

2015-007251

Klamath County, Oregon

07/02/2015 03:29:34 PM

Fee: \$67.00

When recorded mail document to:

Clear Recon Corp
621 SW Morrison Street, Ste 425
Portland, OR 97205

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF DEFAULT AND ELECTION TO SELL

TS No.: 025648-OR

Loan No.: *****8939

Legal Authority: ORS 86.752, 86.771

Reference is made to that certain trust deed (the "Deed of Trust") executed by ANTHONY DAVID PHILLIPS AND ELIZABETH PHILLIPS TENANTS BY THE ENTIRETY, as Grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as Trustee, in favor of NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK, as Beneficiary, dated 10/26/2007, recorded 10/31/2007, as Instrument No. 2007-018695, and later modified by a Loan Modification Agreement recorded on 06/04/2014, as Instrument 2014-005927, in the Official Records of Klamath County, Oregon, which covers the following described real property situated in Klamath County, Oregon:

**THE SOUTHWESTERLY 30 FEET OF LOT 38 AND THE NORTHEASTERLY 70 FEET
OF LOT 39 OF MOYINA, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE
IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.**

APN: R452557 / R-3809-036CD-08100-000

Commonly known as:

**6324 JUNIPER WY
KLAMATH FALLS, OR 97603**

The current beneficiary is:

PNC BANK, NATIONAL ASSOCIATION

The undersigned hereby certifies that no assignments of the Deed of Trust by the trustee or by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the records of the county or counties in which the above described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the Deed of Trust, or, if such action has been instituted, the action has been dismissed, except as permitted by ORS 86.752(7), 86.010.

There is a default by grantor or other person owing an obligation, or by their successor-in-interest, the performance of which is secured by the Deed of Trust with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantor's failure to pay when due, the following sums:

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Delinquent Payments:

<u>Dates:</u>	<u>No.</u>	<u>Amount</u>	<u>Total:</u>
11/01/14 thru 01/01/15	3	\$1,684.08	\$5,052.24
02/01/15 thru 06/01/15	5	\$1,739.63	\$8,698.15
<i>Late Charges:</i>			\$230.96
<i>Beneficiary Advances:</i>			\$1,965.70
<i>Foreclosure Fees and Expenses:</i>			\$1,592.50
TOTAL REQUIRED TO REINSTATE:			\$17,539.55

By reason of the default, the beneficiary has declared all obligations secured by the Deed of Trust immediately due and payable, those sums being the following: **\$286,039.87**

Notice hereby is given that the beneficiary and trustee, by reason of default, have elected and do hereby elect to foreclose the Deed of Trust by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder, for cash, the interest in the described property which grantor had, or had the power to convey, at the time grantor executed the Deed of Trust, together with any interest grantor or grantor's successor in interest acquired after the execution of the Deed of Trust, to satisfy the obligations secured by the Deed of Trust and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The Sale will be held at the hour of **10:00 AM.**, standard time, as established by ORS 187.110, on **11/12/2015**, at the following place:

**ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT,
316 MAIN ST, KLAMATH FALLS, OR 97601**

Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property, except:

<u>Name and Last Known Address</u>	<u>Nature of Right, Lien or Interest</u>
ACCOUNTS RECEIVABLE, INC. 4001 MAIN STREET, SUITE 50 VANCOUVER, WA 98663	Beneficiary of a Junior Lien
ANTHONY DAVID PHILLIPS 6324 JUNIPER WY KLAMATH FALLS, OR 97603	Trustor under said Deed of Trust
CREDIT BUREAU OF KLAMATH CO 839 MAIN STREET KLAMATH FALLS, OR 97601	State Tax Lien Agency
DEPARTMENT STORES NATIONAL BANK C/O SUTTELL & HAMMER, P.S. (FORMERLY KNOWN AS SUTTELL & ASSOCIATES, P.S.) 1450-114TH AVE SE, #240, CONIFER BUILDING BELLEVUE, WA 98004	Beneficiary of a Junior Lien
DISCOVER BANK 502 E MARKET STREET GREENWOOD, DE 19950	Beneficiary of a Junior Lien
DISCOVER BANK C/O BISHOP, WHITE, MARSHALL & WEIBEL, P.S.	Beneficiary of a Junior Lien

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720 OLIVE WAY, SUITE 1201
SEATTLE, WA 98101

ELIZABETH PHILLIPS
6324 JUNIPER WY
KLAMATH FALLS, OR 97603

Trustor under said Deed of Trust

LVNV FUNDING LLC
C/O JOHNSON MARK LLC
901 N BRUTSCHER STREET, D PMB 401
NEWBERG, OR 97132

Beneficiary of a Junior Lien

UNITED PIPE & SUPPLY CO., INC.
90099 PRAIRIE ROAD
EUGENE, OR 97402

Beneficiary of a Junior Lien

UNITED PIPE & SUPPLY CO., INC.
C/O ALAN L. MITCHELL
MITCHELL LAW OFFICE, LLC
PO BOX 14247
PORTLAND, OR 97293

Beneficiary of a Junior Lien

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 the foreclosure proceeding dismissed and the Deed of Trust 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 Deed of Trust, and in addition to paying the sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust, together with trustee's and attorneys' 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.

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

Dated: 6/29/2015

CLEAR RECON CORP
621 SW Morrison Street, Ste 425
Portland, OR 97205
858-750-7600


Bernis M. Gonyea, Authorized Signatory of Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

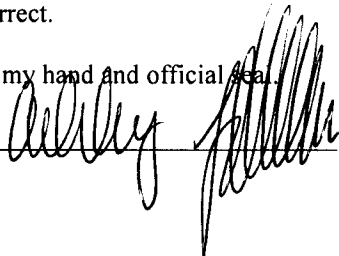
State of California)
) ss.
County of San Diego)

On 6/29/2015 before me, ASHLEY JOHNSON, Notary Public, personally appeared Bernis M. Gonyea who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

 (Seal)



Anita Holbrook
3232 Newmark Drive
Miamisburg, Ohio
45342

RECEIVED
JAN 30 2015

DEPARTMENT OF JUSTICE
PORTLAND LEGAL

Lender/Beneficiary:	PNC Bank, National Association
Jurisdiction*	United States of America

I, Anita Holbrook (printed name) being first duly sworn, depose, and state that:
This affidavit is submitted for a claim of exemption to the Office of the Attorney General of Oregon under Oregon Laws 2013, chapter 304, §2(1)(b).

7. The above named individual or entity commenced or caused an affiliate or agent of the individual or entity to commence the following number of actions to foreclose a residential trust deed by advertisement and sale under ORS 86.752 or by suit under ORS 88.010 during the calendar year preceding the date of this affidavit: 158 [not to exceed 175];
2. The undersigned further certifies that she/he: [check only one of the following boxes]
[] is the individual claiming exemption from requirements established under Or Laws 2013, ch 304, or
[✓] is the Vice President, Late Stage Default [insert title] of the entity claiming exemption from requirements established under Or Laws 2013, ch 304, and is authorized by such entity to execute this affidavit on its behalf.

Anita Subhash
(Signature)

State of Ohio)
) ss.

Signed and sworn to (or affirmed) before me this 26th day of January, 2015
by Anita Holbrook

Notary Public for OHIO
My commission expires: April 5, 2017

