

AFTER RECORDING RETURN TO:
John D. Albert
Sherman Sherman Johnnie & Hoyt, LLP
PO Box 2281
Salem, OR 97308

2016-004321
Klamath County, Oregon
04/28/2016 11:13:34 AM
Fee: \$87.00

**AFFIDAVIT OF MAILING AMENDED TRUSTEE'S NOTICE OF SALE AND
COMPLIANCE WITH ORS 86.726; ORS 86.764; and ORS 86.756**

STATE OF OREGON)
) ss.
County of Marion)

I, John D. Albert, being first duly sworn, depose and say that at all times mentioned I was and now am a resident of the State of Oregon, a competent person, over 18 years of age, and not the beneficiary or its successor in interest named in the attached original Amended Trustee's Notice of Sale with Notice to Residential Tenants given under the terms of the trust deed described in the notice.

I am an agent of the duly appointed Successor Trustee, Sherman Sherman Johnnie & Hoyt, LLP, in that certain Trust Deed executed and delivered by Donnie Ray Manes and Rhonda Kay Manes, husband and wife, as Grantors, to First American Title, as Trustee, in which Northwest Farm Credit Services, FLCA, is Beneficiary, recorded May 17, 2006, in Vol. M06, Page 09958, of the Records of Klamath County, Oregon ("the Trust Deed").

COMPLIANCE WITH ORS 86.764, MAILING TRUSTEE NOTICE OF SALE:

Because the sale was postponed, pursuant to ORS 86.782, I gave notice of the sale of the real property described in the attached amended notice of sale pursuant to ORS 86.764(1), by mailing a copy thereof by both first class and certified mail, return receipt requested, to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, as follows:

Rhonda Kay Manes
32929 Ivory Pine Rd.
Bly, OR 97622

Occupants
32929 Ivory Pine Rd.
Bly, OR 97622

These persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.806.

Each of the amended notices mailed was certified to be a true copy of the original amended notice of sale by me, John D. Albert, agent for Sherman Sherman Johnnie & Hoyt, LLP, Successor Trustee, as named in the amended notice.

COMPLIANCE WITH ORS 86.726 and 86.756

I hereby certify that I also gave notice as required for property that is subject to a residential trust deed as defined by ORS 86.705(6), (original amended notice attached) by certified mail, return receipt requested and first class mail to each of the following named persons (the grantors in the trust deed) at their last known addresses, in compliance with the provisions of ORS 86.756:

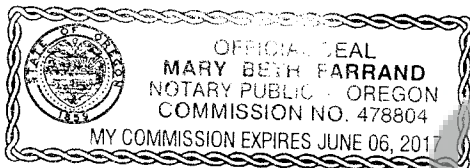
Rhonda Kay Manes
32929 Ivory Pine Rd.
Bly, OR 97622

ALL MAILINGS DESCRIBED HEREIN:

Each of the above described mailed amended notices was contained in a sealed envelope, with postage fully prepaid, and was deposited by me in the United States post office at Salem, Oregon, on **March 14, 2016**. With respect to each person listed above, one set of amended notices was mailed with postage sufficient for first class delivery to the address indicated, and another set of amended notices was mailed by certified mail with a proper form to request and obtain a return receipt and with postage sufficient to accomplish the same. Each set of amended notices was mailed after the notice of default and election to sell described in the notice of sale was recorded. A copy of the return receipt for the certified mailing is attached.

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

Subscribed and sworn to before me by John D. Albert, agent for Sherman Sherman Johnnie & Hoyt, LLP, this 26th day of April, 2016.



