

2014-013017

Klamath County, Oregon

12/17/2014 03:38:38 PM

Fee: \$187.00

187 2275792

**RECORDING COVER SHEET
ORS 205.234**

Klamath County Tax Account Number: R520733

- 1. Affidavit of Service**
- 2. Affidavit of Service of Foreclosure Avoidance Measure**
- 3. Affidavit of Mailing Notice**
- 4. Trustee's Notice of Sale**
- 5. Affidavit of Publication**
- 6. Certificate of Non-Military Service**
- 7. Affidavit of Compliance with Oregon HB 3610 February 2010 (ORS 86.774)**

Successor Trustee: Devon T. Thorson
Beneficiary: Oregon Department of Veterans' Affairs
Grantor(s): Mark S Beard and Cassie R Beard

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 transactions contained in the instruments themselves.

After recording return to:
Foreclosure Section
Oregon Department of Veterans' Affairs
700 Summer St. NE
Salem, OR 97301-1285

Klamath County, Oregon
OREGON DEPARTMENT OF VETERANS AFFAIRS, beneficiary
Mark S Beard And Cassie R Beard, grantor
DEVON T THORSON, trustee/successor trustee
TS # 0003040656
REF # 3040656-BEARD

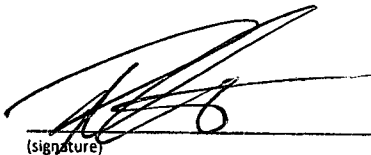
AFFIDAVIT OF SERVICE

I hereby certify that I am a competent person 18 years of age or older and meet the requirements in the state of service, am not the beneficiary of the trustee named in the original trustee's Notice of Sale, nor the successor of either, nor an officer, director, employee of or attorney for the beneficiary or trustee, or successor of either, corporate or otherwise.

I made service with true copy(s) of the
Trustee's Notice of Sale, Notice to Tenants; Notice re: Losing Your Property
as follows:

PERSONAL SERVICE

Upon Tina McAllister, by delivering such true copy to him/her personally and in person at 4667 THOMPSON AVE, Klamath Falls, OR 97603, on August 25, 2014, at 6:24 PM.

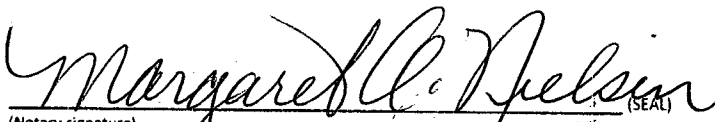
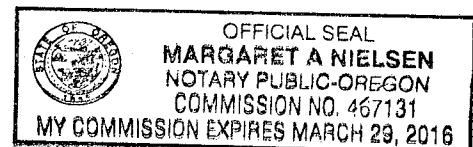


(signature)

Robert W. Bolenbaugh

STATE OF OREGON County of KLAMATH

Signed and affirmed before me on (date) SEPTEMBER 4, 2014
by Robert W. Bolenbaugh.


(Notary signature)
NOTARY PUBLIC - OREGON

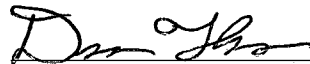
Job # 84

**AFFIDAVIT OF SERVICE OF FORECLOSURE
AVOIDANCE MEASURE NOTICE (ORS 86.748(2))**

I, Devon T. Thorson, first being duly sworn, depose and say:

1. I am the Successor Trustee of that certain Trust Deed made by Mark S Beard and Cassie R Beard as grantor, to First American Title as trustee, in favor of State of Oregon, by and through the Director of Oregon Department of Veterans' Affairs, as beneficiary, dated June 14, 2006, recorded June 26, 2006, in the mortgage records of Klamath County, Oregon, Volume M06 Page 13051.
2. The beneficiary has complied with the requirements set forth in subsection (1) of Oregon Revised Statutes 86.748 by mailing written notice to the grantor within 10 days after making the determination that the grantor of the residential trust deed was not eligible for a foreclosure avoidance measure or that the grantor had not complied with the terms of a foreclosure avoidance measure to which the grantor had agreed.
3. On August 15, 2014, I caused to be mailed the ORS 86.748 written notice by depositing a completed Form 20 of Appendix to OAR 137-120-0020 (the "Foreclosure Avoidance Measure Notice") in a postage pre-paid envelope in a USPS deposit box in Salem, Oregon.
4. A true copy of the written notice sent to the grantor is attached to the present affidavit for recording.

