2016-000853

Klamath County, Oregon 01/27/2016 04:04:04 PM

Fee: \$212.00

# RECORDING COVER SHEET FOR NOTICE OF SALE PROOF

OF COMPLIANCE, PER ORS 205.234

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINEDIN THE INSTRUMENT ITSELF.

AFTER RECORDING RETURN
CLEAR RECON CORP.
4375 Jutland Drive Suite 200, San Diego,
California 92117

This Space For County Recording Use Only

140526832

#### TRANSACTION INCLUDES:

AFFIDAVIT OF MAILING NOTICE OF SALE

PROOF OF SERVICE

**Original Grantor on Trust Deed** 

JEFFERY L EASTBURN

**Beneficiary** 

Wells Fargo Bank, N.A.

TS Number: 021778-OR



### **AFFIDAVIT OF MAILING**

T.S. NO.: 021778-OR	State: OR
STATE OF CALIFORNIA } SS COUNTY OF SAN DIEGO	
I, Jennifer Manlimos	, certify as follows:
I am and at all time herein mention years and a resident of San Diego, Ca	ed a citizen of the United States, over the age of eighteen diffornia:
	deposited in the United States Mail copies of the attached Homeowner, in separate, sealed envelopes, First Class, essed respectively as follows:
SEE ATTACHED – Oregon Notice of	Default and Sale Homeowner
true and correct.	der the laws of the State of California that the foregoing is
Executed on 12/3/15	in San Diego, California.  Affiant (Jennifer Manlimos)
PURSUANT TO CAL. CIVIL CODE §	1189:
A notary public or other officer completing this verifies only the identity of the individual who s document to which this certificate is attached, attruthfulness, accuracy, or validity of that documents	igned the and not the
SUBSCRIBED AND SWORN to (or aff 20 <b>S</b> , by <b>JENNIFER</b>	irmed) before me this 3rd day of DECEMBER,  MANLIMOS, proved to me on the basis of
satisfactory evidence to be the person()	who appeared before me.
(Seal)  OFFICIAL SE SILVER DE VI NOTARY PUBLIC-CA COMM. NO. 21 SAN DIEGO COMY COMM. FXP. MA	Residing at: SAN DIEGO LIFORNIA B. 10967

#### TRUSTEE'S NOTICE OF SALE

TS No.: 021778-OR Loan No.: \*\*\*\*\*2358

Reference is made to that certain trust deed (the "<u>Deed of Trust</u>") executed by JEFFERY L EASTBURN, as Grantor, to AMERITITLE, as Trustee, in favor of CITIFINANCIAL, INC., as Beneficiary, dated 11/14/2006, recorded 11/15/2006, as Instrument No. 2006-022907, in the Official Records of Klamath County, Oregon, which covers the following described real property situated in Klamath County, Oregon:

LOT 1, LESS THE SOUTHERLY 41 FEET THEREOF IN BLOCK 6 OF LAKESIDE ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

APN: 610912 / 3809-032CB-07400-000

Commonly known as: 302 W MAIN ST KLAMATH FALLS, OREGON 97601-4241

The current beneficiary is: Wells Fargo Bank, N.A.

Both the beneficiary and the trustee have elected to sell the above-described real property to satisfy the obligations secured by the Deed of Trust and notice has been recorded pursuant to ORS 86.752(3). The default for which the foreclosure is made is the grantor's failure to pay when due, the following sums:

Delinquent Payments:	W -		70.0
Dates:	<u>No.</u>	<u>Amount</u>	Total:
11/09/13 thru 02/09/14	4	\$926.67	\$3,706.68
03/09/14 thru 02/09/15	12	\$933.41	\$11,200.92
03/09/15 thru 11/09/15	9	\$882.92	\$7,946.28
Late Charges: Beneficiary Advances: Foreclosure Fees and Expenses:		J '	\$70.00 \$881.50 \$0.00
	Total Require	ed to Reinstate: TO PAYOFF:	\$23,805.38 \$91,299.16
			4-1,4-110

By reason of the default, the beneficiary has declared all obligations secured by the Deed of Trust immediately due and payable, including: the principal sum of \$83,640.33 together with interest thereon at the rate of 7.3596 % per annum, from 10/9/2013 until paid, plus all accrued late charges, and all trustee's fees, foreclosure costs, and any sums advanced by the beneficiary pursuant to the terms and conditions of the Deed of Trust