Mary Beth Farrand
Notary Public for Oregon
My Commission Expires: 6-6-17



SSJH Sherman Sherman

P.O. Box 2247
Salem, Oregon 97308

CERTIFIED MAIL



7012 3460 0002 5645 2502

**RETURN RECEIPT
REQUESTED**

02/21/03

MAR 20 2016

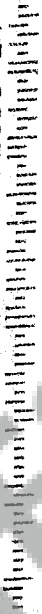
Occupants
32929 Ivory Pine Rd.
Bly, OR 97622

9730802247

NIXIE 970 SE 1 0003/19/16

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

SC: 97308224747 *1529-01632-14-41



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the receipt to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rhonda Kay Manes
32929 Ivory Pine Rd
Bly, OR 97622



9590 9403 0686 5196 9592 32

2. Article Number (Transfer from service label)

7012 3460 0002 5645 2496

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
Rhonda Manes
- B. Received by (Printed Name) *Rhonda Manes*
- C. Date of Delivery *3-16-16*
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

*Rhonda Manes
P.O. Box 208
Bly, OR 97622*

- 3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

**RETURN RECEIPT
REQUESTED**



02 1P \$006.735
0001672824 MAR 14 2016
MAILED FROM ZIP CODE 97301

AMENDED TRUSTEE'S NOTICE OF SALE

NOTE: The sale date set originally set for the Trustee's Sale herein has been postponed to Thursday May 12, 2016, @ 2:00 p.m. see below for details.

Donnie Ray Manes and Rhonda Kay Manes, husband and wife, as Grantors, made, executed, and delivered to, First American Title, as Trustee (Sherman Sherman Johnnie & Hoyt, LLP is now the duly appointed Successor Trustee), in favor of Northwest Farm Credit Services, FLCA, as Beneficiary, that certain trust deed dated May 11, 2006 and recorded May 17, 2006, as Volume M06, Page 09958, of the Records of Klamath County, Oregon ("the Trust Deed"), covering the following described real property commonly known as 32929 Ivory Pine Rd., Bly, Oregon 97622, situated is said County and State:

The SE ¼ NW ¼ of Section 19, Township 35 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon.
Property ID: R116617

The Beneficiary and the Trustee have elected to sell the real property to satisfy the obligations secured by the Trust Deed and a notice of default has been recorded pursuant to ORS 86.752(3); the default for which the foreclosure is made is grantor's failure to keep the property insured and failure to pay when due the monthly installments according to the terms of promissory note, secured by the Trust Deed described above, as follows:

\$ 81.49	Past due partial monthly payment for March 2015
\$11,408.74	Past due monthly payments of \$1,629.82 each, April – Oct. 2015
60.00	NSF fees
488.94	Default/late fees 4/15/2015 – 9/15/15
803.00	Foreclosure Guarantee
\$12,842.17	TOTAL PAST DUE as of 10/5/2015

By power given the Beneficiary under the Trust Deed, Beneficiary herewith declares all sums due under the Trust Deed to be immediately due, owing, and payable without further demand. The true amount due and owing the Beneficiary by the Grantor herein, is as follows:

\$218,432.67	Principal
8,776.97	Unpaid interest balance
488.94	Default/late fees
60.00	NSF fees
803.00	Foreclosure guarantee

\$228,561.58 **Balance due on Trust Deed as 10/5/2015**, interest accrues thereafter at the rate of 6.8% per annum (\$40.72 per diem) on the principal amount, from 10/5/2015, until paid in full.

Notice is hereby given that the undersigned will on **Thursday, May 12, 2016, at 2:00 o'clock p.m., Pacific Time**, ~~Tuesday, July 29, 2014, at 10:00 o'clock a.m., Pacific Time~~, on the front steps of **the Klamath County Courthouse, 316 Main St., Klamath Falls, Oregon**, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of the execution by them of the Trust Deed, 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 Trust Deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had not default occurred), together with costs, trustee's and attorney's fees as provided by ORS 86.778, and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation of the Trust Deed at any time prior to five (5) days before the date set for said sale.