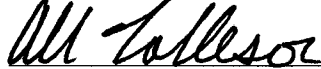
DATED: December 15, 2014



Devon Thorson, Successor Trustee

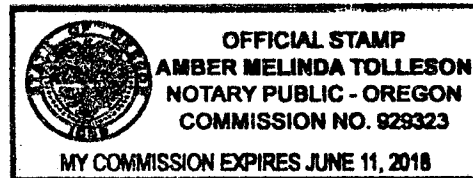
State of Oregon)
) ss.
County of Marion)

Subscribed and sworn to me this 15th day of December, 2014 by Devon T. Thorson, Successor Trustee.



Notary Public for Oregon

After recording return to:
Foreclosure Section
Oregon Department of Veterans' Affairs
700 Summer St NE
Salem, OR 97301



FORECLOSURE AVOIDANCE MEASURE NOTICE

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

Homeowner/Grantor:	Mark S. Beard and Cassie R. Beard
Lender/Beneficiary:	Oregon Department of Veterans' Affairs
Property Address:	4667 Thompson Ave, Klamath Falls OR 97603

Your Lender has determined that:

- ☒ You are not eligible for any of the following: a forbearance agreement, a temporary or permanent loan modification, a short sale, a deed-in-lieu of foreclosure, or any other foreclosure avoidance measure. The following foreclosure avoidance measures were considered but are not available. The basis for the Lender's determination is (must be described with specificity in plain language):

The Oregon Department of Veterans' Affairs does not participate in the Home Affordable Refinance Program (HARP) or the Home Affordable Modification Program (HAMP). A Temporary Reduction of Payment (TRP) Program is not available when the account is in foreclosure. You may contact this office at 503-373-2235 to discuss the information needed to consider a short sale or a deed-in-lieu of foreclosure. You would be required to complete either a short sale or a deed back to prior to the foreclosure sale date.

- ☐ 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 (must be described with specificity in plain language):

Has the lender been able to make contact with the grantor or receive adequate response from the grantor?

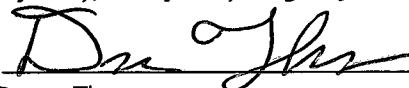
☒ Yes ☐ No

If no, and the grantor is ineligible for a foreclosure avoidance measure because the lender has been unable to make contact with, or receive adequate response from the grantor, what efforts were made to contact the grantor and what was the nature of the grantor's response (must be described with specificity in plain language):

Your property is currently set for sale on January 21, 2015 at 1:30 pm (time/date) at Klamath County Courthouse (location). 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. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service online at 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.

[Beneficiary/Beneficiary's Agent]

By: 
Devon Thorson
Successor Trustee
Oregon Department of Veterans' Affairs
503-373-2235
thorsod@odva.state.or.us

Date: 8-13-14



(Reserved for Recording Purposes)

AFFIDAVIT OF MAILING NOTICE OF SALE TO GRANTOR, SUCCESSOR IN INTEREST TO GRANTOR AND PERSON REQUESTING NOTICE

ODVA Account Number	County Tax Account Number
3040656	R520733

STATE OF OREGON)
) ss.
County of Marion)

I, Devon T. Thorson, being first duly sworn, depose, say, and certify 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 of his successor in interest named in the attached original Notice of Sale given under the terms of that certain Trust Deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following-named persons at their respective last known addresses, to wit:

FC
OCCUPANTS
4667 THOMPSON AVE
KLAMATH FALLS OR 97603

FC
MARK S BEARD
3344 BARNES WAY
KLAMATH FALLS OR 97603-6992

AFTER RECORDING RETURN TO:

FORECLOSURE
OREGON DEPARTMENT OF VETERANS' AFFAIRS
700 SUMMER ST NE
SALEM OR 97301-1285

Until a change is requested, all tax statements shall be sent to the following address:

TAX SECTION
OREGON DEPARTMENT OF VETERANS' AFFAIRS
700 SUMMER ST NE
SALEM OR 97301-1285

**AFFIDAVIT OF MAILING NOTICE OF SALE TO GRANTOR, SUCCESSOR IN
INTEREST TO GRANTOR AND PERSON REQUESTING NOTICE (Continued)**

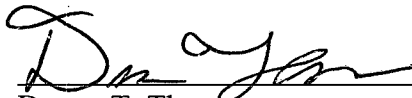
ODVA Account Number 3040656	Tax Account Number R520733
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FC
CASSIE R BEARD
3344 BARNES WAY
KLAMATH FALLS OR 97603-6992

Said persons include the grantor in the Trust Deed, any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, and any person requesting notice as provided in ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Devon T. Thorson, Trustee, was placed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office at Salem, Oregon, on August 13, 2014. Each of said notices was mailed after the Notice of Default and Election to Sell described in said Notice of Sale was recorded, and at least 120 days before the day fixed in said notice by the trustee for the trustee's sale.

