

2014-009990

Klamath County, Oregon



00159235201400099900080086

09/26/2014 10:40:26 AM

Fee: \$77.00

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from

Isaac L & Wendy L Sheppard
2705 Heritage Court
Klamath Falls, OR 97603

To

Grantor

First American Title Ins. Co.
118 NE "C" Street
Grants Pass, OR 97526

Trustee

After recording, return to

PATRICK S. KELLY

ATTORNEY AT LAW

717 N.W. 5th STREET

GRANTS PASS, OR 97526

SPACE RESERVED
FOR
RECORDER'S USE

at _____ o'clock _____ M., and recorded in
book/reel/volume No. _____ on page _____
and/or as fee/file/instrument/microfilm/reception
No. _____, Records of this County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____, Deputy.

STATE OF OREGON, County of Josephine) ss:
I, Sharon Deardorff

, 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 notice of sale given under the terms of that certain deed described in the notice of sale.

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:

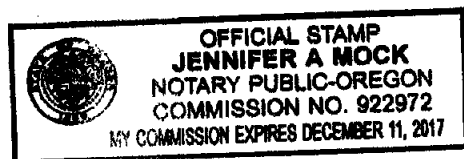
NAME	ADDRESS
Isaac L. Sheppard	2705 Heritage Court, Klamath Falls, OR 97603
Wendy L. Sheppard	2705 Heritage CT, Klamath Falls, OR 97603
Occupants	2705 Heritage CT, Klamath Falls, OR 97603
State of Oregon, Employment Dept.	875 Union Street, NE, Salem, OR 97311
Laurie Wamer, Director	
State of Oregon c/o Klamath County Circuit Court	316 Main Street, Klamath Falls, OR 97601
Carter-Jones Collection Service Inc.	1143 Pine Street, Klamath Falls, OR 97601
Kent Pederson, Registered Agent	

These persons 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 set forth in ORS 86.806.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Patrick Kelly, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Grants Pass, Oregon, on May 23, 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 notice of sale was recorded.

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.



SIGNED AND SWORN TO before me on

September 24, 2014

Notary Public for Oregon

My commission expires

12.11.17

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by **Isaac L. Sheppard and Wendy L. Sheppard**, as 2705 Heritage Court Klamath Falls, OR 97603, as Grantor, to **First American Title Insurance Company of Oregon 118 NE C Street Grants Pass OR 97526**, as Trustee, in favor of **Leonard M. Prulhiere and Kathleen I. Prulhiere or Survivor 1649 Carnahan Drive Grants Pass OR 97527**, as Beneficiary, dated **January 30, 2012**, recorded on **February 2, 2012**, in the Official Records of **Klamath County, Oregon**, in, as **Document #2012-1230**, covering the following described real property situated in that county and state, to-wit:

Lot 25 of Tract 1383, SIERRA HEIGHTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Said real property is commonly known as: **2705 Heritage Court, Klamath Falls, Oregon**

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

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

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

The December 1, 2013 monthly installment in the amount of \$543.56 and each month thereafter, plus buyer's fees of \$52.50, plus late charges of \$51.15.

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

The unpaid principal balance in the amount of \$22,260.63 with interest thereon at 11% per annum from December 4, 2013 until paid, plus late charges of \$51.15.

WHEREFORE, notice is hereby given that on **September 26, 2014**, at the hour of **11:30 o'clock, am**, in accord with the standard of time established by ORS 187.110, at **the front entrance of the Klamath County Courthouse, 316 Main Street**, in the City of **Klamath Falls**, County of **Klamath** State of Oregon, the interest in the real property described above which the grantor had or had power to convey at the time the grantor executed the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed will be sold by the undersigned trustee at public auction to the highest bidder for cash to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.778 that the right exists under ORS 86.778 to have the proceeding dismissed and the trust deed reinstated by paying the entire amount then due, together with costs, trustee's fees and attorney fees, and by curing any other default complained of in the notice of default, at any time that is not later than five days before the date last set for the sale.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

NOTICE TO RESIDENTIAL TENANTS:

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **SEPTEMBER 26, 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 60 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 60 days, even though you have a fixed term lease with more than 60 days left. You must be provided with at least 60 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 60 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 60 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.

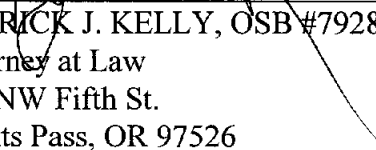
IT IS UNLAWFUL FOR ANY PERSON TO TRY TO FORCE YOU TO LEAVE YOUR DWELLING UNIT WITHOUT FIRST GIVING YOU WRITTEN NOTICE AND GOING TO COURT TO EVICT YOU. FOR MORE INFORMATION ABOUT YOUR RIGHTS, YOU SHOULD CONSULT A LAWYER.

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.

FAIR DEBT COLLECTION PRACTICES ACT NOTICE

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

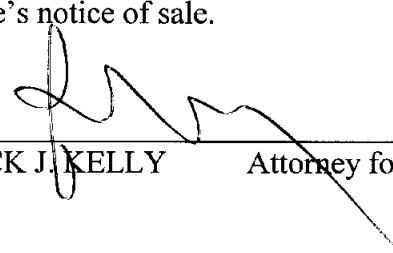
DATED: May 22, 2014



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

State of Oregon, County of Josephine) ss.

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



PATRICK J. KELLY Attorney for Trustee

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: 2705 Heritage Court
City: State: ZIP: Klamath Falls, Oregon 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 December 1, 2013 to bring your mortgage loan current was \$543.56. 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:(541) 474-1908 to find out the exact amount you must pay to bring your to 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:

PATRICK J. KELLY, ATTORNEY
717 NW 5TH STREET
Grants Pass, OR 97526

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

Date and time: September 26, 2014 at 11:30 am

Place: 316 Main Street, Klamath Falls, Oregon

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 anytime before the sale.
3. You can call Patrick Kelly, Attorney at (541) 474-1908 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 phone number of an organization near you, please call the statewide phone contact number at **1-855-480-1950**. 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 Web site at: **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 any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: May 22, 2014

Trustee name (print): Patrick J. Kelly

Trustee signature: _____

Trustee telephone number: (541) 474-1908

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT
15 USC SECTION 1692 (step 5)

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
2. The beneficiary named in the attached Trustee's Notice of Sale is the creditor to whom the debt is owed.
3. The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within thirty (30) days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
4. If the debtor notifies the trustee in writing within thirty (30) days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
5. If the creditor named as beneficiary in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within the thirty (30) days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
6. Written requests or objections should be addressed to:

Patrick Kelly, Attorney
717 NW 5th Street
Grants Pass, Oregon 97526
7. This communication is an attempt to collect a debt, and any information obtained will be used for that purpose.