



After Recording Return to:

Joseph E. Kellerman
Hornecker Cowling LLP
717 Murphy Road
Medford, OR 97504

2015-012710

Klamath County, Oregon

11/20/2015 02:23:23 PM

Fee: \$87.00

AFFIDAVIT OF SERVICE AND MAILING TRUSTEE'S NOTICE OF SALE

I, Joseph E. Kellerman, being first duly sworn, depose and say and certify that:

1. I am the successor trustee under that certain Trust Deed executed and delivered by Robert D. Baumgart Jr. and Michelle L. Baumgart, as Grantors, to First American Title Insurance Company, as Trustee, in which AmericanWest Bank is the current Beneficiary, recorded on April 17, 2006 as Instrument No. M06, Page 07458, Microfilm Records of Klamath County, Oregon covering the following described real property, to wit: Lot 21 in Block 7 of STEWART ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

2. I gave notice of the sale (as required by ORS 86.745) of the real property described in the attached Trustee's Notice of Sale by mailing true copies thereof via both first-class and certified mail with return receipt requested to each of the following named persons or their legal representatives at their respective last known addresses, to wit:

Robert D. Baumgart Jr.
4418 Cleveland Avenue
Klamath Falls, OR 97601

Michelle L. Baumgart
4418 Cleveland Avenue
Klamath Falls, OR 97601

All Other Occupants
4418 Cleveland Avenue
Klamath Falls, OR 97601

Oregon Affordable Housing
Assistance Corporation
725 Summer Street NE, Suite B
Salem, Oregon 97301-1266

State of Oregon, County of Klamath
Klamath County Tax Office
305 Main Street, Room 121
Klamath Falls, OR 97601

3. 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.

4. Each of the notices so mailed was certified to be a true copy of the original by the undersigned, attorney and successor Trustee named in said Notice; each such copy was contained

in a sealed envelope, with postage thereon fully pre-paid, and was deposited by me in the United States Post Office at Medford, Oregon on August 15, 2015. 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 the proper form to request and obtain a return receipt with postage thereon in the amount sufficient to accomplish the same. Each of said notices were mailed after the Notice of Default and Election to Sell described in said notice of sale was recorded.

5. Attached are original proofs of service on Robert D. Baumgart Jr., Michelle I. Baumgart, and All Occupants at 4418 Cleveland Avenue, Klamath Falls, OR 97601, said service being made on the dates and in the manner specified on each of the attached proofs of service.

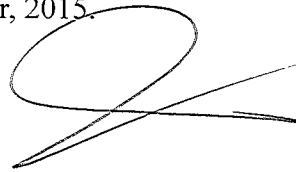
6. In the mailings noted in paragraph 2 above, and personal service noted in paragraph 5 above, a copy of House Bill 3630 and other required notices were included in Grantors' envelope and in service upon the occupants. Copies of the notices are attached hereto.

7. Attached is Affidavit of Publication.

8. Attached are Affidavits of Service Re: Non-Military Service.

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


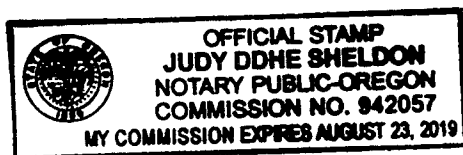
DATED this 19th day of November, 2015.



Joseph E. Kellerman

STATE OF OREGON)
) ss.
County of Jackson)

On this 19th day of November, 2015, Joseph E. Kellerman personally appeared in the above-named matter and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon

TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the Trust Deed described below is in default, and that the beneficiary has elected to foreclose the Trust Deed pursuant to ORS 86.705 to 86.795. No action is now pending to recover any part of the debt secured by the Trust Deed.