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



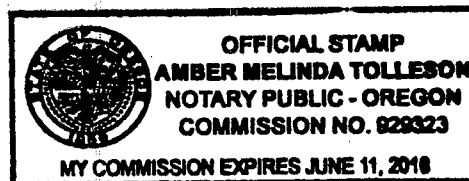
Devon T. Thorson
Successor Trustee

Subscribed and sworn to before me on August 15, 2014

(Seal)



Notary Public For Oregon





NOTICE TO RESIDENTIAL TENANTS:

4667 Thompson Ave, Klamath Falls, OR 97603.

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for January 21, 2015. 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 the 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 or 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:

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 PAYMENT 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.

The Oregon State Bar's referral service number is 503-684-3763 or toll free in Oregon at 1-800-452-7636 or you may visit the web site www.osbar.org. You may also call 1-800-723-3638 for the name and phone number of an organization near you.

TRUSTEE Devon T. Thorson,
700 Summer St NE
Salem, Oregon 97301-1285
Phone 503-373-2235



NOTICE:

BEARD, Mark S. and Cassie R.

**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: 4667 Thompson Ave
City: Klamath Falls
State: Oregon
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 that you would have had to pay as of August 13, 2014, to bring your mortgage current was \$7,237.28.

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 Devon T. Thorson at 503-373-2235 or 1-800-633-6808 ext 2235 to find out the exact amount you must pay to bring your mortgage 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:

Devon T. Thorson
700 Summer St NE
Salem, Oregon 97301-1285

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

PLACE: On the steps of the front entrance of the Klamath County Courthouse located at:
316 Main St, Klamath Falls, OR 97601.
DATE: January 21, 2015
TIME: 1:30 p.m.

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due plus the accumulated legal costs 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 sell your home, provided the sale price is enough to pay what you owe.
4. You can call **CODY COX**, *ODVA Loan Servicing Manager*, at **503-373-2170** to find out if your lender is willing to either give you more time or to change the terms of your loan.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decided what to do. For the name and phone number of an organization near you, please call the statewide phone contact number at 800-SAFENET (800-723-3638). 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, look in your phone directory or online for your local county Legal Aid Services of Oregon or go to
<http://www.oregonlawhelp.org>

Your lender may be willing to modify your loan to reduce the interest rate, reduce the monthly payments or both. You can get information about possible loan modification programs by contacting your lender at 503-373-2229 (Loan Program Manager, Steve Schlag). If you can't reach your lender, you may contact the trustee at the telephone notice number at the bottom of this notice. If you have already entered into a loan modification with your lender, it is possible that you will not be able to modify your loan again unless your circumstances have changed. Your lender is not obligated to modify your loan.

You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll free consumer mortgage foreclosure information number: 1-800-SAFENET 1-800-723-3638). Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at <http://www.makinghomeaffordable.gov/>.

The Oregon Department of Veterans' Affairs does not participate in the federal HARP (Home Affordable Refinance Program) or the federal HAMP (Home Affordable Modification Program). If you have any questions or wish to discuss the above programs, you may contact Cody Cox, Loan Program Manager at 503-373-2170 or Devon T. Thorson, Trustee at 503-373-2235.

You may go the web site hud.gov and click on talk to a Housing Counselor to obtain a referral to consult with Foreclosure Avoidance Counselors.

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 those organizations mentioned above before signing.

Trustee name: Devon T. Thorson

Trustee phone 503-373-2235

Signature: 

Date: 8-13-14



(Reserved for Recording Purposes)

TRUSTEE'S NOTICE OF SALE

Account Number	County Tax Account Number
3040656	R520733

Reference is made to that certain Trust Deed made by Mark S Beard and Cassie R Beard as grantor, to First American Title as trustee, in favor of State of Oregon, by and through the Director of Oregon Department of Veterans' Affairs, as beneficiary, dated June 14, 2006, recorded June 26, 2006, in the mortgage records of Klamath County, Oregon, Volume M06 Page 13051, and whereas a successor trustee, Devon T. Thorson, was appointed pursuant to ORS 86.790(3) by written instrument recorded on August 12, 2014, covering the following described real property situated in said county and state to wit:

(SEE LEGAL DESCRIPTION ON NEXT PAGE)

The mailing address of the above-described real property is 4667 Thompson Ave, Klamath Falls OR 97603.

