



2014-008164

Klamath County, Oregon

08/05/2014 02:44:47 PM

Fee: \$102.00

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

**After recording return to:**

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

**AFFIDAVIT OF SERVICE AND MAILING OF TRUSTEE'S NOTICE OF SALE; "DANGER NOTICE";  
AND FORECLOSURE AVOIDANCE MEASURE NOTICE (NOTICE OF DETERMINATION)**

STATE OF OREGON     )  
                                      ) ss.  
County of Washington    )

I, John W. Weil, being first duly sworn, depose, and say 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 the beneficiary's successor in interest named in the attached original Trustee's Notice of Sale given under the terms of that certain deed of trust (as described in the attached Trustee's Notice of Sale) dated November 6, 2008 and recorded on November 12, 2008 as Recording No. 2008-015260 in the Official Records of Klamath County, Oregon.

I hereby certify that I delivered true and correct copies of the attached Trustee's Notice of Sale to be served upon the occupant(s) of the property described in said notice, by posting and have attached hereto the original proof of service thereof. The Trustee's Notice of Sale was served no later than 120 days before the date of the sale.

I further certify that I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing copies thereof 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:

Occupant(s)	18051 Hwy 58 Crescent Lake, OR 97733
Robert Gunderson, Jr.	18051 Hwy 58 Crescent Lake, OR 97733
Robert Gunderson, Jr.	1105 S 1st St, Apt. B7 Hermiston, OR 97733
District Director, IRS Attn: Chief, Special Procedures Desk	915 2nd Ave, M/S W245 Seattle, WA 98174
State of Oregon Dept. of Revenue	955 Center St NE Salem, OR 97301
State of Oregon Dept. of Revenue	PO Box 14725 Salem, OR 97309
Kurt J. Straube	95152 Turnbow Ln Junction City, OR 97448

Karla M. Strabue

95152 Turnbow Ln  
Junction City, OR 97448

Kurt J. Straube

18251 Hwy 58  
Crescent Lake, OR 97733

Karla M. Strabue

18251 Hwy 58  
Crescent Lake, OR 97733

Gary McCartney

87313 Cinquapin Lp  
Veneta, OR 97487

Angie McCartney

87313 Cinquapin Lp  
Veneta, OR 97487

These persons include (a) the grantors 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(s), 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(s) requesting notice as set forth in ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original, attached Trustee's Notice of Sale. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited in the United States post office at Portland, Oregon, on April 10, 2014. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the Trustee's Notice of Sale was recorded.

Included with the Notice of Default and Election to Sell dated and mailed March 19, 2014 to the Grantor by both first class mail and certified mail (with receipt requested) was the NOTICE: YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY, that notice required by **ORS 86.756**. A copy of said "danger notice" is attached hereto.

On July 30, 2014, I caused the Foreclosure Avoidance Measure Notice (Notice of Determination) to be served on the Grantor by both first class mail and certified mail (with receipt requested). On the same date, I caused a copy of the same notice to be mailed to the Oregon Department of Justice.

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

  
John W. Weil, Successor Trustee

STATE OF OREGON     )  
County of Washington     ) ss.

Subscribed and sworn to before me on July 31, 2014 by John W. Weil.



  
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:**

18051 Hwy 58  
Crescent Lake, OR 97733

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 February 8, 2014 to bring your mortgage loan current was \$4,435.97. 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 (865) 380-3000 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:

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

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

Date and time: August 29, 2014 at 11:00 a.m.

Place: Klamath County Courthouse  
316 Main St  
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 any time before the sale.
3. You can call Vanderbilt Mortgage and Finance, Inc. at **(865) 380-3000** 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, call the statewide telephone contact number at 855-480-1950. You may also want to talk to a lawyer. If you need help finding a lawyer, 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>.

**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 questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: March 19, 2014.

**/s/ John W. Weil**

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

**After recording return to:**

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

**AFFIDAVIT OF COMPLIANCE  
with ORS 86.748**

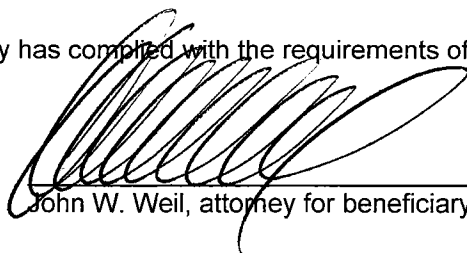
Grantor:	Robert Gunderson, Jr.
Beneficiary:	Vanderbilt Mortgage and Finance, Inc.
Trustee:	John W. Weil
Property Address:	18051 Hwy 58, Crescent Lake, OR 97733
Instrument/Recording No./Date or Legal Description	Deed of Trust recorded on November 12, 2008 as Recording No. 2008-015260

I, John W. Weil, being duly sworn, hereby depose and say that:

- (1) I am the attorney for The Bank of New York Mellon, f/k/a The Bank of New York, who is the beneficiary in the above referenced mediation.
- (2) I certify that the beneficiary and the trustee as of this date are the beneficiary and trustee named above.
- (3) On July 30, 2014, in accordance with ORS 86.748, I caused to be served on the grantor by both first class and certified mail (with return receipt requested) written notice that explains in plain language that:
  - ☐ the grantor is not eligible for any foreclosure avoidance measure;
  - ☐ the grantor has not complied with the terms of a foreclosure avoidance measure to which the grantor and beneficiary agreed;
  - ☒ the beneficiary is exempt from mediation requirements pursuant to ORS 86.726(1)(b)(A). The Beneficiary Exemption Affidavit was filed with the Office of the Attorney General of Oregon on January 21, 2014.
- (4) On the same date, I caused a copy of the same notice to be mailed to the Oregon Department of Justice.