Whereof, notice hereby is given that the undersigned trustee, CLEAR RECON CORP., whose address is 621 SW Morrison Street, Suite 425, Portland, OR 97205, will on 4/5/2016, at the hour of 10:00 AM, standard time, as established by ORS 187.110, ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT, 316 MAIN ST, KLAMATH FALLS, OR 97601, sell at public auction to the highest bidder for cash the interest in the above-described real property which the grantor had or had power to convey at the time it executed the Deed of Trust, together with any interest which the grantor or his successors in interest acquired after the execution of the Deed of Trust, 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 ORS 86.778 has the right 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 the portion of principal that would not then be due had no default occurred), together with the costs, trustee's and attorneys' fees, and curing any other default complained of in the Notice of Default by tendering the performance required under the Deed of Trust at any time not later than five days before the date last set for sale.

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 masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by the Deed of Trust, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

CLEAR RECON CORP

621 SW Morrison Street, Suite 425

Portland, OR 97205

858-750-7600

Dvi

Bernis M. Gryea, 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

Dated: 11/19/2015

ss.

County of San Diego

On 11/19/2015 before me, Silver De Vera, Notary Public, personally appeared Bernis M. Gonyea who proved to me on the basis of satisfactory evidence to be the person whose name (x) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his Aer/their authorized capacity (18), and that by his her/their signature (x) on the instrument the person (x), or the entity upon behalf of which the person (x) 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 officia

Signature

OFFICIAL SEAL
SILVER DE VERA
NOTARY PUBLIC-CALIFORNIA E
COMM. NO. 2110957
SAN DIEGO COUNTY
MY COMM. EXP. MAY 10, 2019

#### NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for 4/5/2016 at 10:00 AM ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT, 316 MAIN ST, KLAMATH FALLS, OR 97601. 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 proceed 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 is completed, 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 A 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 ORDER TELLS YOU OTHERWISE. IF YOU DO NOT PAY RENT, YOU CAN BE EVICTED. BE SURE TO KEEP PROOF OF ANY 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. Contact information for the Oregon State Bar is included with this notice. 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. Information about whom to contact for free legal assistance is included with this notice.

Trustee: CLEAR RECON CORP., 621 SW Morrison Street, Ste 425 Portland, OR 97205

Oregon State Bar Lawyer Referral Service: (503)684-3763 or (800)452-7636 <a href="http://www.osbar.org">http://www.osbar.org</a>/public/ris/ris <a href="http://www.osbar.org/public/ris/ris.html#referral">http://www.osbar.org/public/ris/ris.html#referral</a>

Oregon Law Help: http://oregonlawhelp.org/OR/index.cfm

Free Legal Assistance: <a href="http://www.oregonlawcenter.org/">http://www.oregonlawcenter.org/</a>
Portland (503)473-8329
Coos Bay (800)303-3638
Ontario (888)250-9877
Salem (503)485-0696
Grants Pass (541)476-1058
Woodburn (800)973-9003
Hillsboro (877)726-4381

#### **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:

302 W MAIN ST KLAMATH FALLS, 'OREGON 97601-4241

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 11/19/2015 to bring your mortgage loan current was \$23,805.38. 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 (858) 750-7600 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:

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

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

Date and time: 4/5/2016 at 10:00 AM

Place: ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT, 316 MAIN ST, KLAMATH FALLS, OR 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 anytime before the sale.
- 3. You can call <u>Wells Fargo Bank</u>, N.A. at <u>888-508-8811</u> 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, you may call the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at: <a href="http://www.osbar.org">http://www.osbar.org</a>. 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, go to <a href="http://www.oregonlawhelp.org">http://www.oregonlawhelp.org</a>.

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: 11/19/2015

Trustee name: Clear Recon Corp.

Trustee signature: Bernis M. Gonyea

Trustee telephone number: 858-750-7600

Trustee Sale No.: 021778-OR

When recorded mail document to:

Clear Recon Corp 621 SW Morrison Street, Ste 425 Portland, OR 97205 2015-012764

Klamath County, Oregon 11/23/2015 02:38:52 PM

Fee: \$52.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

#### NOTICE OF DEFAULT AND ELECTION TO SELL

TS No.: 021778-OR Loan No.: \*\*\*\*\*2358

Legal Authority: ORS 86.752, 86.771

Reference is made to that certain trust deed (the "<u>Deed of Trust</u>") executed by JEFFERY L EASTBURN, as Grantor, to AMERITITLE, as Trustee, in favor of CITIFINANCIAL, INC., as Beneficiary, dated 11/14/2006, recorded 11/15/2006, as Instrument No. 2006-022907, in the Official Records of Klamath County, Oregon, which covers the following described real property situated in Klamath County, Oregon:

LOT 1, LESS THE SOUTHERLY 41 FEET THEREOF IN BLOCK 6 OF LAKESIDE ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

APN: 610912 / 3809-032CB-07400-000

Commonly known as:

**302 W MAIN ST** 

KLAMATH FALLS, OREGON 97601-4241

The current beneficiary is: Wells Fargo Bank, N.A.

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:

Delinquent Payments:

Dates:	<u>No.</u>	<u>Amount</u>	<u>Total:</u>
11/09/13 thru 02/09/14	4	\$926.67	\$3,706.68
03/09/14 thru 02/09/15	12	\$933.41	\$11,200.92

03/09/15 thru 11/09/15	9	\$882.92	\$7,946.28
Late Charges:			\$70.00
Beneficiary Advances:			\$881.50
Foreclosure Fees and Expenses:			\$0.00
·	TOTAL REQUIRED TO I	REINSTATE:	\$23,805.38

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: \$91,299.16

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 4/5/2016, 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:

Name and Last Known Address
JEFFERY L EASTBURN
302 W MAIN ST
KLAMATH FALLS, OREGON 97601-4241

JEFFERY L EASTBURN 302 W MAIN STREET KLAMATH FALLS, OR 97601

JEFFERY L EASTBURN C/O MATTHEW T. PARKS PARKS & RATLIFF, P.C. 620 MAIN STREET KLAMATH FALLS, OR 97601

JENNIE EASTBURN 2510 BLY STREET KLAMATH FALLS, OR 97601

JENNIE EASTBURN
C/O VALERIE HEDRICK ATTORNEY AT LAW
533 MAIN STREET
KLAMATH FALLS, OR 97601

Nature of Right, Lien or Interest Trustor under said Deed of Trust

Trustor under said Deed of Trust

Interested Party

Interested Party

Interested Party

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.

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: 11/19/2015

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 11/19/2015 before me,

Silver De Vera

(Seal)

, 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) are subscribed to the within instrument and acknowledged to me that he she/hey executed the same in his her/heir authorized capacity (ies), and that by his her/heir 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

Silver De Vera

OFFICIAL SEAL
SILVER DE VERA
NOTARY PUBLIC-CALIFORNIA
COMM. NO. 2110957
SAN DIEGO COUNTY
MY COMM. EXP. MAY 10, 2019

### Recipient List (addresses)

Client: Wells Fargo Bank, N.A.

74806
JEFFERY L EASTBURN
302 W MAIN ST
KLAMATH FALLS, OREGON 97601-4241
9214890144258206621367 (Electronic Return Receipt)

74806 JEFFERY L EASTBURN 302 W MAIN ST KLAMATH FALLS, OREGON 97601-4241 9200190144258206621389 (First Class)

74806 Occupants/Tenants 302 W MAIN ST KLAMATH FALLS, OREGON 97601-4241 9214890144258206621404 (Electronic Return Receipt)

74806

Occupants/Tenants
302 W MAIN ST
KLAMATH FALLS, OREGON 97601-4241
9200190144258206621426 (First Class)

74806
JEFFERY L EASTBURN
C/O MATTHEW T. PARKS, PARKS & RATLIFF, P.C.
620 MAIN STREET
KLAMATH FALLS, OR 97601
9214890144258206621442 (Electronic Return Receipt)

JEFFERY L EASTBURN C/O MATTHEW T. PARKS, PARKS & RATLIFF, P.C. 620 MAIN STREET KLAMATH FALLS, OR 97601 9200190144258206621464 (First Class)