By reason of said default, the beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following to-wit:

The principal sum of \$121,054.07 with interest thereon at the rate of 5.50 percent per annum from February 1, 2014, until paid, plus trustee's fees, attorney's fees, foreclosure costs, and sums advanced by the beneficiary pursuant to the terms of said Trust Deed.

AFTER RECORDING RETURN TO:

FORECLOSURE SECTION
OREGON DEPARTMENT OF VETERANS' AFFAIRS
700 SUMMER ST NE
SALEM OR 97301-1285

Until a change is requested, all tax statements shall be sent to the following address:

TAX SECTION
OREGON DEPARTMENT OF VETERANS' AFFAIRS
700 SUMMER ST NE
SALEM OR 97301-1285

TRUSTEE'S NOTICE OF SALE (Continued)

Account Number	County Tax Account Number
3040656	R520733

LEGAL DESCRIPTION:

Real property in the County of Klamath, State of Oregon, described as follows:

LOTS 35 AND 36 IN BLOCK 11 OF ST. FRANCIS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

TOGETHER WITH A PORTION OF THE ALLEY LOCATED IN BLOCK 11 OF ST. FRANCIS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 36 BLOCK 11 OF ST. FRANCIS PARK; THENCE NORTHERLY ALONG THE EAST LINE OF LOT 36 125 FEET; THENCE EAST PARALLEL TO THE NORTH RIGHT OF WAY LINE OF THOMPSON STREET 20 FEET TO THE NORTHWEST CORNER OF LOT 41 OF SAID BLOCK 11; THENCE SOUTHERLY ALONG THE WEST LINE OF LOTS 41, 40, 39, 38, AND 37, 125 FEET TO THE SOUTHWEST CORNER OF LOT 37 OF SAID BLOCK 11; THENCE WEST ALONG THE NORTH RIGHT OF WAY LINE OF THOMPSON STREET 20 FEET TO THE POINT OF BEGINNING.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and a Notice of Default has been recorded on August 12, 2014, in 2014-008384, pursuant to Section 86.735(3) of Oregon Revised Statutes; the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Six missed monthly payments of \$1,022.73 from March 2014 through August 2014, totaling \$6,136.38.

Late charges of \$196.90

Legal costs of \$904.00 as of August 13, 2014.

All totaling \$7,237.28.

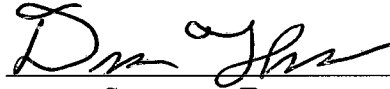
WHEREFORE, notice hereby is given that the undersigned trustee will on January 21, 2015 at the hour of 1:30 o'clock, p.m., in accord with the Standard of Time established by Section 187.110, Oregon Revised Statutes, at 316 Main St, on the steps of the County Courthouse in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash, the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the grantor or his 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (*other than such portion of said principal as would not then be due had no default occurred*) together with costs and trustee's and attorney's fees as provided by law, at any time prior to five days before the date set for said sale.

TRUSTEE'S NOTICE OF SALE (Continued)

Account Number	County Tax Account Number
3040656	R520733

In construing this instrument, the masculine gender includes the feminine and the neuter, and the singular includes the plural; the word "grantor" includes any successor in interest to the grantor as well as each and all other persons owing an obligation, the performance of which is secured by said Trust Deed; the word "trustee" and "beneficiary" include their respective successors-in-interest, if any.

DATED: August 13, 2014



Successor Trustee
Devon T. Thorson
Oregon Department of Veterans' Affairs
700 Summer Street NE
Salem OR 97301-1285
Phone 503-373-2235

STATE OF OREGON

)
)ss.
)

County of Marion

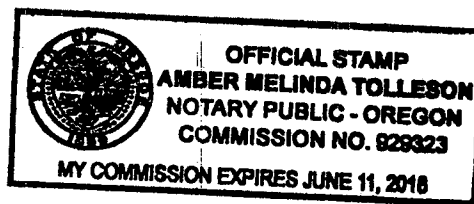
On August 13, 2014

I, the undersigned, certify that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale. This instrument was acknowledged before me by the above-named Devon T. Thorson, who personally appeared, and, being first duly sworn, did say that he is authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.