Information required by ORS 86.735 and ORS 86.745 is as follows:

1. Grantor: Robert D. Baumgart Jr. and Michelle L. Baumgart
 Trustee: First American Title Insurance Company
 Successor Trustee: Joseph E. Kellerman
 717 Murphy Road
 Medford, OR 97504
 Current Beneficiary: American West Bank
2. Property covered by the Trust Deed:

 Lot 21 in Block 7 of STEWART ADDITION to the City of Klamath Falls,
 according to the official plat thereof on file in the office of the County Clerk,
 Klamath County, Oregon.
3. Trust Deed was recorded on April 17, 2006 as Instrument Number M06, page
 07458, Microfilm Records of Klamath County, Oregon.
4. Default for which foreclosure is made is failure of Grantor to pay required
 monthly payments pursuant to the terms of the promissory note.
5. The sum owing on the obligation secured by the Trust Deed is \$61,644.05 as
 of July 22, 2015, plus interest on the unpaid principal portion thereof at the
 rate of 12% per annum until paid; plus trustee's, attorneys' costs and fees
 incurred; plus such sums as the Beneficiary may advance for the benefit of
 Grantor (*i.e.*, real property taxes, insurance premiums, etc.) The Beneficiary
 has accelerated the entire balance as due and owing.
6. The Beneficiary has and does elect to sell the property to satisfy the obligation.
7. The property will be sold in the manner prescribed by law on the 30th day of
 December, 2015, at 10:00 a.m. standard time as established by ORS 187.110,
 at the front steps of the Klamath County Courthouse, 316 Main Street,
 Klamath Falls, Oregon, 97601, Klamath County, Oregon.

8. Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the Trust Deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale.
9. In construing this notice and whenever the context hereof so requires, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and their successors in interest, the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the Trust Deed, and any collateral beneficiary, and their successors in interest.

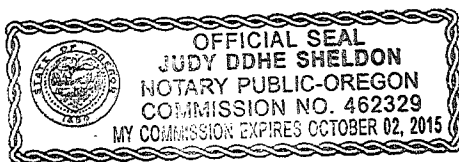
DATED this 14 day of August, 2015.

HORNECKER COWLING LLP

By: [Signature]
Joseph E. Kellerman, Successor Trustee

STATE OF OREGON)
) ss.
County of Jackson)

On this 14 day of August, 2015, personally appeared before me Joseph E. Kellerman, as Successor Trustee, and acknowledged said instrument to be his voluntary act and deed.



[Signature]
Notary Public for Oregon

**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 4418 Cleveland Avenue, Klamath Falls, Oregon 97601.

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 July 22, 2015 to bring your mortgage loan current was \$61,644.05. 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 **541-779-8900** 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: **717 Murphy Road, Medford, Oregon 97504.**

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

Date and time: December 30, 2015 at 10:00 a.m.

Place: Klamath County Courthouse, 316 Main Street
Klamath Falls, Klamath County, Oregon 97601

**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 in full any time before the sale.
3. You can call **Joseph E. Kellerman** at **541-779-8900** 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 telephone number of

an organization near you, please call the statewide telephone 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 **1-800-452-7636** or you may visit its website 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, to go: <http://www.oregonlawhelp.org>.

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 any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: August 14, 2005

Trustee name: Joseph E. Kellerman

Trustee signature: [Signature]

Trustee telephone number: 541-779-8900

) Case No.:
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) **PROOF OF SERVICE**
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v.
ROBERT D. BAUMGART JR., MICHELLE I. BAUMGART
AND ALL OTHER OCCUPANTS,

I hereby certify that on August 16, 2015 at 2:57 PM.

I served ROBERT D. BAUMGART JR. at 4418 Cleveland Avenue, Klamath Falls, OR 97601 by

{ X } Substitute Service

{ X } First Class Mailing

Personally Served to: SHANLER BAUMGART

A certified/true copy of:

Description: COVER LETTER, TRUSTEE'S NOTICE OF SALE AND NOTICE

I hereby certify that I enclosed a copy of COVER LETTER, TRUSTEE'S NOTICE OF SALE AND NOTICE along with a COPY OF THIS PROOF OF SERVICE in a postpaid sealed wrapper properly addressed to ROBERT D. BAUMGART JR. the above intended recipient at 4418 Cleveland Avenue, Klamath Falls, OR 97601 and deposited said wrapper in a post office official depository under exclusive care and custody of the United States Postal Service within the State of Oregon on 8/17/2015

ALL SEARCH AND SERVICE WAS MADE WITHIN THE STATE OF OREGON COUNTY OF KLAMATH

I am a competent person over the age of eighteen, a resident of the State of Oregon, not a party to nor an officer, director or employee of, nor an attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the above entitled action.