74806 JEFFERY L EASTBURN 302 W MAIN STREET KLAMATH FALLS, OR 97601 9214890144258206621480 (Electronic Return Receipt)

74806 JEFFERY L EASTBURN 302 W MAIN STREET KLAMATH FALLS, OR 97601 9200190144258206621501 (First Class)



### **AFFIDAVIT OF MAILING**

T.S. NO.: 021778-OR	State: OR
STATE OF CALIFORNIA	
} SS COUNTY OF SAN DIEGO	
I, Jennifer Manlimos	, certify as follows:
I am and at all time herein mentioned years and a resident of San Diego, Cali	d a citizen of the United States, over the age of eighteen fornia:
	eposited in the United States Mail copies of the attached, in separate, sealed envelopes, First Class, Electronic RR, as follows:
SEE ATTACHED – Oregon Notice of D	efault and Sale
I certify under penalty of perjury under true and correct.	er the laws of the State of California that the foregoing is
Executed on 12/3/15	in San Diego, California.
Ā	Affiant (Jennifer Manlimos)
PURSUANT TO CAL. CIVIL CODE § 1	189:
A notary public or other officer completing this co	rtificate
verifies only the identity of the individual who sig document to which this certificate is attached, and truthfulness, accuracy, or validity of that documer	ned the not the
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	2rd 2 22 2
	med) before me this, day of, manual day of, proved to me on the basis of,
satisfactory evidence to be the person() w	
(Seal) OFFICIAL SE	Signature:
SILVER DE VE	Residing at: SAN DIEGO
COMM. NO. 211 SAN DIEGO CO	0967 <sup>™</sup> UNTY •

#### TRUSTEE'S NOTICE OF SALE

TS No.: 021778-OR Loan No.: \*\*\*\*\*2358

Reference is made to that certain trust deed (the "<u>Deed of Trust</u>") executed by JEFFERY L EASTBURN, as Grantor, to AMERITITLE, as Trustee, in favor of CITIFINANCIAL, INC., as Beneficiary, dated 11/14/2006, recorded 11/15/2006, as Instrument No. 2006-022907, in the Official Records of Klamath County, Oregon, which covers the following described real property situated in Klamath County, Oregon:

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APN: 610912 / 3809-032CB-07400-000

Commonly known as: 302 W MAIN ST KLAMATH FALLS, OREGON 97601-4241

The current beneficiary is: Wells Fargo Bank, N.A.

Both the beneficiary and the trustee have elected to sell the above-described real property to satisfy the obligations secured by the Deed of Trust and notice has been recorded pursuant to ORS 86.752(3). The default for which the foreclosure is made is the grantor's failure to pay when due, the following sums:

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03/09/14 thru 02/09/15	12	\$933.41	\$11,200.92
03/09/15 thru 11/09/15	9	\$882.92	\$7,946.28
Late Charges:			\$70.00
Beneficiary Advances:			\$881.50
Foreclosure Fees and Expenses:			\$0.00
	Total Requir	red to Reinstate:	\$23,805.38
	TOTAL REQUIRE	D TO PAYOFF:	\$91,299.16

By reason of the default, the beneficiary has declared all obligations secured by the Deed of Trust immediately due and payable, including: the principal sum of \$83,640.33 together with interest thereon at the rate of 7.3596 % per annum, from 10/9/2013 until paid, plus all accrued late charges, and all trustee's fees, foreclosure costs, and any sums advanced by the beneficiary pursuant to the terms and conditions of the Deed of Trust

Whereof, notice hereby is given that the undersigned trustee, CLEAR RECON CORP., whose address is 621 SW Morrison Street, Suite 425, Portland, OR 97205, will on 4/5/2016, at the hour of 10:00 AM, standard time, as established by ORS 187.110, ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT, 316 MAIN ST, KLAMATH FALLS, OR 97601, sell at public auction to the highest bidder for cash the interest in the above-described real property which the grantor had or had power to convey at the time it executed the Deed of Trust, together with any interest which the grantor or his successors in interest acquired after the execution of the Deed of Trust, 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 ORS 86.778 has the right 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 the portion of principal that would not then be due had no default occurred), together with the costs, trustee's and attorneys' fees, and curing any other default complained of in the Notice of Default by tendering the performance required under the Deed of Trust at any time not later than five days before the date last set for sale.

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 masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by the Deed of Trust, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

CLEAR RECON CORP

621 SW Morrison Street, Suite 425

Portland, OR 97205 858-750-7600

Dated: 11/19/2015

y: / /

Bernis M. Gayea, 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 11/19/2015 before me, Silver De Verz, Notary Public, personally appeared Bernis M. Gonyea who proved to me on the basis of satisfactory evidence to be the person whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his Aer/their authorized capacity (is), and that by his her/their signature so on the instrument the person so or the entity upon behalf of which the person so 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

Signature

\_\_ (Seal

OFFICIAL SEAL
SILVER DE VERA
NOTARY PUBLIC-CALIFORNIA B
COMM. NO. 2110957
SAN DIEGO COUNTY
MY COMM. EXP. MAY 10, 2019

#### NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for 4/5/2016 at 10:00 AM ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT, 316 MAIN ST, KLAMATH FALLS, OR 97601. 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 proceed 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 is completed, 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 A 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 ORDER TELLS YOU OTHERWISE. IF YOU DO NOT PAY RENT, YOU CAN BE EVICTED. BE SURE TO KEEP PROOF OF ANY 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. Contact information for the Oregon State Bar is included with this notice. 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. Information about whom to contact for free legal assistance is included with this notice.