Before me:



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#15970 SALE BEARD

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:

10/14/2014 10/21/2014 10/28/2014 11/04/2014

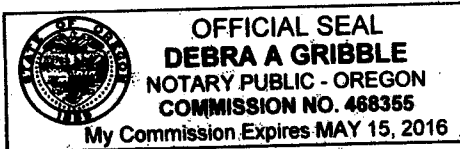
Total Cost: \$1424.50

Linda Culp

Subscribed and sworn by Linda Culp before me on:
4th day of November in the year of 2014

Debra A Gribble

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



**TRUSTEE'S NOTICE OF SALE
Account Number 3040656
County Tax Account Number R520733**

Reference is made to that certain Trust Deed made by **Mark S Beard and Cassie R Beard** as grantor, to **First American Title** as trustee, in favor of State of Oregon, by and through the Director of Oregon Department of Veterans' Affairs, as beneficiary, dated **June 14, 2006**, recorded **June 26, 2006**, in the mortgage records of **Klamath County, Oregon, Volume M06 Page 13051**, and whereas a successor trustee, **Devon T. Thorson**, was appointed pursuant to ORS 86.790 (3) by written instrument recorded on **August 12, 2014**, covering the following described real property situated in said county and state to wit: **LEGAL DESCRIPTION:** Real property in the County of Klamath, State of Oregon, described as follows:

LOTS 35 AND 36 IN BLOCK 11 OF ST. FRANCIS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

TOGETHER WITH A PORTION OF THE ALLEY LOCATED IN BLOCK 11 OF ST. FRANCIS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 36 BLOCK 11 OF ST. FRANCIS PARK; THENCE NORTHERLY ALONG THE EAST LINE OF LOT 36 125 FEET; THENCE EAST PARALLEL TO THE NORTH RIGHT OF WAY LINE OF THOMPSON STREET 20 FEET TO THE NORTHWEST CORNER OF LOT 41 OF SAID BLOCK 11; THENCE SOUTHERLY ALONG THE WEST LINE OF LOTS 41, 40, 39, 38, AND 37, 125 FEET TO THE SOUTHWEST CORNER OF LOT 37 OF SAID BLOCK 11; THENCE WEST ALONG THE NORTH RIGHT OF WAY LINE OF THOMPSON STREET 20 FEET TO THE POINT OF BEGINNING.

The mailing address of the above-described real property is **4667 Thompson Ave, Klamath Falls OR 97603.**

By reason of said default, the beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following to-wit:

The principal sum of **\$121,054.07** with interest thereon at the rate of **5.50** percent per annum from **February 1, 2014**, until paid, plus trustee's fees, attorney's fees, foreclosure costs, and sums advanced by the beneficiary pursuant to the terms of said Trust Deed.

AFTER RECORDING RETURN TO:

**FORECLOSURE SECTION
OREGON DEPARTMENT OF VETERANS' AFFAIRS
700 SUMMER ST NE, SALEM OR 97301-1285**
Until a change is requested, all tax statements shall be sent to the following address:

**TAX SECTION
OREGON DEPARTMENT OF VETERANS' AFFAIRS
700 SUMMER ST NE, SALEM OR 97301-1285**

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and a Notice of Default has been recorded on **August 12, 2014**, in **2014-008384**, pursuant to Section 86.735(3) of Oregon Revised Statutes; the default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Six missed monthly payments of \$1,022.73 from March 2014 through August 2014, totaling \$6,136.38.
Late charges of \$196.90
Legal costs of \$904.00 as of August 13, 2014.
All totaling \$7,237.28.

WHEREFORE, notice hereby is given that the undersigned trustee will on **January 21, 2015** at the hour of **1:30 o'clock, p.m.**, in accord with the Standard of Time established by Section 187.110, Oregon Revised Statutes, at **316 Main St, on the steps** of the County Courthouse 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 said described real property which the grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the grantor or his 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 Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the beneficiary of the entire amount then due (*other than such portion of said principal as would not then be due had no default occurred*) together with costs and trustee's and attorney's fees as provided by law, at any time prior to five days before the date set for said sale.

In construing this instrument, the masculine gender includes the feminine and the neuter, and the singular includes the plural; the word "grantor" includes any successor in interest to the grantor as well as each and all other persons owing an obligation, the performance of which is secured by said Trust Deed; the word "trustee" and "beneficiary" include their respective successors-in-interest, if any.

