

2016-004569

Klamath County, Oregon



00186009201600045690040041

05/05/2016 03:16:00 PM

Fee: \$57.00

Returned at Counter

Grantor's Name and Address:

Judith G. Vallejos and Ben Bautista Vallejos
1330 Pacific Terrace
Klamath Falls, OR 97601

Beneficiary's Name and Address:

Ronald J. Anderson and Beverly Diane Anderson
P.O. Box 631
Klamath Falls, OR 97601

Trustee's Name and Address:

Marcus M. Henderson
ASPELL HENDERSON & ASSOCIATES
122 S. 5th Street
Klamath Falls, OR 97601

After Recording Return to:

Marcus M. Henderson
ASPELL, HENDERSON & ASSOCIATES
122 S. 5th Street
Klamath Falls, OR 97601
Telephone: (541) 883-7754

AFFIDAVIT OF MAILING NOTICE OF SALE

I, MARCUS M. HENDERSON, being first duly sworn, depose and say:

At all times hereinafter mentioned, I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years, and not the beneficiary or the beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing copies thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives where so indicated) at their respective last known addresses, upon the dates indicated, to wit:

JUDITH G. VALLEJOS, Grantor

1330 Pacific Terrace
Klamath Falls, OR 97601

BENJAMIN B. VALLEJOS, Grantor

623 Main Street
Klamath Falls, OR 97601

INTERNAL REVENUE SERVICE

Collection Advisory Group
915 Second Avenue, NS Space W 245
Seattle, WA 98174

**OREGON DEPT OF
COMMERCE AND BUSINESS
SERVICES**

PO Box 14480
Salem, OR 97309-0405

STATE OF OREGON

Employment Department
875 Union Street NE, Rm 107
Salem, OR 97311

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 set forth in ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original Notice of Sale by me. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon: on November 19, 2015, and Trustee's Notice of Sale and Notice of Postponement on April 19, 2016 as to the Grantors; on March 8, 2016, and Trustee's Notice of Sale and Notice of Postponement on April 19, 2016 as to the Internal Revenue Service; on December 11, 2015, and Trustee's Notice of Sale and Notice of Postponement as to Oregon Dept. Of Commerce and Business; and on April 19, 2016 the Trustee's Notice of Sale and Notice of Sale and Postponement as to Oregon Employment Department. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

By:

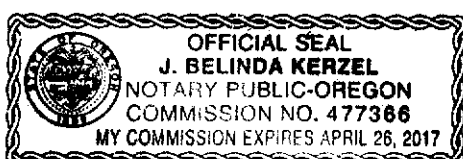
Marcus M. Henderson

STATE OF OREGON)

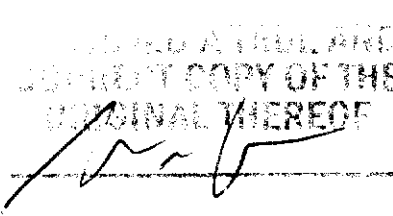
: ss.

COUNTY OF KLAMATH)

SUBSCRIBED AND SWORN TO before me this 5th day of May 2016, by Marcus M. Henderson.



NOTARY PUBLIC FOR OREGON
My Commission Expires: 4.26.17

Beneficiary's Name and Address Ronald J. Anderson and Beverley Diane Anderson P.O. Box 631 Klamath Falls, OR 97601	
Grantor's Name and Address Judith G. Vallejos and Ben Bautista Vallejos 1330 Pacific Terrace Klamath Falls, OR 97601	
Trustee's Name and Address Marcus M. Henderson ASPELL HENDERSON & ASSOCIATES 122 S. 5 th Street Klamath Falls, OR 97601	
After Recording Return to: Marcus M. Henderson ASPELL HENDERSON & ASSOCIATES 122 S. 5 th Street Klamath Falls, OR 97601	

TRUSTEE'S NOTICE OF SALE
Pursuant to ORS 86.705 et seq.
and ORS 79.5010, et seq.

Reference is made to that certain trust deed made, executed and delivered by Judith G. Vallejos and Ben Bautista Vallejos, as Grantors, to AmeriTitle, as Trustee, the Trustee's duties of which were assigned to Marcus M. Henderson, attorney at law, OSB. 023241, of ASPELL, HENDERSON & ASSOCIATES, 122 South 5th Street, Klamath Falls, Oregon 97601, to secure certain obligations in favor of Ronald J. Anderson and Beverly Diane Anderson, husband and wife, as Beneficiaries, dated December 12, 2011, and recorded on December 12, 2011, in the mortgage records of Klamath County, Oregon, under File No. 2011-013693. Said Trust Deed encumbers the following described real property situated in said county and state, to wit:

Lot 3 and the Southerly ten feet of Lot 2 in Block 18 of HILLSIDE 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.

The street address or other common designation, if any, of the real property described above is purported to be: 1330 Pacific Terrace, Klamath Falls, OR 97601.

The undersigned Trustee disclaims any liability for any incorrectness of the above street address or other common designation.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3). The default for which the foreclosure is made is grantor's failure to pay when due, the following sums: monthly payments of \$412.08 beginning October 15, 2013; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

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: \$51,126.41 together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will, on April 12, 2016, at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, **in the front entry foyer of the Klamath County Circuit Court, 316 Main St., City of Klamath Falls**, County of Klamath, State of 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 him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said 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 86.753 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) and by and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees. Notice is also given that any person named in ORS 86.753 has the right to bring

a court action to assert the non-existence of a default or any other defense to acceleration and sale.

ALSO, if you have failed to pay taxes on the property, provide insurance on the property or pay other senior liens or encumbrances as required in the note and deed of trust, the beneficiary may insist that you do so in order to reinstate your account in good standing. The beneficiary may require as a condition to reinstatement that you provide reliable written evidence that you have paid all senior liens or encumbrances, property taxes, and hazard insurance premiums. These requirements for reinstatement should be confirmed by contacting the undersigned Trustee.

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for April 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:

- 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; or
- 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 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 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 included with this notice.

For Legal Assistance: Oregon State Bar Referral Service
Hours: 8 am to 5 pm Monday-Friday
Phone: 503-684-3763 or
toll-free in Oregon at 800-452-7636
Submit On-line Referral Request -
<http://www.osbar.org/public/ris/lrsform.html>

For Free Legal Assistance: Legal Aid Services of Oregon
LASO Hotline for Klamath & Lake Counties:
(541) 882-6982 or 1-800-480-9160.

Trustee: Marcus M. Henderson, *Esq.*
ASPELL, HENDERSON & ASSOCIATES
122 South 5th Street
Klamath Falls, OR 97601
Phone: 541-883-7754
Facsimile: 541-883-1756
Email: marcus@aspellhenderson.com