

2015-004312

Klamath County, Oregon

05/05/2015 03:06:26 PM

Fee: \$122.00

When recorded return to:
Robinson Tait, P.S.
710 Second Avenue, Suite 710
Seattle, WA 98104

TS # 60063-00330-NJ-OR

**AFFIDAVIT OF MAILING OF NOTICE REQUIRED BY ORS 86.756 AND TRUSTEE'S
NOTICE OF SALE**

1ST AM 8483373

STATE OF WASHINGTON
COUNTY OF KING

I, Rebecca Pennyson, 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 Washington, a competent person over the age of eighteen years, and not the Beneficiary or its successor interest named in the attached original or copy of Trustee's Notice of Sale given under the terms of that certain Trust Deed described in said notice.

The notice required by ORS 86.756 and the Trustee's Notice of Sale for the real property described in the attached Trustee's Notice of Sale was sent by mailing a copy thereof by certified mail, return receipt requested and first class mail to each of the following named persons at their last known address, to-wit:

David T John
10216 Split Rail Rd
La Pine, OR 97739

David T John
1131 29th Ave Apt C2
Sweet Home, OR 97386

Frances B Small
10216 Split Rail Rd
La Pine, OR 97739

Frances B Small
1131 29th Ave Apt C2
Sweet Home, OR 97386

Federal Home Loan Bank of Seattle
1501 Fourth Avenue, Suite 1800
Seattle, WA 98101

Oregon Housing and Community Services Department: Attn: Homeownership Program Manager
725 Summer Street, Ste B
Sale, OR 97301

Forest Meadows Road Association at Split Rail Rancho
P.O. Box 1272
LaPine, OR 97739

Federal Home Loan Bank of Seattle c/o Affordable Housing Program Administrator
1501 Fourth Avenue, Suite 1800
Seattle, WA 98101

The State of Oregon Acting by and through its Housing and Community Services Department c/o Oregon Housing & Community Services Department attn: Homeownership Program Manger
725 Summer Street, Suite B
Salem, OR 97301

Oregon Housing & Community Services Department attn: Homeownership Program Manger
725 Summer Street, Suite B
Salem, OR 97301

Forest Meadows Road Association at SPL
P.O. Box 1272
La Pine, OR 97739

Occupant
10216 Split Rail Rd
La Pine, OR 97739

Said person(s) including the Grantor(s) in the Trust Deed, any successor in interest to the Grantor(s) whose interest appears of record or of whose interest the Trustee or Beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.806, and all junior lien holders as provided in ORS 86.764.

Each of the notices mailed was a true copy of the original Trustee's Notice of Sale by Robinson Tait, P.S., 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 mail in Seattle, Washington on 1/2/2015. Each of said notices was mailed after the Notice of Default and Election to Sell, described in said Trustee's Notice of Sale, was recorded at least 120 days before the day fixed in said notice by the Trustee for the Trustee's Sale.

DATED: January 15, 2015

By: [Signature]

Rebecca Tennyson, Foreclosure Specialist
(Name Title)

State of Washington)
County of King)

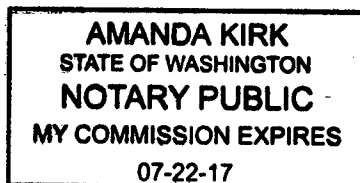
Rebecca Tennyson

The foregoing instrument was acknowledged before me this 20th day of January, 2015 by

[Signature]
NOTARY PUBLIC in and for the State of Washington,
residing at Seattle, County of King

Amanda Kirk
(printed or typed name)

My appointment expires 07/22/2017



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:

10216 Split Rail Rd
La Pine, OR 97739

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 January 16, 2015 to bring your mortgage loan current was \$4,569.32. The amount you must now pay to bring the loan current may have increased since that date.

By law, your lender has to provide you with the details about the amount you owe, if you ask. You can call 1 (855) 676-9640 or (206) 676-9640 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe. You may also get these details by sending a request by certified mail to:

Robinson Tait
Attn: Winston Khan
710 Second Ave, Suite 710
Seattle, WA 98104

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

Date and Time: May 22, 2015 at 11:00 AM

Place: Deschutes County Courthouse Front Entrance, 1164 NW Bond Street,
Bend, OR 97701

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 amount in full any time before the sale.
3. You can call Homestreet Bank at 1-800-237-3194 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, call the statewide toll-free phone contact number at 855-480-1950. You may also want to talk to a lawyer. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or visit its website at www.osbar.org. Legal assistance may be available if you have 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 saying they can help keep your property. Be careful about those offers. Make sure you understand any papers you are asked to sign. If you have questions, talk to a lawyer or one of the organizations mentioned above before signing.