Trustee: CLEAR RECON CORP., 621 SW Morrison Street, Ste 425 Portland, OR 97205

Oregon State Bar Lawyer Referral Service: (503)684-3763 or (800)452-7636 http://www.osbar.org; http://www.osbar.org/public/ris/ris.html#referral

Oregon Law Help: http://oregonlawhelp.org/OR/index.cfm

Free Legal Assistance: http://www.oregonlawcenter.org/ Portland (503)473-8329 Coos Bay (800)303-3638 Ontario (888)250-9877 Salem (503)485-0696 Grants Pass (541)476-1058 Woodburn (800)973-9003 Hillsboro (877)726-4381 When recorded mail document to:

Clear Recon Corp 621 SW Morrison Street, Ste 425 Portland, OR 97205 2015-012764

Klamath County, Oregon

Fee: \$52.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

#### NOTICE OF DEFAULT AND ELECTION TO SELL

TS No.: 021778-OR Loan No.: \*\*\*\*\*2358

Legal Authority: ORS 86.752, 86.771

Reference is made to that certain trust deed (the "<u>Deed of Trust</u>") executed by JEFFERY L EASTBURN, as Grantor, to AMERITITLE, as Trustee, in favor of CITIFINANCIAL, INC., as Beneficiary, dated 11/14/2006, recorded 11/15/2006, as Instrument No. 2006-022907, in the Official Records of Klamath County, Oregon, which covers the following described real property situated in Klamath County, Oregon:

LOT 1, LESS THE SOUTHERLY 41 FEET THEREOF IN BLOCK 6 OF LAKESIDE ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

APN: 610912 / 3809-032CB-07400-000

Commonly known as:

302 W MAIN ST

KLAMATH FALLS, OREGON 97601-4241

The current beneficiary is: Wells Fargo Bank, N.A.

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:

Delinquent Payments:

<u>Dates</u> :	<u>No.</u>	<u>Amount</u>	<u>Total:</u>
11/09/13 thru 02/09/14	4	\$926.67	\$3,706.68
03/09/14 thru 02/09/15	12	\$933.41	\$11,200.92

03/09/15 thru 11/09/15	9	\$882.92	\$7,946.28
Late Charges:			\$70.00
Beneficiary Advances:			\$881.50
Foreclosure Fees and Expenses:			\$0.00
•	TOTAL REQUIRED TO	REINSTATE:	\$23,805.38

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: \$91,299.16

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 4/5/2016, 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:

Name and Last Known Address
JEFFERY L EASTBURN
302-W MAIN ST
KLAMATH FALLS, OREGON 97601-4241

Nature of Right, Lien or Interest Trustor under said Deed of Trust

JEFFERY L EASTBURN 302 W MAIN STREET KLAMATH FALLS, OR 97601 Trustor under said Deed of Trust

JEFFERY L EASTBURN C/O MATTHEW T. PARKS PARKS & RATLIFF, P.C. 620 MAIN STREET KLAMATH FALLS, OR 97601 Interested Party

JENNIE EASTBURN 2510 BLY STREET KLAMATH FALLS, OR 97601 Interested Party

JENNIE EASTBURN C/O VALERIE HEDRICK ATTORNEY AT LAW 533 MAIN STREET KLAMATH FALLS, OR 97601 Interested Party

Nation in facthor given that any person named in OPS

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.

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: 11/19/2015

CLEAR RECON CORP

621 SW Morrison Street, Ste 425

Portland, OR 97205 858-750-7600

D

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	)
County of the Disco	) ss.
County of San Diego	,

On 11/19/2015 before me, Silver De Vera

, 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/re 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.

(Seal)

WITNESS my hand and official seal.

