

AmeriTitle
MTC 82366AM

2016-001239
Klamath County, Oregon
02/08/2016 02:34:00 PM
Fee: \$62.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from:
JAMES S. ZBINDEN AND VERA B.
GATHARD, NOT AS TENANTS IN
COMMON BUT WITH FULL RIGHTS OF
SURVIVORSHIP, Grantor
To:
Nathan F. Smith, Esq., OSB #120112

After recording return to:

Malcolm & Cisneros, A Law Corporation
Attention: Nathan F. Smith, Esq., OSB
#120112
c/o TRUSTEE CORPS
17100 Gillette Ave
Irvine, CA 92614

At the request of First American this
document is being Rerecorded to add a
missing page as previously recorded in
2016-001239.

2016-001359
Klamath County, Oregon
02/11/2016 10:24:59 AM
Fee: \$72.00

TS No. OR07000121-15-1

APN R890238

TO No 8586365

Reference is made to that certain Trust Deed made by JAMES S. ZBINDEN AND VERA B. GATHARD, NOT AS TENANTS IN COMMON BUT WITH FULL RIGHTS OF SURVIVORSHIP as Grantor, to PARADISE SETTLEMENT SERVICES as Trustee, in favor of WORLD ALLIANCE FINANCIAL CORP as original Beneficiary, dated as of December 18, 2008 and recorded December 29, 2008 in the records of Klamath County, Oregon as Instrument No. 2008-016863 and re-recorded February 2, 2009 as Instrument No. 2009-001177 and the beneficial interest was assigned to **BANK OF AMERICA, N.A.** and recorded April 22, 2010 as Instrument Number 2010-004812 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: R890238

LOT 30, SIERRA HEIGHTS, TRACT 1383, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

The undersigned hereby certifies that no assignments of the Trust Deed by the Trustee, Nathan F. Smith, Esq., OSB #120112, or by the Beneficiary, **BANK OF AMERICA, N.A.**, 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 Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by Grantor or other person owing an obligation, performance of which is secured by the Trust Deed or by the successor in interest, with respect to provisions therein which authorize sale in the event of such provision. The default for which foreclosure is: **Failed to pay the principal balance which became all due and payable based upon the move-out by all mortgagors from the property, ceasing to use the property as the principal residence**

By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable, said sums being the following:

1. Principal balance of **\$235,500.66**
2. **\$5,546.87** in Unpaid Interest through February 4, 2016.
3. **\$510.00** in Servicing fee.
4. **\$11,103.10** in MIP/PMI Advances.
5. **\$7,580.52** in Corporate Advances.
6. **\$1,609.50** in Unpaid Attorney Costs.
7. Together with title expenses, costs, Trustees fees and attorney fees incurred here in by reason of said default and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest there in.

Notice hereby is given that the Beneficiary and Trustee, by reason of default, have elected and do hereby elect to

foreclose the Trust Deed 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 of the execution by Grantor of the Trust Deed, together with any interest Grantor or Grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the Trust Deed 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**, in accord with the standard of time established by ORS 187.110, on **June 24, 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:

VERNA B GATHARD
2730 HERITAGE COURT, KLAMATH FALLS, OR 97603

VERNA B GATHARD
4190 BRISTOL COURT B, KLAMATH FALLS, OR 97603

OCCUPANT(S)
2730 HERITAGE COURT, KLAMATH FALLS, OR 97603

SECRETARY OF HOUSING AND URBAN DEVELOPMENT
451 SEVENTH STREET SW, WASHINGTON, DC 20410

SECRETARY OF HOUSING AND URBAN DEVELOPMENT
C/O WORLD ALLIANCE FINANCIAL CORP, 3 HUNTINGTON QUADRANGLE SUITE 201N, MELVILLE, NY 11747