Dated: January 16th, 2015

Trustee name: Robinson Tait, P.S.

Trustee signature: 

Printed Name: JOE SOLSENG, OSB # 132478

Robinson Tait, P.S.

Authorized to sign on behalf of the trustee

Phone: (206) 876-3261

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by David T John and Frances B Small as grantor, to Fidelity National Title Company of Oregon as trustee, in favor of HomeStreet Bank as beneficiary, dated December 26, 2008, recorded December 31, 2008, in the mortgage records of Klamath County, Oregon, as Document No. 2008-017053, and assigned to Oregon Housing and Community Services Department on March 24, 2009 in the records of Klamath County, Oregon, as Document No. 2009-004131, covering the following described real property situated in said county and state, to wit:

LOT 41 IN BLOCK 2 OF TRACT 1098 - SPLIT RAIL RANCHOS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

PROPERTY ADDRESS: 10216 Split Rail Rd, La Pine, OR 97739

There is a default by the grantor or other person owing an obligation or by their successor in interest, the performance of which is secured by said trust deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantors' failure to pay when due the following sums: monthly payments of \$476.42 beginning May 1, 2014; plus prior accrued late charges of \$152.48; plus corporate advances of \$110.00; 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 said trust deed immediately due and payable, said sums being the following, to wit: \$59,490.79 with interest thereon at the rate of 5.75000 percent per annum beginning April 1, 2014; plus prior accrued late charges of \$152.48; plus escrow advances of \$766.59; Plus other fees of \$225.00; 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 property and its interest therein; and prepayment penalties/premiums, if applicable.

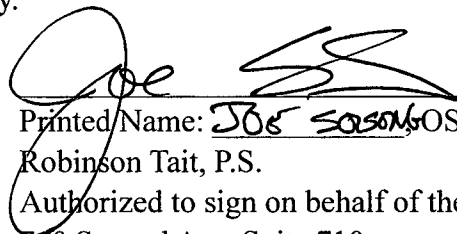
WHEREFORE, notice is hereby given that the undersigned trustee will on May 22, 2015, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at Deschutes County Courthouse Front Entrance, 1164 NW Bond Street, Bend, OR 97701, in the City of Bend, County of Deschutes, State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above, 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 the sale, including reasonable charges by the trustee. Notice is further given that any person named in ORS 86.778 has the right, at any time that is not later than 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 principle 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 those 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 and attorney fees not exceeding the amounts provided by ORS 86.778.

Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's 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.

DATED: January 16th, 2015


Printed Name: JOE SASON OSB # 132478
Robinson Tait, P.S.
Authorized to sign on behalf of the trustee
710 Second Ave, Suite 710
Seattle, WA 98104

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for May 22, 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 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 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 PAYMENTS YOU MAKE.

SECURITY DEPOSIT

You may apply your security deposit and any rent you paid in advance against the current rent you owe your landlord as provided in ORS 90.367. To do this, you must notify your landlord in

writing that you want to subtract the amount of your security deposit or prepaid rent from your rent payment. You may do this only for the rent you owe your current landlord. If you do this, you must do so before the foreclosure sale. The business or individual who buys this property at the foreclosure sale is not responsible to you for any deposit or prepaid rent you paid to your landlord.

ABOUT YOUR TENANCY AFTER THE FORECLOSURE SALE

The new owner that buys this property at the foreclosure sale may be willing to allow you to stay as a tenant instead of requiring you to move out after 90 days or at the end of your fixed term lease. After the sale, you should receive a written notice informing you that the sale took place and giving you the new owner's name and contact information. You should contact the new owner if you would like to stay. If the new owner accepts rent from you, signs a new residential rental agreement with you or does not notify you in writing within 30 days after the date of the foreclosure sale that you must move out, the new owner becomes your new landlord and must maintain the property. Otherwise:

- You do not owe rent;
- The new owner is not your landlord and is not responsible for maintaining the property on your behalf; and
- You must move out by the date the new owner specifies in a notice to you.