Signature

Silver De Vera

OFFICIAL SEAL
SILVER DE VERA
NOTARY PUBLIC-CALIFORNIA E
COMM. NO. 2110957
SAN DIEGO COUNTY
MY COMM. EXP. MAY 10, 2019

### Recipient List (addresses)

Client: Wells Fargo Bank, N.A.

74807
JENNIE EASTBURN
2510 BLY STREET
KLAMATH FALLS, OR 97601
9214890144258206621220 (Electronic Return Receipt)

74807 JENNIE EASTBURN 2510 BLY STREET KLAMATH FALLS, OR 97601 9200190144258206621242 (First Class)

74807
JENNIE EASTBURN
C/O VALERIE HEDRICK ATTORNEY AT LAW
533 MAIN STREET
KLAMATH FALLS, OR 97601
9214890144258206621268 (Electronic Return Receipt)

74807
JENNIE EASTBURN
C/O VALERIE HEDRICK ATTORNEY AT LAW
533 MAIN STREET
KLAMATH FALLS, OR 97601
9200190144258206621280 (First Class)

74807 JENNIE LYNN EASTBURN 2510 BLY STREET KLAMATH FALLS, OR 97601 9214890144258206621305 (Electronic Return Receipt) 74807 JENNIE LYNN EASTBURN 2510 BLY STREET KLAMATH FALLS, OR 97601 9200190144258206621327 (First Class)

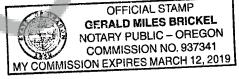


# OREGONIAN MEDIA GROUP

1515 SW 5th Ave, Suite 1000 Portland, OR 97201-5615

Affidavit of Publication

I, <u>Chris Tjaden</u> , being first duly sworn depose and say that I am the Principal Clerk Of The Publisher of The Oregonian, a newspaper of general circulation, published at Portland, in Multnomah County, Oregon; that I know from my personal knowledge that the advertisement, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper in the following issues:  12/9/2015, 12/16/2015, 12/23/2015, 12/30/2015
Principal Clerk of the Publisher
Subscribed and sworn to before me this date: 6th day of January ,20 16.  Herald Brickel
Notary Public for Oregon  My commission expires 12th day of March ,20 19.
Ad Order Number: 0003743131



L EASTBURN, as Grantor, DAMERITHE, as Tracele, in favor of circlin No. 34.

Lexistral No. 35.

Lexistral No. 35.

Lexistral No. 36.

Lexistral No. 2006-022907; in the Original Resorts of Klamath County, Oregon. Which covers the following described real property situated in Klamath County, Oregon. LOT 1. LESS THE SOUTHERLY 41 FEET THEREOF IN FILE. IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH FALLS, ACCORNIG TO THE OFFICEA PLAT THEREOF IN FILE. IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH FALLS, OREGON. APIN: 610912, 3809-032CB-07400-000

Commonly known as: 302 W MAIN ST KLAMATH FALLS, OREGON 97601-4241 The current beneficiary at in the trustee have sected to self the above-described real property to satisfy the obligations secured by the Deed of Trust and notice has been recorded discussment to ORS 86.752(3). The default for which the foreclosure is made is the Delinquent Payments:

Delinquent Payments:

\$926.67 \$933.41 \$82.92 8 4 € 6 110913 thru 0209/14 03/09/14 thru 0209/15 03/09/15 thru 11/09/15 Late Charges: Beneficiary Advances: Foreclosure Fees and Expenses:

By reason of the default, the beneficiary has declared all obligations secured by the Deed of Trust immediately due and payable, including: the principals sum of \$83 6403.3 together with interest thereon at the rate of 7.3566 % per annum, from 10/9/20/13 until paid, plus all accrued late charges, and all trusters fees, foreclosure costs, and any sums advanced by the beneficiary pursuant to the terms and conditions of the Deed of Trust Whencof, notice hereby's given that the undersigned frustee, CLEAR RECON CORP, whose address is 62.5 w Morrison Street, Suite 42.5 Portland, OR \$7205, will on 4/6/2016, at the hour of 10:00

