

AFTER RECORDING RETURN TO:
Willard L. Ransom, Successor Trustee
SORENSEN, RANSOM & FERGUSON, LLP
133 NW D STREET
GRANTS PASS, OR 97526

157 2502050

2015-013160
Klamath County, Oregon
12/07/2015 09:08:18 AM
Fee: \$52.00

AMENDED
NOTICE OF DEFAULT AND ELECTION TO SELL
AND CLAIM OF EXEMPTION

1. DESCRIPTION OF TRUST DEED. This notice refers to that certain trust deed executed by FRED HALD and PATRICIA HALD, as Grantor; to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as Trustee, in favor of JAMES D. HITCHCOCK and NANCY C. HITCHCOCK, TRUSTEES of the JAMES D. AND NANCY C. HITCHCOCK TRUST, u/a/d November 10, 2005, as Beneficiary, dated March 21, 2012, recorded March 23, 2012, in the Official Records of Klamath County, Oregon, as Document Number 2012-003048, covering the following described real property situated in said county and state, to-wit:

Lots 15, 16 and 17, Block 6, MIDLAND, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. TOGETHER WITH that portion of vacated alley which inured to property described herein. ALSO TOGETHER WITH that portion of vacated Main Street as disclosed by Order to vacate recorded February 11, 1981, in Book M81 and Page 2111, which inured to property described herein.

The description in the trust deed contains a scrivener's error in the reference to the vacated alley portion as follows: *TOGETHER WITH that portion of vacated alley which inures property described herein. Emphasis added.* The error is corrected in the description set out above in this Notice of Default.

The undersigned hereby certifies that no assignments of the beneficial interest in the trust deed and no appointments of successor trustee have been made by the trustee or by the beneficiary, other than by instruments recorded in the official records of each county where the above-described real property is situated. There is no pending action that has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed.

2. DEFAULTS. The grantor is in default in grantor's obligations which are secured by the trust deed. The default pertains to those provisions in the trust deed which authorize sale in the event of default. The default for which the election to foreclose is made is grantor's failure to pay or perform the following obligations: Failure to pay monthly installments of \$482.13 (including collection escrow fee) due on the 22nd day of each month, unpaid for March 22, 2015 through August 22, 2015, inclusive (six installments to date) and late charges of \$24.11 for each installment not received within 15 days of the 22nd day of the month; Failure to pay real property taxes levied against the property subject of the trust deed before any portion of such taxes become past due or delinquent; Failure to reimburse Beneficiary for attorney fees and costs incurred in enforcement of the obligations of the note and trust deed.

3. DECLARATION OF BALANCE DUE. By reason of said default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable. The sums now owing are the following, to-wit:

The entire unpaid principal balance of Twenty-eight Thousand Seven Hundred Fifty-five and 68/100ths Dollars (\$28,755.68), together with interest thereon at the rate of eleven percent (11 %) per annum from April 15, 2015 until paid; plus accrued late charges to date plus late charges continuing to accrue at \$24.11 for each installment not received within 15 days of the installment due date.

4. ELECTION TO FORECLOSE. Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.815. The interest in the above-described property which the grantor had, or had the power to convey, at the time of the execution by the grantor of the trust deed, together with any interest the grantor or the grantor's successors-in-interest acquired after the execution of the trust deed, shall be sold at public auction to the highest bidder for cash, to satisfy the obligations secured by the trust deed, the expenses of the sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

5. TIME, DATE AND PLACE OF SALE. The sale will be held at the hour of 11 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on Thursday, January 21, 2016, at the following place: the front entrance of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon.

F.
57.00
SORENSEN, RANSOM & FERGUSON, LLP
ATTORNEYS AT LAW
133 NW "D" STREET
GRANTS PASS, OREGON 97526
PHONE: (541) 476-3883
FAX: (541) 474-4495

6. **UNRECORDED CLAIM OF LIEN OR INTEREST.** 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 which lien or interest is subsequent to the interest of the trustee in the trust deed, or of any successor in interest to the grantor, or of any lessee or other person in possession of or occupying the property, other than as shown of record, except the following:

NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN, OR INTEREST

NONE KNOWN

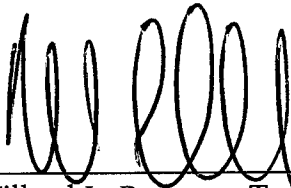
7. **RIGHT TO CURE DEFAULT.** Any person named in ORS 86.778 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion 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 tendering the performance required under the obligation or trust deed. In addition to paying the sums in default or tendering the performance necessary to cure the default, such party curing the default must pay 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.