The new owner may offer to pay your moving expenses and any other costs or amounts you and the new owner agree on in exchange for your agreement to leave the premises in less than 90 days or before your fixed term lease expires. You should speak with a lawyer to fully understand your rights before making any decisions regarding your tenancy.

IT IS UNLAWFUL FOR ANY PERSON TO TRY TO FORCE YOU TO LEAVE YOUR DWELLING UNIT WITHOUT FIRST GIVING YOU WRITTEN NOTICE AND GOING TO COURT TO EVICT YOU. FOR MORE INFORMATION ABOUT YOUR RIGHTS, YOU SHOULD CONSULT A LAWYER. If you believe you need legal assistance, contact the Oregon State Bar and ask for the lawyer referral service. They can be reached at (503)684-3763 or, in Oregon, toll free at 800-452-7636. The website for the Oregon State Bar is www.osbar.org. 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 through the Oregon State Bar. In addition to the telephone numbers and website listed here, you can email them on this issue at: legalhelp@oregonstatebar.org.

AFTER RECORDING, RETURN TO:
Janiece Jungell / Loan Servicing
HomeStreet Bank
601 Union Street, Suite 2000
Seattle, WA 98101

AFFIDAVIT OF COMPLIANCE
With Oregon Laws 2013, chapter 304, section 9

Grantor:	David T. John & Frances B. Small
Beneficiary:	Oregon Housing & Community Services Dept.
Trustee:	Jennifer Tait
Property Address:	10216 Split Rail Rd, La Pine, OR 97739
Instrument Recording No. :	2008-017053

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

(1) I am the Assistant Vice President of HomeStreet Bank, who is the Beneficiary's Agent of the above referenced residential trust deed:

(2) The Beneficiary's Agent has determined that the grantor(s) of the residential trust deed is/are:

☐ not eligible for a foreclosure avoidance measure; or

☐ has not complied with the terms of a foreclosure avoidance measure to which the grantor(s) has/have agreed; or

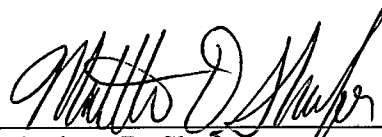
☒ has not requested a foreclosure avoidance measure

(3)

☐ The Beneficiary's Agent mailed written notice, in plain language explaining the basis for the beneficiary's determination above, to the grantor(s) and to the Oregon Department of Justice within 10 days after making the determination as required by Oregon Laws 2013, chapter 304, section 9(1)(a) and (b); or

☒ The borrower did not request a foreclosure avoidance measure

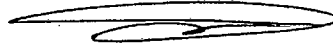
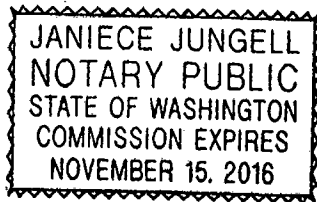
- (4) By reason of the above, the beneficiary has complied with the requirements of Oregon Laws 2013, chapter 304, section 9.



Matthew D. Shafer
Assistant Vice President
HomeStreet Bank

State of Washington)
)ss.
County of King)

Signed and sworn to (or affirmed) before me this 29th day of May, 2015, by Matthew D. Shafer who is the Assistant Vice President of HomeStreet Bank (beneficiary).



Notary Signature
Printed Name: Janiece Jungell
My commission expires: 11-15-16

**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#16177 SALE JOHN/SMALL

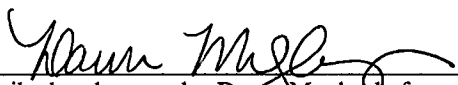
TRUSTEE'S NOTICE OF SALE

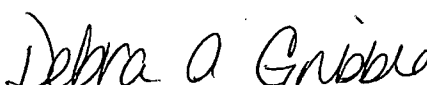
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

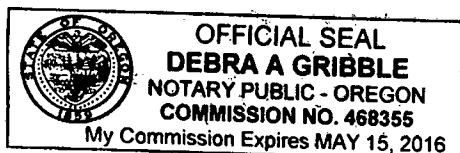
Insertion(s) in the following issues:

03/03/2015 03/10/2015 03/17/2015 03/24/2015

Total Cost: \$1214.72


Subscribed and sworn by Dawn Megles before me on:
24th day of March in the year of 2015


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



TRUSTEE'S NOTICE OF SALE

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PROPERTY ADDRESS:

10216 Split Rail Rd, La Pine, OR 97739
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WHEREFORE, notice is hereby given that the undersigned trustee will on May 22, 2015, at the hour of 11:00 AM, in accord with the standard of time established by ORS 187.110, at Deschutes County Courthouse Front Entrance, 1164 NW Bond Street, Bend, OR 97701, in the City of Bend, County of Deschutes, State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above, 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 the sale, including reasonable charges by the trustee. Notice is further given that any person named in ORS 86.778 has the right, at any time that is not later than 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 principle 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 those 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 and attorney fees not exceeding the amounts provided by ORS 86.778.

Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's 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.

Robinson Tait, P.S.
Authorized to sign on behalf of the trustee
710 Second Ave, Suite 710, Seattle, WA 98104
#16177 March 03, 10, 17, 24, 2015.

AFFIDAVIT OF SERVICE

Trustee's Notice of Sale Upon Occupant and Notice to Tenants

Case Number:

Beneficiary:
HOMESTREET BANK

vs.

Grantor:
DAVID T. JOHN and FRANCES B. SMALL



ONE2015000240

For:
Robinson Tait, P.S.
710 Second Avenue
Suite 710
Seattle, WA 98104

Received by Malstrom's Process Serving Co. to be served on **ALL OCCUPANTS RESIDING AT:, 10216 SPLIT RAIL ROAD, LA PINE, OR 97739.**

I, Bo Helikson, being duly sworn, depose and say that on the **19th day of January, 2015 at 4:13 pm, I:**

I made service of Trustee's Notice of Sale Upon Occupant and Notice to Tenants upon the individuals and/or entities named below by delivering a copy of the Trustee's Notice of Sale Upon Occupant and Notice to Tenants, upon an OCCUPANT at the following Property Address: 10216 SPLIT RAIL ROAD, LA PINE, OR 97739 in the manner of:

On 1/19/2015 at 4:13 pm, I attempted personal service at the Property Address. At that time, I POSTED such copy conspicuously at the property address, pursuant to ORS 86.750 (1)(b)(A).

On 1/21/2015, at 4:30 pm, I returned to the Property address. At that time, I POSTED another such copy conspicuously at the property address pursuant to ORS 86.750 (1)(b)(B).

On 1/25/2015 at 4:00 pm, I returned to the Property address. At that time, I POSTED another such copy conspicuously at the property address, pursuant to ORS 86.750 (1)(b)(C)

Proof of Mailing: On 1/26/2015, I mailed a copy of the Trustee's Notice of Sale Upon Occupant and Notice to Tenants by First Class Mail, postage pre-paid thereon, addressed to "Occupants" at 10216 SPLIT RAIL ROAD, LA PINE, OR 97739, pursuant to ORS 86.750 (1) (a) (C). If mailed by other than the server:

x 

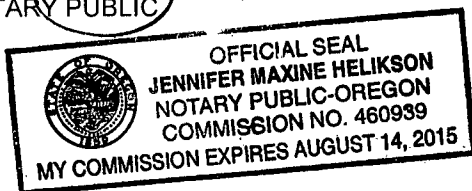
The effective date of service upon an occupant at the Property Address is 1/19/2015 as calculated pursuant to ORS 86.750 (1)(c).

AFFIDAVIT OF SERVICE For

I declare under penalty of perjury that I am a resident of the State of Oregon. I am a competent person 18 years of age or older and not a party to or attorney in the proceeding and am authorized to serve the process described herein. I certify that the person, firm, or corporation served is the identical one named in this action. I am not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise.

Subscribed and Sworn to before me on the 26
day of JANUARY, 2015 by the affiant
who is personally known or identified to me. •

NOTARY PUBLIC




Bo Helikson
Process Server

Malstrom's Process Serving Co.
P.O. Box 2031
Salem, OR 97308
(503) 585-0234

Our Job Serial Number: ONE-2015000240
Ref: 14-60063-00101