NOTICE TO RESIDENTIAL TENANTS:

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for May 12, 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 out 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 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 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, you may contact the Oregon State Bar and ask for the lawyer referral. Contact Information is included with their 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.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar lawyer referral service online at <http://www.oregonstatebar.org> or by calling (503) 684-3763 (in the Portland Metropolitan area) or toll-free elsewhere in Oregon (800) 452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to <http://www.osbar.org/public/ris/LowCostLegalHelp/LegalAid.html>.

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.

NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT
(FDCPA) 15 USC SECTION 1692

We are attempting to collect a debt on behalf of the beneficiary named in the attached Trustee's Notice of Sale (also referred to as the "creditor") and any information obtained will be for that purpose. This debt is owed to the creditor in the amount described in the notice. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) a copy of a judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information. This communication is from a debt collector.

DATED this 14th day of March, 2016.

Sherman Sherman Johnnie & Hoyt, LLP
Successor Trustee


By: John D. Albert

I the undersigned, certify that the foregoing is a complete and exact copy of the original Amended Trustee's Notice of Sale.

John D. Albert, agent for Successor Trustee

**AMENDED 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: 32929 Ivory Pine Rd., Bly, OR 97622 (address).

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 October 5, 2015 (date) to bring your mortgage loan current was \$12,842.17. 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 Northwest Farm Credit Services (800)769-5609 or (406) 268-2200 (telephone numbers) 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: Northwest Farm Credit Services, 700 River Dr. S., Great Falls, MT 59405.

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

Date and time: **Thursday, May 12, 2016 at 2:00 p.m.**

Place: **Klamath County Courthouse, 316 Main St., Klamath Falls, Oregon**

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full any time before the sale.
3. You can call Northwest Farm Credit Services, FLCA (800)769-5609 or (406) 268-2200 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at (800)-SAFENET (800-723-3638). You may also wish to talk to a lawyer. If you need help finding

a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at (503-684-3763 or toll-free in Oregon at (800) 452-7636 or you may visit its website at: <http://www.osbar.org/>. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

WARNING; You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: March 14, 2016.

Trustee name: Sherman Sherman Johnnie & Hoyt, LLP (Successor Trustee)

Trustee signature:

by John D. Albert, agent for Successor Trustee

Trustee telephone number: (503) 364-2281

CERTIFICATE OF NON-MILITARY SERVICE

STATE OF OREGON)
) ss
County of Marion)

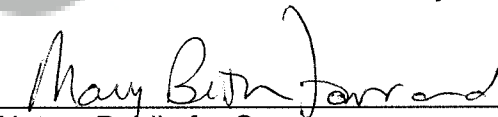
THIS IS TO CERTIFY that:

1. I am an agent for the Successor Trustee of the Trust Deed described below:
Grantors: Donnie Ray Manes and Rhonda Kay Manes, husband and wife
Trustee: First American Title (Sherman Sherman Johnnie & Hoyt, LLP is now the
duly appointed Successor Trustee)
Beneficiary: Northwest Farm Credit Services, FLCA
Recorded: May 17, 2006, as Recording No. Vol. M06-Page 09958, records of
Klamath County Oregon.
2. To the best of my knowledge and belief the Grantors of the above Trust Deed are not in
the military service, or were not so within 367 days before the recording of the Notice of
Default, or a dependent of a service member in military service based on the following facts
made known to me by the Beneficiary or based on inquiry made by this office: (1) Grantor
Donnie Ray Manes is deceased. (2) Grantors' address is not part of a military installation;
and (3) the Beneficiary has not been provided with any information that indicated that
Grantor Rhonda Kay Manes is a member of any branch of military service, whether active
or reserve, and a search of the Department of Defense Manpower Data Center ("DMDC")
did not indicate Grantor Rhonda Kay Manes is on active duty.

STATE OF OREGON)
) ss
County of Marion)

This instrument was acknowledged before me on the 28th day of April, 2016, by John
D. Albert as agent for Successor Trustee Sherman Sherman Johnnie & Hoyt, LLP.





Notary Public for Oregon
My commission expires: 6-6-17