Papers Received From:

Hornecker Cowling LLP
717 Murphy Road
Medford, OR 97504
541-779-8900

Service Fee: \$100.00
15-015814



Christopher B. Conner

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PROOF OF SERVICE

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Conner Process Service • P.O. Box 1405, Medford, OR 97501 • (541) 951-9357

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) **PROOF OF SERVICE**
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v.

ROBERT D. BAUMGART JR., MICHELLE I. BAUMGART
AND ALL OTHER OCCUPANTS,

I hereby certify that on August 16, 2015 at 2:57 PM.

I served ALL OCCUPANTS at 4418 Cleveland Avenue, Klamath Falls, OR 97601 by

{ X } Substitute Service

{ X } First Class Mailing

Personally Served to: SHANLER BAUMGART

A certified/true copy of:

Description: COVER LETTER, TRUSTEE'S NOTICE OF SALE AND NOTICE

I hereby certify that I enclosed a copy of COVER LETTER, TRUSTEE'S NOTICE OF SALE AND NOTICE along with a COPY OF THIS PROOF OF SERVICE in a postpaid sealed wrapper properly addressed to ALL OCCUPANTS the above intended recipient at 4418 Cleveland Avenue, Klamath Falls, OR 97601 and deposited said wrapper in a post office official depository under exclusive care and custody of the United States Postal Service within the State of Oregon on 8/17/2015

ALL SEARCH AND SERVICE WAS MADE WITHIN THE STATE OF OREGON COUNTY OF KLAMATH

I am a competent person over the age of eighteen, a resident of the State of Oregon, not a party to nor an officer, director or employee of, nor an attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the above entitled action.

Papers Received From:

Hornecker Cowling LLP
717 Murphy Road
Medford, OR 97504
541-779-8900

Service Fee: \$
15-015814



Christopher B. Conner

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

I, Pat Bergstrom, Legal Specialist, 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#16656 SALE BAUMGART, JR.

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:

10/15/2015 10/22/2015 10/29/2015 11/05/2015

Total Cost: \$813.48

Pat Bergstrom

Subscribed and sworn by Pat Bergstrom before me on:
5th day of November in the year of 2015

Debra A Gribble

Notary Public of Oregon

My commission expires on May 15, 2016



TRUSTEE'S NOTICE OF SALE

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1. **Grantor:** Robert D. Baumgart Jr. and Michelle L. Baumgart

Trustee: First American Title Insurance Company

Successor Trustee: Joseph E. Kellerman

717 Murphy Road,
Medford, OR 997504

Current Beneficiary: AmericanWest Bank

2. Property covered by the Trust Deed:
Lot 21 in Block 7 of STEWART ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

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4. Default for which foreclosure is made is failure of Grantor to pay required monthly payments pursuant to the terms of the promissory note.

5. The sum owing on the obligation secured by the Trust Deed is \$61,644.05 as of July 22, 2015, plus interest on the unpaid principal portion thereof at the rate of 12% per annum until paid; plus trustee's, attorneys' costs and fees incurred; plus such sums as the Beneficiary may advance for the benefit of Grantor (i.e., real property taxes, insurance premiums, etc.) The Beneficiary has accelerated the entire balance as due and owing.

6. The Beneficiary has and does elect to sell the property to satisfy the obligation.

7. The property will be sold in the manner prescribed by law on the 30th day of December, 2015, at 10:00 a.m. standard time as established by ORS 187.110, at the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, 97601, Klamath County, Oregon.

8. Interested persons are notified of the right under ORS 86.753 to have this proceeding dismissed and the Trust Deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale.

9. In construing this notice and whenever the context hereof so requires, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and their successors in interest, the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the Trust Deed, and any collateral beneficiary, and their successors in interest.

DATED this 14th day of August, 2015.

HORNECKER COWLING LLP

By: /s/ Joseph E. Kellerman, Successor Trustee
#16656 October 15, 22, 29, November 05, 2015.