AM, standard time, as established by ORS 187.110, ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT; 316 Main ST, KLAMATH FALLS, OR 9/601 sell at public auction to the highest bidder for cash the interest in the above-described real property which the grantor had one to a secure after the execution of the Deed of Trust, to satisfy the foregoing obligations threby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.778 has the right to have the foreclosure proceeding dismisses and the Deed of Trust, to satisfy the bedue had no default occurred), together with the costs, trustee's and attorneys' fees, and curing any other default complained of in the Notice of Default by transfering the perimeral common regioned under the Deed of Trust in any interest by sayment to the beneficiary of the editer amount then the declother processor of Default by transfering the perimeral common regional or processors 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 masculine gender includes the feminine and the neuter, the singular includes plural, the word 'grantor' includes and beneficiary includes and beneficiary includes and beneficiary includes and beneficiary include their respec \$3,706.68 \$11,200.92 \$7,946.28 \$70.00 \$81.50 \$23,805.38 \$91,299.16 Total Required to Reinstate TOTAL REQUIRED TO PAYOFF:

#### **AFFIDAVIT OF SERVICE**

Trustee's Notice of Sale Upon Occupant; Notice of Default and Election to Sale: Notice to Tenants

Case Number:	
Beneficiary: CITIFINANCIAL, INC.	
vs.	
Grantor: JEFFERY L. EASTBURN	
For: STOX Posting & Publishing, LLC PO Box 1664 Orem, UT 84059	, C

Received by MALSTROM'S PROCESS SERVING CO. on the 20th day of November, 2015 at 3:47 pm to be served on ALL ADULT OCCUPANTS, 302 W. MAIN ST, KLAMATH FALLS, OR 97601-4241.

I, David Hartman, being duly sworn, depose and say that on the 23rd day of November, 2015 at 3:20 pm, I:

made service of the attached **Trustee's Notice of Sale Upon Occupant**; **Notice of Default and Election to Sale**; **Notice to Tenants** upon the individuals and/or entities named below by delivering a copy of the aforementioned documents upon an OCCUPANT at the following address:

**302 W. MAIN ST, KLAMATH FALLS, OR 97601-4241** ("Property Address") as follows: I attempted personal service at the Property Address on **11/23/2015** at **3:20** pm and on this attempt I received no answer from any occupant(s) at this address. I then POSTED such true copy conspicuously to the main entrance pursuant to State Statutes.

On 11/27/2015 at 10:35 am, I returned to the Property Address and, again, received no answer from any occupant (s) at this address. At that time, I POSTED another true copy conspicuously to the main entrance of the premises pursuant to State Statutes.

On 11/30/2015 at 10:35 am I returned to the Property Address for the third time and Again received no answer from any occupant(s). At that time I POSTED another true copy conspicuously to the main entrance of the premises.

**CERTIFICATION OF MAILING:** I certify that on **12/1/2015** a true copy of Trustee's Notice of Sale Upon Occupant; Notice of Default and Election to Sale; Notice to Tenants and this Return of Service was mailed addressed to "OCCUPANTS" at 302 W. MAIN ST, KLAMATH FALLS, OR 97601-4241 by First Class Mail postage paid.

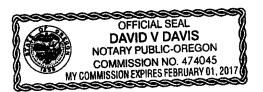
#### **AFFIDAVIT OF SERVICE for**

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 this 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 this day

of 2015, by the affiant who is personally known to me in County of Marion.

NOTARY PUBLIC- OREGON



David Hartman Process Server

MALSTROM'S PROCESS SERVING CO. P.O. Box 2031 Salem, OR 97308-2031 (503) 585-0234

Our Job Serial Number: ONE-2015005031

Ref: 612006

#### TRUSTEE'S NOTICE OF SALE

TS No.: 021778-OR Loan No.: \*\*\*\*\*2358

Reference is made to that certain trust deed (the "Deed of Trust") executed by JEFFERY L EASTBURN, as Grantor, to AMERITITLE, as Trustee, in favor of CITIFINANCIAL, INC., as Beneficiary, dated 11/14/2006, recorded 11/15/2006, as Instrument No. 2006-022907, in the Official Records of Klamath County, Oregon, which covers the following described real property situated in Klamath County, Oregon:

LOT 1, LESS THE SOUTHERLY 41 FEET THEREOF IN BLOCK 6 OF LAKESIDE ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

APN: 610912/3809-032CB-07400-000

Commonly known as: 302 W MAIN ST KLAMATH FALLS, OREGON 97601-4241

The current beneficiary is: Wells Fargo Bank, N.A.

