

2016-002171

Klamath County, Oregon

Returned at Counter

AFFIDAVIT OF MAILING



02/26/2016 11:50:41 AM

Fee: \$87.00

Re: Trustee's Notice of Default and Election to Sell
Recorded at 2016 – 001612, Klamath County Records

STATE OF OREGON)
)
County of Klamath) ss.

I, Lois Adolf, being first duly sworn, depose and say that :

I am paralegal for Richard Fairclo, successor trustee. I mailed a copy of Danger Notice to Homeowner, a copy of which is attached hereto as Exhibit "A" on February 19, 2016, via certified mail (return receipt requested) and first class mail to :

Debra S. Wilson
701 Uerlings Avenue
Klamath Falls, Oregon 97601.

On February 22, 2016, I mailed via certified mail, return receipt requested, and first class mail, a copy of Notice of Default and Election to Sell, a copy of which is attached hereto as Exhibit "B: to the following parties:

Debra S. Wilson
701 Uerlings Avenue
Klamath Falls, Oregon 97601.

Carter Jones Collection Service
1143 Pine Street
Klamath Falls, Oregon 97601

Credit Bureau of Klamath County
839 Main Street
Klamath Falls, Oregon 97601

Signed

Lois Adolf

Date

2/26/16

SUBSCRIBED AND SWORN before me on February 26, 2016.

Notary Public for Oregon

My commission expires: 9-14-2019



NOTICE: Debra S. Wilson and her successors, if any:

YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY

This notice is about your mortgage (trust deed) loan on your property at 701 Uerlings Avenue, Klamath Falls, Oregon.

Your lender has decided to sell this property because the money due on your trust deed 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 January 31, 2016 to bring your trust deed current was 4 monthly payments of \$706.24 and 4 late charges of \$75.00 (payments and late fees totaling \$3,124.96), plus payments to pay down principal to the amount that would have been owing had the payments been made on time, insurance premiums paid by Beneficiary in the amount of \$1,151.00, title insurance fees of \$260.00, plus any real estate taxes due and owing, plus attorney fees and costs associated with this foreclosure. The amount you must now pay to bring your loan current has increased since that date, including but not limited to, monthly payments and late charges accruing February 1, 2016 and thereafter.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call Richard Fairclo, attorney, at 541-273-2215 to find out the exact amount you must pay to bring your trust deed 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: Richard Fairclo, 409 Pine Street, Suite 209, Klamath Falls OR 97601.

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

Date and time: July 11, 2016, at 11:00 a.m., Pacific Daylight Time.

Place: 409 Pine Street, Suite 209, Klamath Falls, Oregon 97601

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

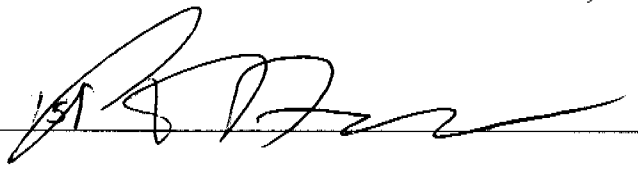
1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale
3. You can call Richard Fairclo at 541-273-2215 to find out if your lender is willing to give you more time or change the 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 855-480-1950. 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. The website address of the Oregon State Bar is www.osbar.org. The website address for the organization providing more information and a directory of legal aid programs is www.oregonlawhelp.org. A toll-free consumer mortgage-foreclosure information number is 855-480-1950. Information on federal loan-modification programs is www.makinghomeaffordable.gov. Legal assistance may be available if you a low income and meet federal poverty guidelines. For more information and a directory of legal programs, go to 855-480-1950.

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 about before signing.

DATED: 2/19/16

TRUSTEE NAME AND TELEPHONE: Richard Fairclo, 541-273-2215

Trustee signature: 



00182440201600016120070078

02/19/2016 10:47:49 AM

Fee: \$72.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from Debra S. Wilson
To: Aspen Title & Escrow, Inc.
For the benefit of Lura K. Siglin

Exhibit B
Page 1 of 6

AFTER RECORDING RETURN TO:

Richard Fairclo, Attorney at Law
409 Pine Street, Suite 209
Klamath Falls, Oregon 97601

NOTICE OF DEFAULT AND ELECTION TO SELL

KNOW ALL MEN BY THESE PRESENTS, that Debra S. Wilson is the Grantor, Aspen Title & Escrow, Inc. is the Trustee, and Lura K. Siglin is the Beneficiary under that certain trust deed dated March 2, 2010, and recorded on March 12, 2010, in book/reel/volume No. 2010-003266, deed records of Klamath County, Oregon. Covering the following:

In Klamath County, Oregon:

Parcel 1: Lot 1, Block 2, First 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.

Parcel 2: Lot 3, Block 95, Buena Vista 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.

TOGETHER WITH that portion of vacated Uerlings Street as vacated and described in Ordinance #5993, recorded October 25, 1974 in M74, page 13971, Microfilm Records of Klamath County, Oregon.

The current Trustee is Richard Fairclo, whose address is 409 Pine Street, Suite 209, Klamath Falls, Oregon 97601.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor trustee have been made, except as recorded in the mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed.