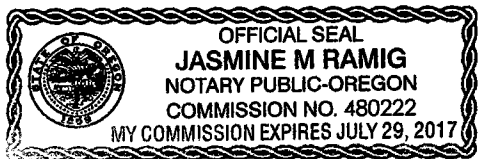
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(5) By reason of the above, the beneficiary has complied with the requirements of ORS 86.748.

  
\_\_\_\_\_  
John W. Weil, attorney for beneficiary

STATE OF OREGON     )  
County of Washington   ) ss.

Subscribed and sworn to before me on July 31, 2014 by John W. Weil.



  
\_\_\_\_\_  
Notary Public for Oregon

**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#15731 SALE GUNDERSON 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:

06/17/2014 06/24/2014 07/01/2014 07/08/2014

Total Cost: \$1200.70

*Linda Culp*

Subscribed and sworn by Linda Culp before me on:  
8th day of July in the year of 2014

*Debra A Gribble*

Notary Public of Oregon  
My commission expires on May 15, 2016



**TRUSTEE'S NOTICE OF SALE**

Reference is made to the deed of trust under which Robert G. Gunderson, Jr. as 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 Northern 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, which is commonly known as 18051 Hwy 58, Crescent Lake, OR 97733.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said deed of trust and a notice of default has been recorded pursuant to ORS 86.735(3); the default for which the 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.

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

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

WHEREFORE, notice hereby is given that the undersigned trustee will, on **Friday, August 29, 2014** at the hour of **11:00 A.M.** in accord with the standard of time established by ORS 187.110, at the **Klamath County Courthouse located at 316 Main St, Klamath Falls, OR 97601**, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said 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 86.778 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 said 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's fees not exceeding the amounts provided by said 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 said deed of trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

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: April 10, 2014.

/s/John W. Weil, Successor Trustee

10300 SW Greenburg Rd, Suite 430, Portland, OR 97223

Telephone No. (503) 226-0500

#15731 June 17, 24, July 01, 08, 2014

**PROOF OF SERVICE  
JEFFERSON STATE ADJUSTERS**

STATE OF: Oregon  
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE**

FOR THE WITHIN NAMED: Occupants of **18051 Hwy. 58 Crescent Lake, OR. 97733**

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to \_\_\_ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to \_\_, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: \_\_\_\_\_

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1<sup>st</sup> Attempt: **April 23, 2014 1:46 PM POSTED**

2<sup>nd</sup> Attempt: **April 28, 2014 10:40 AM POSTED**

3<sup>rd</sup> Attempt: **May 5, 2014 3:07 PM POSTED**

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on \_\_\_ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of **May 7, 2014**, I mailed a copy of the Trustee's Notice of Sale addressed to **All Known Occupants** at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed

*Chelsea Chambers*

**18051 Hwy. 58 Crescent Lake, OR. 97733**

**ADDRESS OF SERVICE**

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

April 23, 2014 1:46 PM  
**DATE OF SERVICE TIME OF SERVICE**

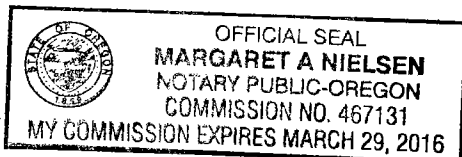
☐ or non occupancy

By:

*[Signature]*  
**ROBERT W. BOLENBAUGH**

Subscribed and sworn to before on this 6<sup>th</sup> day of May, 2014.

*Margaret A. Nielsen*  
Notary Public for Oregon





## TRUSTEE'S NOTICE OF SALE

Reference is made to the deed of trust under which Robert G. Gunderson, Jr., as 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:

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which is commonly known as 18051 Hwy 58, Crescent Lake, OR 97733.

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

WHEREFORE, notice hereby is given that the undersigned trustee will, on **Friday, August 29, 2014** at the hour of **11:00 A.M.**, in accord with the standard of time established by ORS 187.110, at the **Klamath County Courthouse located at 316 Main St, Klamath Falls, OR 97601**, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by grantor of the said trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of said 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 86.778 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 said 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's fees not exceeding the amounts provided by said 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 said deed of trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

### **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for August 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.

Trustee: John W. Weil  
10300 SW Greenburg Rd, Ste 430  
Portland, OR 97223

Oregon State Bar: PO Box 231935  
Tigard, OR 97281

Lawyer Referral Service: (503) 684-3763 or toll-free in Oregon at (800) 452-7636

Legal Aid: Klamath Falls Regional Office (Klamath & Lake Counties)  
Legal Aid Services of Oregon  
403 Pine St, Suite 250  
Klamath Falls, OR 97601

(541) 273-0533 or (800) 480-9160

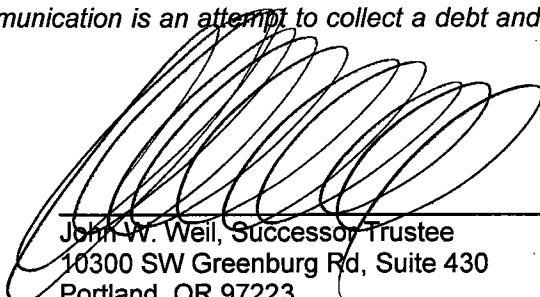
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*We are a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.*

DATED: April 10, 2014.



---

John W. Weil, Successor Trustee  
10300 SW Greenburg Rd, Suite 430  
Portland, OR 97223  
Telephone No. (503) 226-0500

STATE OF OREGON    )  
                                  ) ss.  
County of Washington )

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.

---

Attorney for Successor Trustee

If the foregoing is a copy to be served pursuant to ORS 86.764 or ORS 86.774(1), fill in opposite the name and address of party to be served: