military service, whether active or reserve; and c) a search of the Department of Defense Manpower Data Center ("DMDC") did not indicate that Michelle Wait is on active duty (see DMDC printout attached as Exhibit "C").

  
Richard B. Thierolf, Jr.

SUBSCRIBED AND SWORN to before me by Richard B. Thierolf, Jr. on this 11<sup>th</sup> day of June, 2014.

  
Notary Public for Oregon  
My Commission Expires: 8-30-14



## TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the promissory note ("note") secured by the trust deed described below is in default, and that the trust deed beneficiaries have elected to foreclose the trust deed, pursuant to ORS 86.705 to 86.815, by advertisement and sale. No action is now pending to recover any part of the debt secured by the trust deed. The property described below will therefore be sold on July 11, 2014, at 1:15 p.m. Pacific Daylight Time, outside the main entrance to the Klamath County Courthouse at 316 Main Street, Klamath Falls, Oregon.

Information required by ORS 86.752(3) and ORS 86.771 is as follows:

1. Grantor: Michelle Wait  
Trustee: Richard B. Thierolf, Jr. (OSB# 763565), appointed as successor to AmeriTitle, an Oregon corporation, by instrument recorded as Document No. 2014-000666, on January 24, 2014, and re-recorded on February 5, 2014, as Document No. 2014-001026, in the Official Records of Klamath County, Oregon
- Trustee's Mailing Address: 2 N. Oakdale Avenue  
Medford, OR 97501
- Beneficiaries: John Morey Hammers and Brenda Jean Hammers, husband and wife, by instrument recorded as Document No. 2012-009287, on August 22, 2012, in the Official Records of Klamath County, Oregon

2. Property covered by the trust deed:

Lot 9 in Block 7, MOUNTAIN LAKE HOME SITES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

3. The trust deed was recorded on August 22, 2012, as Document No. 2012-009287, in the Official Records of Klamath County, Oregon. The trust deed secures the grantor's obligations under a promissory note dated August 22, 2012, for \$35,000 together with interest at 6% per annum, payable in monthly installments and due in full no later than August 22, 2027.

4. Default for which foreclosure is made is the grantor's failure to pay monthly installment payments required by the note, in the amount of \$295.35 per month. The first missed payment was due on July 25, 2013, and there have been no payments

since then. As a result of this failure, the entire unpaid balance of principal and interest on account of the note became immediately due and payable as of December 27, 2013.

5. The sums currently owing on the note secured by the trust deed are:

- (a) The unpaid principal balance on the note currently totals . . . \$33,515.42;
- (b) Simple interest on said principal balance, at the note rate of 6% per annum, through January 24, 2014 . . . . . \$1,156.59; and
- (c) Additional interest accrues at the same note rate, on the principal balance stated in 5(a) above, in the daily amount of \$5.43 from July 25, 2013.

In addition to the sums listed in (a) - (c) above, the beneficiary is entitled to reasonable attorney fees and costs of collection and foreclosure.

6. Interested persons are notified that the right exists under ORS 86.778 to have this proceeding dismissed and the trust deed reinstated by paying the entire amount then due, together with costs, trustee's fees, and attorney's 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.

7. The Fair Debt Collection Practices Act requires the following statement: The trustee is a debt collector. This is an attempt to collect a debt, and any information obtained will be used for this purpose. If a discharge has been obtained by the grantor through bankruptcy proceedings, this Notice is not to be construed as an attempt to collect such discharged indebtedness, or to hold the bankrupt debtor personally liable for the debt.

DATED this 10<sup>th</sup> day of February, 2014.



Richard B. Thierolf, Jr. (OSB#763565),  
Successor Trustee  
Jacobson, Thierolf & Dickey, P.C.  
2 North Oakdale Avenue  
Medford, OR 97501  
Telephone: (541) 773-2727  
Fax: (541) 734-7269  
E-mail: [rthierolf@jtdlegal.com](mailto:rthierolf@jtdlegal.com)

ATC 100032



AFTER RECORDING RETURN TO:  
JACOBSEN THIEROLF & DICKEY P.C.  
PO BOX 4687  
MEDFORD, OR 97501

RECORDED ELECTRONICALLY	
ID _____	County _____
Date _____	Time _____
simplifile www.simplifile.com 800.460.5657	

BENEFICIARIES' NON-RESIDENTIAL TRUST DEED AFFIDAVIT  
AND AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON           )  
  : ss  
County of Jackson        )

We, John Morey Hammers and Brenda Jean Hammers, husband and wife, being first duly sworn, state as follows:

- (1) We are the beneficiaries of the trust deed recorded as Document as 2012-009287, on August 22, 2012, in the official records of Klamath County, Oregon;
- (2) The property covered by the trust deed is:  
  
Lot 9 in Block 7, MOUNTAIN LAKE HOMESITES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon;
- (3) We sold the above-described property to Michelle Wait, and we are quite familiar with the property and therefore make this affidavit based on our personal knowledge;
- (4) Said property is bare land, outside the boundaries of any incorporated city;
- (5) Said property is unoccupied, there are no structures located thereon, and the above-referenced trust deed is not a so-called "residential trust deed" as defined in Oregon Revised Statutes 86.705 or otherwise.

May 1, 2014

  
John Morey Hammers

May 1, 2014

  
Brenda Jean Hammers

SIGNED AND SWORN TO before me by John Morey Hammers and Brenda Jean Hammers on this 1 day of May, 2014.



  
Notary Public for Oregon  
My Commission Expires: 2/22/16

BENEFICIARIES' NON-RESIDENTIAL TRUST DEED  
AFFIDAVIT AND AFFIDAVIT OF NON-OCCUPANCY - 1 OF 1

EXHIBIT B  
PAGE 1 of 1

**Ginny Lewis**

**From:**  
**Sent:**  
**To:**  
**Subject:**

Support@ServicemembersCivilReliefAct.com  
Monday, April 28, 2014 6:20 PM  
Dick Thierolf  
SCRA Verification Results - Servicemembers Civil Relief Act Centralized Verification Service

Name	Customer	Case	Tracking Number
WAIT, MICHELLE	Hammers	2013140	201404283199

Based upon the information you supplied to us and our further research, as of 02/01/2013 ("Active Duty Status Date"), we report that there is no information in the Department of Defense Manpower Data Center ("DMDC") that indicates that the individual is in Active Duty Status.

Upon searching the data banks of the Department of Defense Manpower Data Center, based upon the information that you provided, the above is the status of the individual ("Subject") 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.

Servicemembers Civil Relief Act Centralized Verification Service

**By: Roy L. Kaufmann**

Roy L. Kaufmann, Authorized Signatory

Date: 04/28/2014

For support: [Support@ServicemembersCivilReliefAct.com](mailto:Support@ServicemembersCivilReliefAct.com) or [Support@SCRA.com](mailto:Support@SCRA.com)

This report is based upon information that you have provided. Providing an erroneous name, social security number, date of birth or other information may cause an erroneous report to be provided. If you obtain further information about the person you may resubmit your request and we will provide new status report for that query. This response reflects status as of Active Duty Status Date only. For historical information, please resubmit your inquiry with a different Active Duty Status Date or contact the individual Military Service SCRA points-of-contact: <https://www.ServicemembersCivilReliefAct.com/live/inb/points-of-contact.php>. If you have evidence that the individual is/was on active duty as of the Active Duty Status Date and you fail to obtain this additional information, punitive provisions of the SCRA may be invoked against you. See 50 USC Section 521(c).

The Servicemembers Civil Relief Act Centralized Verification Service processes SCRA verifications through the Defense Manpower Data Center (DMDC) which is an organization of the United States 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 care and other eligibility

EXHIBIT C  
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systems.

This response reflects the following information: (1) the Active Duty status as of the Active Duty Status Date, (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date, and (3) Whether the individual or his/her unit received early notification to report for active duty on the Date of Interest. Records do not predate September 30, 1985.

**More information on Active Duty Status :**

Active duty status as reported in this report is defined in accordance with 10 USC Section 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 Section 502(c) 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 Administrators (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 Coverage Under the SCRA is broader in Some Cases.**

Coverage under 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 report.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this 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 SCRA extend beyond the last dates of active duty.

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

The information provided does not constitute a Consumer Report, as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Section 1681 et seq. and may not be used to determine eligibility for credit, insurance, employment, or used for any other purpose governed by the FCRA.

**Servicemembers Civil Relief Act Centralized Verification Service**

For support: [Support@ServicemembersCivilReliefAct.com](mailto:Support@ServicemembersCivilReliefAct.com)