DATED: August 13, 2014

/s/Devon T. Thorson

Successor Trustee

Oregon Department of Veterans' Affairs

700 Summer Street NE, Salem OR 97301-1285,

Phone 503-373-2235

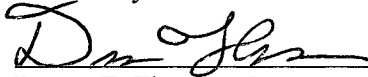
#15970 October 14, 21, 28, November 04, 2014.

CERTIFICATE OF NON-MILITARY SERVICE

This is to certify that I, Devon T. Thorson, am the Successor Trustee of that certain Trust Deed made by Mark S Beard and Cassie R Beard as grantor, to First American Title as trustee, in favor of State of Oregon, by and through the Director of Oregon Department of Veterans' Affairs, as beneficiary, dated June 14, 2006, recorded June 26, 2006, in the mortgage records of Klamath County, Oregon, Volume M06 Page 13051.

The property secured by the Trust Deed is scheduled for sale January 21, 2015. I reasonably believe the real property described in and covered by said Trust Deed, or any interest therein owned, is not held by a person in the military service as defined in Article I of the "Soldiers' and Sailor' Civil Relief Act of 1940," as amended and evidenced by the attached Department of Defense certificate(s), or legally incompetent under the laws of the State of Oregon.

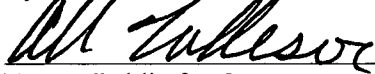
In construing this certificate, the masculine includes the feminine, the singular includes the plural, the work "grantor" includes any successor in interest to the grantor, the word "trustee" includes any successor trustee, and the word "beneficiary" includes any successor in interest to the beneficiary name in said Trust Deed.



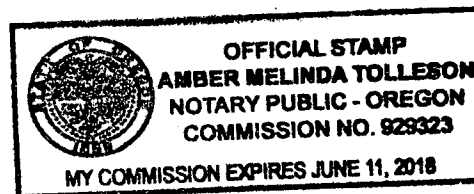
Devon T. Thorson, Successor Trustee

State of Oregon)
) ss.
County of Marion)

Subscribed and sworn to me this 15th day of December 2014.
By Devon T. Thorson, Successor Trustee.



Notary Public for Oregon



AFTER RECORDING RETURN TO:
FORECLOSURE SECTION
OREGON DEPARTMENT OF VETERANS' AFFAIRS
700 SUMMER ST NE
SALEM OR 97301-1285

**Status Report
Pursuant to Servicemembers Civil Relief Act**Last Name: BEARDFirst Name: CASSIEMiddle Name: RActive Duty Status As Of: Dec-15-2014

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

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 "defenseink.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: U0F0BA1ET130A40

**Status Report
Pursuant to Servicemembers Civil Relief Act**Last Name: BEARDFirst Name: MARKMiddle Name: SActive Duty Status As Of: Dec-15-2014

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. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
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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: 702FEADED12FP20

**AFFIDAVIT OF COMPLIANCE WITH OREGON HB 3610 FEBRUARY 2010
(ORS 86.774)**

Regarding that certain Trust Deed made by Mark S Beard and Cassie R Beard as grantor, to First American Title as trustee, in favor of State of Oregon, by and through the Director of Oregon Department of Veterans' Affairs, as beneficiary, dated June 14, 2006, recorded June 26, 2006, in the mortgage records of Klamath County, Oregon, Volume M06 Page 13051:

The Oregon Department of Veterans' Affairs does not participate in the federal HAMP (Home Affordable Modification Program) or the federal HARP (Home Affordable Refinance Program).

I also believe that our loan program is exempt from the obligation of participating in any of the federal modification of mortgage programs because the property is secured by a trust deed that a government agency holds for a loan that the government agency funded through a government program.

We do offer a Temporary Reduction of Payment program per ORS 407.095. The borrowers were notified about the program. The borrowers chose not to apply.

My name and phone number were listed on the Danger of Losing Notice.



Cody Cox
Loan Program Manager

State of Oregon)
) ss.
County of Marion)

Subscribed and sworn to me this 15th day of December, 2014 by Cody Cox, Loan Program Manager for the Oregon Department of Veterans' Affairs.



Notary Public for Oregon

After recording return to:

Foreclosure Section
Oregon Department of Veterans' Affairs
700 Summer St NE
Salem, OR 97301