THE ESTATE OF JAMES S. ZBINDEN, DECEASED
2730 HERITAGE COURT, KLAMATH FALLS, OR 97603

THE ESTATE OF JAMES S. ZBINDEN, DECEASED
C/O VICKI L. YOUNG, 3606 S. WESTERN WAY, TUCSON, AZ 85735

THE ESTATE OF JAMES S. ZBINDEN, DECEASED
C/O JON ZBINDEN, 817 NE BROADWAY ST, PORTLAND, OR 97232

THE ESTATE OF JAMES S. ZBINDEN, DECEASED
4190 BRISTOL COURT B, KLAMATH FALLS, OR 97603

JAMES S. ZBINDEN
2730 HERITAGE COURT, KLAMATH FALLS, OR 97603

JAMES S. ZBINDEN
C/O VICKI L. YOUNG, 3606 S. WESTERN WAY, TUCSON, AZ 85735

JAMES S. ZBINDEN
C/O JON ZBINDEN, 817 NE BROADWAY ST, PORTLAND, OR 97232

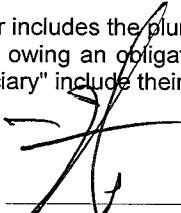
JAMES S. ZBINDEN
4190 BRISTOL COURT B, KLAMATH FALLS, OR 97603

Notice is further given that any person named in ORS 86.753 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), together with costs, Trustee's and attorney's fees, 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, at any time prior to 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 singular gender 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 the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

Dated: February 5, 2016


By: Nathan F. Smith, Esq., OSB #120112
Successor Trustee

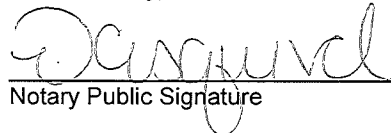
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

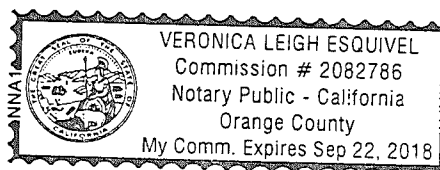
STATE OF CALIFORNIA
COUNTY OF ORANGE

On February 5, 2016, before me, VERONICA LEIGH ESQUIVEL, Notary Public, personally appeared NATHAN F. SMITH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person 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.


Notary Public Signature



Malcolm & Cisneros, A Law Corporation
Attention: Nathan F. Smith, Esq., OSB #120112
c/o TRUSTEE CORPS
17100 Gillette Ave, Irvine, CA 92614
949-252-8300

FOR SALE INFORMATION PLEASE CALL:
In Source Logic at 702-659-7766
Website for Trustee's Sale Information: www.insourcelogic.com

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

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its security instrument, including the right to foreclose its lien.

AFTER RECORDING RETURN TO:



**CERTIFICATE OF COMPLIANCE
STATE OF OREGON
FORECLOSURE AVOIDANCE PROGRAM**

Mark Ramsey
For Malcolm & Cisneros, For Reverse Mortgage Solutions
2112 Business Center Drive
Irvine, CA 92612

11/4/2015

Grantor:	Verna B. Gathard
Beneficiary:	Bank of America, N.A.
Property Address:	2730 Heritage Court Klamath Falls, OR 97603
Instrument / Recording No. Date / County	Instrument Number: 2009-001177 Recording Number: 2009-001177 Loan Number: [REDACTED] 2/2/2009 Klamath
Case Number	BI-150921-1783

1. The Service Provider hereby certifies that:

☐

The beneficiary and/or its agent complied with the requirements of Oregon Laws 2013, Chapter 304, sections 2, 3, and 4;
or

☒

The grantor did not pay the required fee by the deadline.

2. On this date, I mailed the original certificate to the beneficiary and provided a copy to the grantor and the Attorney General electronically or by mail.

DATED this 4 day of November, 2015.

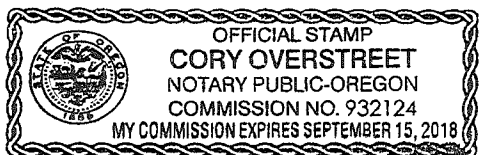
April Curtis

Compliance Officer, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on
as Compliance Officer of Mediation Case Manager.

NOVEMBER 4TH, 2015, by APRIL CURTIS
[Print Name]



Notary Public - State of Oregon
My Commission Expires: 09/15/2018