

2212379

RECORDING COVER SHEET
Pursuant to ORS 205.234

2014-011358

Klamath County, Oregon

10/29/2014 10:50:51 AM

Fee: \$82.00

After recording return to:

Northwest Trustee Services, Inc.

As successor trustee

Attention: Breanon Miller

P.O. Box 997

Bellevue, WA 98009-0997

1. AFFIDAVIT OF MAILING – NOTICE OF POSTPONEMENT
2. NOTICE OF POSTPONEMENT
3. TRUSTEE'S NOTICE OF SALE

Original Grantor(s) on Trust Deed: James M. Gavin

Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home Loans, Inc., its successors and assigns

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

F.
82.00

AFFIDAVIT OF MAILING NOTICE OF POSTPONEMENT

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached Notice of Postponement by mailing a copy 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 address, to-wit:

Cach LLC
c/o Daniel N. Grordon P.C., Attorney at Law
4023 West 1st Avenue
Eugene, OR 97402

Portfolio Recovery Associates, LLC
c/o Daniel N. Grordon P.C., Attorney at Law
3390 West 11th Avenue, Ste D
Eugene, OR 97402

Portfolio Recovery Associates, LLC
c/o Daniel N. Grordon P.C., Attorney at Law
4023 West 1st Avenue
Eugene, OR 97402

Portfolio Recovery Associates, LLC
120 Corporate Blvd Ste 100
Norfolk, VA 23502

James Christopher Gavin
4690 Crosby Avenue
Klamath Falls, OR 97603

Cach LLC
c/o Daniel N. Grordon P.C., Attorney at Law
P.O. Box 22338
Eugene, OR 97402

Portfolio Recovery Associates, LLC
c/o Corporation Service Company, Registered Agent
285 Liberty Street Northeast
Salem, OR 97301

Portfolio Recovery Associates, LLC
c/o Daniel N. Grordon P.C., Attorney at Law
P.O. Box 22338
Eugene, OR 97402

Estate of James M. Gavin
aka James Michael Gavin, Sr., Deceased
4690 Crosby Avenue
Klamath Falls, OR 97603

Occupant(s)
4690 Crosby Avenue
Klamath Falls, OR 97603

Said 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 required by ORS 86.806.

Each of the notices so mailed was certified to be a true copy of the original notice of sale, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 10-23-14. 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 and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

STATE OF WASHINGTON)

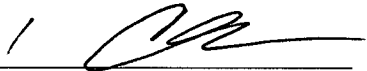
COUNTY OF KING)

) ss.


Joshua Egts

I certify that I know or have satisfactory evidence that Joshua Egts is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: OCT 23 2014

1 
NOTARY PUBLIC in and for the State of
Washington, residing at Kins
My commission expires 4-27-15

AFFIDAVIT OF MAILING NOTICE OF POSTPONEMENT

**RE: Trust Deed from
Gavin, James M.**

Grantor

to

**Northwest Trustee Services, Inc.,
Trustee**

File No. 7699.20755

**After recording return to:
Northwest Trustee Services, Inc.
Attn: Breanon Miller
P.O. Box 997
Bellevue, WA 98009-0997**

**CHRISTINA A. KOSTER
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
04-27-15**

Northwest Trustee Services, Inc.
PO Box 997
Bellevue, WA 98009-997

Notice of Postponement of Trustee's Foreclosure Sale
Required under ORS 86.782(2)(b)

Description of Trust Deed

DOT County: KLAMATH
Dated: 02/25/2004
Recording Date: 03/03/2004
Recording No.: Vol:M04 Pg:12494
Original Grantor: James M. Gavin
Original Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for
Countrywide Home Loans, Inc., its successors and assigns
Property address: 4690 Crosby Avenue
Klamath Falls, OR 97603

Notice is given that the trustee's sale under the Trust Deed described above, which was scheduled for 10/23/2014, is postponed to 11/10/2014 at 10:00 a.m. at inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, Klamath Falls.

The trustee's rules of auction may be accessed on-line at www.northwesttrustee.com and are incorporated by this reference. The foreclosure sale status may be accessed on-line at www.northwesttrustee.com and www.USA-Foreclosure.com.

Date: October 23, 2014

Northwest Trustee Services, Inc., Trustee

Contact: Breanon Miller
(425) 586-1900

File No: 7699.20755
Client: M & T Mortgage
Matter Name: Gavin, James M.

TRUSTEE'S NOTICE OF SALE

File No. 7699.20755

Reference is made to that certain trust deed made by James M Gavin, as grantor, to Fidelity National Title Insurance Co, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home Loans, Inc., its successors and assigns, as beneficiary, dated 02/25/04, recorded 03/03/04, in the mortgage records of KLAMATH County, Oregon, as Vol:M04 Pg:12494 and subsequently assigned to Lakeview Loan Servicing, LLC by Assignment recorded as 2014-005513, covering the following described real property situated in said county and state, to wit:

The East 65 feet of Lots 45, 46, 47 and 48 of Block 6, ST. FRANCIS PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 4690 Crosby Avenue
Klamath Falls, OR 97603

Both the beneficiary and 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 86.752(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$675.21 beginning 09/01/13, \$633.44 beginning 11/01/2013, \$653.83 beginning 12/01/2013 and \$634.68 beginning on 01/01/2014; plus late charges of \$27.01 each month beginning 09/16/13; plus prior accrued late charges of \$22.86; plus advances of \$83.74; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$77,174.50 with interest thereon at the rate of 5.625 percent per annum beginning 08/01/13; plus late charges of \$27.01 each month beginning 09/16/13 until paid; plus prior accrued late charges of \$22.86; plus advances of \$83.74; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on **October 23, 2014** at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of KLAMATH, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the 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 for reinstatement or payoff quotes requested pursuant to ORS 86.786 and 86.789 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. 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. Requests from

persons named in ORS 86.778 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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 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 October 23, 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 Association (16037 Upper Boones Ferry Road, Tigard, Oregon 97224, (503)620-0222, toll-free in Oregon (800)452-8260) and ask for the lawyer referral service. 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; a county-by-county listing of legal aid resources may be found on the Internet at <http://www.osbar.org/public/ris/lowcostlegalhelp/legalaid.html>.

The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Dated: _____

6-17, 2014

Northwest Trustee Services, Inc.

By _____

Assistant Vice President,

Northwest Trustee Services, Inc.

For further information, please contact:

Kathy Taggart
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900
File No. 7699.20755/GAVIN, ESTATE OF JAMES M.

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

By Authorized Signer

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A
DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.