8. **GRAMMATICAL CHANGES IMPLIED.** In this notice, the masculine gender shall include both the feminine and the neuter; the singular shall include 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.

9. **FORECLOSURE AVOIDANCE MEDIATION EXEMPTION.** Concurrently herewith the beneficiary is submitting a claim of exemption affidavit to the Office of the Attorney General of Oregon, in compliance with ORS 86.726(1)(b). Pursuant to 86.752(4)(b) a copy of the affidavit with which the beneficiary claimed the exemption is attached hereto.

10. **AMENDED NOTICE CORRECTION.** This notice is being amended to correct an error in the sale date stated in that certain Notice of Default and Election to Sell recorded August 27, 2015, as Document No. 2015-009534, Official Records of Klamath County, Oregon.

DATED: December 2, 2015

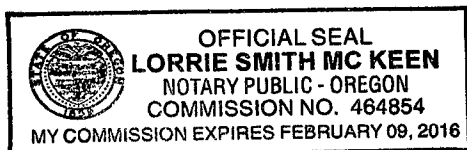


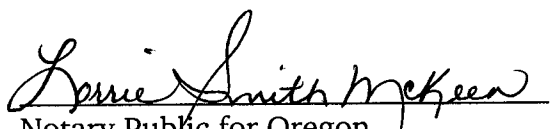
Willard L. Ransom, Trustee

Mailing Address of Trustee:
133 NW D Street
Grants Pass, OR 97526

STATE OF OREGON, County of Josephine) ss. December 2, 2015.

The foregoing instrument was acknowledged before me by Willard L. Ransom, as Trustee.




Notary Public for Oregon
My Commission Expires: 2/9/2016

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

After recording return to:
Willard L. Ransom
Sorenson, Ransom & Ferguson, LLP
133 NW D Street
Grants Pass, OR 97526

Oregon Foreclosure Avoidance Program
BENEFICIARY EXEMPTION AFFIDAVIT

BENEFICIARY: JAMES D. HITCHCOCK AND NANCY C. HITCHCOCK REVOCABLE LIVING TRUST u/a/d 11/10/05
James D. Hitchcock, Trustee and Nancy C. Hitchcock, Trustee

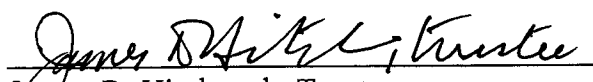
The undersigned, James D. Hitchcock, Trustee and Nancy C. Hitchcock, Trustee, being first duly sworn, depose and state that:

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).

1. 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 86.735 or by suit under ORS 88.010, during the calendar year preceding the date of this affidavit: *one*.
2. The undersigned further certifies that : *[Check the one of the following that applies]*

n/a the individual claiming exemption from requirements established under Oregon Laws 2013, Chapter 304; or

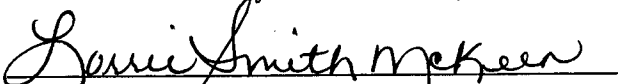
✓ are the Trustees of the entity claiming exemption from requirements established under Oregon Laws 2013, Chapter 304, and are authorized by such entity to execute this affidavit on its behalf.

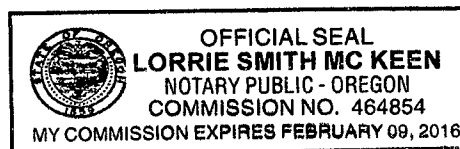

James D. Hitchcock, Trustee


Nancy C. Hitchcock, Trustee

STATE OF OREGON, County of Josephine) ss.

Signed and sworn to (or affirmed) before me this 24th day of August, 2015, by James D. Hitchcock, Trustee and Nancy C. Hitchcock, Trustee.


Notary Public for Oregon
My commission expires: 2/9/2016



(Seal)

See Oregon Department of Justice Form 300

http://www.doj.state.or.us/consumer/pages/foreclosure_mediation_forms.aspx