

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE:  
Trust Deed from Ryan B. Weider.

**2015-002284**

Klamath County, Oregon



03/16/2015 12:52:58 PM

Fee: \$62.00

TO

Erskine Deloe, Beneficiary

After recording return to:  
Scott D. MacArthur, Successor Trustee  
125 S 6th Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, 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 Oregon, 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 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 (or their legal representatives, where so indicated) at their respective last known addresses, together with Important Notice Regarding Alternatives to Foreclosure and Notice to Tenants where applicable, to-wit:

Ryan B. Weider	519 Main Street, Klamath Falls, OR 97601
Justine Throne	280 Main Street, Klamath Falls, OR 97601
Brooke Weider	2234 Homedale Road, Klamath Falls, OR 97603
Stephanie L. Burke	717 Murphy Road, Medford, OR 97504

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 86.785.

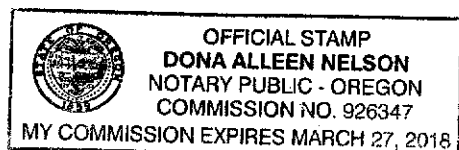
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on November 26, 2014 and to Ryan B. Weider on December 13, 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 and

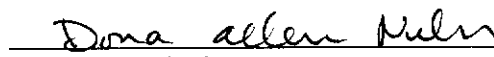
postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

  
\_\_\_\_\_  
Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 16<sup>th</sup> day of March, 2015, by Scott D. MacArthur.



  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires 3-27-2018

# AFFIDAVIT OF NON-OCCUPANCY

STATE OF OREGON, County of Klamath) ss.

I, SCOTT D. MacARTHUR, being first duly sworn, depose and certify that:

I am the Successor Trustee under the Trust Deed delivered by Ryan B. Weider as grantor to Amerititle, Inc., as Trustee to Erskine Deloe, dated March 9, 2006 and recorded March 14, 2006 at Volume M-06, page 004577 of the Mortgage Records of Klamath County, Oregon covering the following described property situated in Klamath County, Oregon

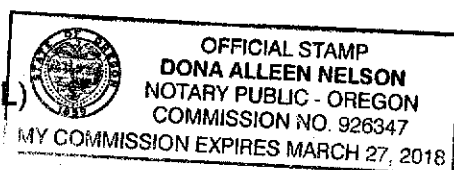
All of Blocks 19, 22 and 23 of KLAMATH HEIGHTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon..

I hereby certify that the above described real property was not occupied at the time the Notice of Default and Election to Sell was recorded on November 26, 2014.

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

Scott D. MacArthur

Subscribed and sworn to before me this 16<sup>th</sup> day of March, 2015 by  
Scott D. MacArthur.



Dona Alleen Nelson  
Notary Public for Oregon  
My Commission Expires: 3-27-2018

CERTIFICATE OF NON-OCCUPANCY STATE OF OREGON, County of Klamath)ss.

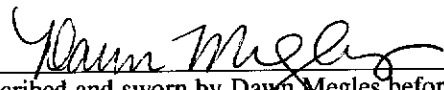
After Recording return to:  
Scott D. MacArthur, P.C.  
125 S 6th Street  
Klamath Falls, OR 97601


**AFFIDAVIT OF PUBLICATION  
STATE OF OREGON,  
COUNTY OF KLAMATH**

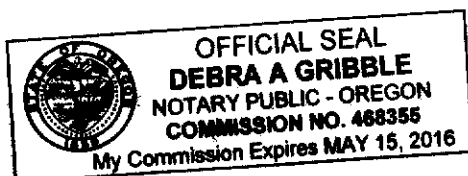
I, Dawn Megles, Classified Manager, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#16154 SALE DELOE/WEIDER  
**NOTICE OF DEFAULT AND ELE**  
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:  
02/10/2015 02/17/2015 02/24/2015 03/03/2015

Total Cost: \$1501.32

  
Subscribed and sworn by Dawn Megles before me on:  
3rd day of March in the year of 2015

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



**NOTICE OF DEFAULT AND ELECTION TO SELL**

KNOW ALL MEN BY THESE PRESENTS, that RYAN B. WEIDER, is the grantor and, AMERITITLE, INC., is the trustee, and ERSKINE DELOE, is the beneficiary under that certain trust deed March 9, 2006, and recorded on March 14, 2006, in Volume No. M-06 at page 004577 of the Mortgage (Microfilm) Records of Klamath County, Oregon.  
All of Blocks 19, 22 and 23 of KLAMATH HEIGHTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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 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:

Failure to make monthly payments in the amount of \$388.79.00 per month for the months of August 2009 to the present.

Failure to keep the real property free from liens by allowing a Judgment in the amount of \$5,160.00, plus interest in Klamath County Case No. 0701392-CV, to attach to the real property.

Failure to keep the real property free from liens by allowing a Judgment in the amount of \$24,574.38, plus interest in Klamath County Case No. 1103383-CV, to attach to the real property.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: \$19,422.29 as of August 28, 2009 plus interest and costs.

WHEREFORE, notice hereby is given that the undersigned trustee will on April 3, 2015 at the hour of 11:00 a.m. Standard time, as established by Section 187.110, Oregon Revised Statutes, at 125 S. 6<sup>th</sup> 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 said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs of their 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, at any time prior to five days before the trustee conducts 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 ten-

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 Section 86.753 of Oregon Revised Statutes.

#### **NOTICE TO TENANTS**

If you are a tenant of this property, foreclosure could effect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed term lease, the purchaser may require you to move out after giving you a 30 day notice on or after the date of the sale. If you have a fixed term lease, you may be entitled to receive after the date of sale a 60 day notice of the purchaser's requirement that you move out. To be entitled to a 30 day or 60 day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a

~~fixed term lease, you must give the trustee a copy of the rental agreement.~~ If you do not have a fixed term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. **The date that is 30 days before the date of the sale is March 4, 2015.** The name of the trustee and the trustee's mailing address are listed on this notice. Federal law may grant you additional rights including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law. You have the right to apply your security deposit and any prepaid rent toward your current obligations under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. The Oregon State Bar attorney referral service may be reached at (800) 452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Legal Aid may be reached at (800) 480-9160.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owning 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. The Fair Debt Collection Practices Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings, This shall not be construed to be an attempt to collect the outstanding indebtedness of hold you personally liable for the debt.

DATED: February 10, 2015.

/s/Scott D. MacArthur, Successor Trustee  
125 S. 6<sup>th</sup> Street, Klamath Falls, OR 97601  
#16154 February 10, 17, 24, March 03, 2015.