Both the beneficiary and the trustee have elected to sell the above-described real property to satisfy the obligations secured by the Deed of Trust and notice has been recorded pursuant to ORS 86.752(3). The default for which the foreclosure is made is the grantor's failure to pay when due, the following sums:

Delinquent Payments:	7 7		
Dates:	<u>No.</u>	<u>Amount</u>	<u>Total:</u>
11/09/13 thru 02/09/14	4	\$926.67	\$3,706.68
03/09/14 thru 02/09/15	12	\$933.41	\$11,200.92
03/09/15 thru 11/09/15	9	\$882.92	\$7,946.28
Late Charges:			\$70.00
Beneficiary Advances:	/ 1		\$881.50
Foreclosure Fees and Expenses:	4.		\$0.00
Torectosure Tees and Expenses.	Total Requir	red to Reinstate:	\$23,805.38
	TOTAL REQUIRED		\$91,299.16

By reason of the default, the beneficiary has declared all obligations secured by the Deed of Trust immediately due and payable, including: the principal sum of \$83,640.33 together with interest thereon at the rate of 7.3596 % per annum, from 10/9/2013 until paid, plus all accrued late charges, and all trustee's fees, foreclosure costs, and any sums advanced by the beneficiary pursuant to the terms and conditions of the Deed of Trust

Whereof, notice hereby is given that the undersigned trustee, CLEAR RECON CORP., whose address is 621 SW Morrison Street, Suite 425, Portland, OR 97205, will on 4/5/2016, at the hour of 10:00 AM, standard time, as established by ORS 187.110, ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT, 316 MAIN ST, KLAMATH FALLS, OR 97601, sell at public auction to the highest bidder for cash the interest in the above-described real property which the grantor had or had power to convey at the time it executed the Deed of Trust, together with any interest which the grantor or his successors in interest acquired after the execution of the Deed of Trust, 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 ORS 86.778 has the right 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 the portion of principal that would not then be due had no default occurred), together with the costs, trustee's and attorneys' fees, and curing any other default complained of in the Notice of Default by tendering the performance required under the Deed of Trust at any time not later than five days before the date last set for sale.

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 masculine gender includes the feminine and the neuter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by the Deed of Trust, the words "trustee" and 'beneficiary" include their respective successors in interest, if any.

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

Dated: 11/19/2015

By:
Bernis M. Genyea, 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	)
- 4	) ss.
County of San Diego	)

On 11/19/2015 before me, Silver De Vera, 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 \_\_\_\_\_\_

Bilver De Vera

OFFICIAL SEAL
SILVER DE VERA
NOTARY PUBLIC-CALIFORNIA E
COMM. NO. 2110957
SAN DIEGO COUNTY
MY COMM. EXP. MAY 10, 2019

#### NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for 4/5/2016 at 10:00 AM ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT, 316 MAIN ST, KLAMATH FALLS, OR 97601. 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 proceed 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 is completed, 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 A 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 ORDER TELLS YOU OTHERWISE. IF YOU DO NOT PAY RENT, YOU CAN BE EVICTED. BE SURE TO KEEP PROOF OF ANY 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. Contact information for the Oregon State Bar is included with this notice. 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. Information about whom to contact for free legal assistance is included with this notice.

Trustee: CLEAR RECON CORP., 621 SW Morrison Street, Ste 425 Portland, OR 97205

Oregon State Bar Lawyer Referral Service: (503)684-3763 or (800)452-7636 http://www.osbar.org; http://www.osbar.org/public/ris/ris.html#referral

Oregon Law Help: http://oregonlawhelp.org/OR/index.cfm

Free Legal Assistance: <a href="http://www.oregonlawcenter.org/">http://www.oregonlawcenter.org/</a>
Portland (503)473-8329
Coos Bay (800)303-3638
Ontario (888)250-9877
Salem (503)485-0696
Grants Pass (541)476-1058
Woodburn (800)973-9003
Hillsboro (877)726-4381

#### 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:

302 W MAIN ST KLAMATH FALLS, OREGON 97601-4241

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 11/19/2015 to bring your mortgage loan current was \$23,805.38. 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 (858) 750-7600 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:

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

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

Date and time: 4/5/2016 at 10:00 AM

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

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 anytime before the sale.
- 3. You can call Wells Fargo Bank, N.A. at <u>888-508-8811</u> 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, you may call the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at: <a href="http://www.osbar.org">http://www.osbar.org</a>. 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, go to <a href="http://www.oregonlawhelp.org">http://www.oregonlawhelp.org</a>.

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: 11/19/2015

Trustee name: Clear Recon Corp.

Trustee signature: Bernis M. Gonyea

Trustee telephone number: \_858-750-7600/

Trustee Sale No.: 021778-OR