There is a default by the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest, with respect to provisions thereon 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:

1. Taxes assessed under Code No 001 Account No. R366525 Map No. R-3809-029CC-00400-000. The 2015-2016 taxes: \$185.31 plus interest.
2. Taxes assessed under Code No 001 Account No. M881609 Map No. M-097-13. The 2015-16 Taxes: \$318.08 plus interest and costs.
3. Taxes assessed under Code No 001 Account No. R367418 Map No. R-3809-029CD-08100-000. The 2015-2016 Taxes: \$27.84 plus interest and costs.
4. Payments in the amount of \$706.24 due and payable on October 1, 2015, and each every month thereafter, plus interest accruing at 5.9% per annum and late charges accruing at the rate of \$75.00 for each payment, for a total late charges presently owing of \$375.00, plus accruing charges and costs until paid.
5. Judgment in the State Circuit Court, County of Klamath, Creditor: Carter-Jones Collection Service, Inc., Debtor: Debra Sue Wilson, in the amount of \$1,917.85, plus accruing interest, costs and charges; Case No. 1300295 CV.
6. Judgment in the State Circuit Court, County of Klamath, Creditor: Credit Bureau of Klamath, Debtor: Debra Sue Wilson, in the amount of \$2,424.71 plus accruing interest, costs and charges; Case No. 1300496 CV.
7. Hazard insurance on the premises unpaid by Grantor and paid by Beneficiary in the amount of \$1,151.00, Trustee's Title Guaranty cost of \$260.00, plus other costs paid or to be paid by Beneficiary for protection of the property and obligations pursuant to said Trust Deed and Oregon Revised Statutes, which may accrue.

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, to-wit: principal of \$124,428.23, plus accrued interest through January 31, 2016 of \$3,559.47, plus accruing interest of \$20.11 per day from February 1, 2016 until paid, plus charges as above set forth, plus accruing attorney, trustees fees and costs, including, but not limited to, any recording, service and other fees provided for and allowed by the terms of the Trust Deed and Oregon Revised Statutes.

Notice is hereby given that the beneficiary and trustee, by reason of said defaults, and each of them, have elected and do hereby elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for case te interest in the said described property which the grantor had, or had the power to convey, at time of the execution by them of the trust deed, together with any interest the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the obligations secured by said trust deed and the expenses of the sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney.

Said sale will be held at the hour of 11:00 A.M. Pacific Daylight Time as established by Section 187.110 of Oregon Revised Statutes on July 11, 2016, at the following place: 409 Pine Street, Suite 209, Klamath Falls, Oregon 97601, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or the said 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 the grantor or of any lessee or other person in possession of or occupying the property, except:

Notice is further given that any person named in Section 86.778 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 and trust deed, together with trustee's and attorney's fees not exceeding the amount provided by said Section 86.778 of Oregon Revised Statutes.

Without limiting the trustee's disclaimer of representation 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 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.

NOTICE TO RESIDENTIAL TENANTS FOLLOWS AND IS INCORPORATED HEREIN.

COPY OF THE AFFIDAVIT WHICH THE BENEFICIARY CLAIMS AND HAS CLAIMED EXEMPTION, UNDER ORS 86.726 is attached hereto as Exhibit "A" and incorporated herein. Such affidavit has been submitted for filing with the Oregon Department of Justice. This exemption and has not expired.

Dated:

February 19, 2016


Richard Fairclo, Successor Trustee

NOTICE TO RESIDENTIAL TENANTS, 701 Uerlings Street, Klamath Falls, Oregon 97601.

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for July 11, 2016. 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 go through 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 goes through, 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:

- 60 DAYS FROM THE DATE YOU ARE GIVEN A WRITTEN TERMINATION NOTICE, IF YOU HAVE A FIXED TERM LEASE; OR
- AT LEAST 30 DAYS FROM THE DATE YOU ARE GIVEN A WRITTEN TERMINATION NOTICE, IF YOU HAVE A MONTH-TO-MONTH OR WEEK-TO-WEEK RENTAL AGREEMENT.

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 after 30 days, even though you have a fixed term lease with more than 30 days left.

You must be provided with at least 30 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 who 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 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 30 or 60 days. 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:

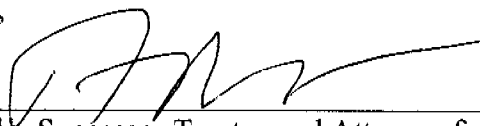
- You do not owe rent;
- The new owner is not your landlord and is not responsible for maintaining the property on your behalf; and
- You must move out by the date the new owner specifies in a notice to you.

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 30 or 60 days. 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.

Dated:

February 19, 2016



Richard Faircloth, Successor Trustee and Attorney for Lura K. Siglin

Person Recording or to
Richard Fairclo, Attorney
409 Pine Street, Suite 209
Klamath Falls, OR 97601

Lender/Beneficiary:	Lura K. Siglin
Jurisdiction*	Oregon

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

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 86.752 or by suit under ORS 88.010 during the calendar year preceding the date of this affidavit: zero (0) [not to exceed 175];
2. The undersigned further certifies that she/he: [check only one of the following boxes]
[☒] is the individual claiming exemption from requirements established under Or Laws 2013, ch 304, or
[] is the * * * * * [insert title] of the entity claiming exemption from requirements established under Or Laws 2013, ch 304, and is authorized by such entity to execute this affidavit on its behalf.

Gina K. Siglin
(Signature)

State of NEVADA)
) ss.

County of Washoe)

Signed and sworn to (or affirmed) before me this 10th day of February, 2016
by Lura K Siglin * * * * *

Bridine McIntire
Notary Public for State of Nevada
My commission expires: July 6th 2019

