

2016-006548

Klamath County, Oregon

06/21/2016 09:43:29 AM

Fee: \$152.00

**RECORDING COVER SHEET
Pursuant to ORS 205.234**

After recording return to:

**Northwest Trustee Services, Inc.
As successor trustee
Attention: Nanci Lambert
P.O. Box 997
Bellevue, WA 98009-0997
140182221**

- 1. AFFIDAVIT OF MAILING – NOTICE OF FORECLOSURE**
- 2. NOTICE OF FORECLOSURE**
- 3. AFFIDAVIT OF MAILING – TRUSTEE'S NOTICE OF SALE**
- 4. TRUSTEE'S NOTICE OF SALE**
- 5. PROOF OF SERVICE**
- 6. AFFIDAVIT OF PUBLICATION**

Original Grantor(s) on Trust Deed: Mark N Wayne, and Marion G Wayne, husband and wife

Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for America's Wholesale Lender, its successors and assigns

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

After recording return to:
Northwest Trustee Services, Inc.
Attn: Nanci Lambert
P.O. Box 997
Bellevue, WA 98009-0997

**AFFIDAVIT OF MAILING NOTICE OF
FORECLOSURE**
RE: Trust Deed from
Wayne, Mark and Podesta Wayne, Marion
Grantor
to
Northwest Trustee Services, Inc.,
Trustee
File No. 7236.25961

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

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

I gave notice of the sale of the real property described in the attached Notice of Foreclosure as required by ORS 86.756 by mailing a copy 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 address, to-wit:

See Attached Exhibit A

Said 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 and to the occupant residing in the Property.

Each of the notices so mailed was certified to be a true copy of the original Notice of Foreclosure, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on **MAR 23 2016** 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 and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell was recorded. The form of the notice complies with ORS 86.756 and a copy is enclosed with this affidavit.

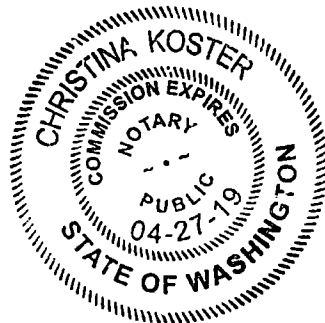
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)


John Kolesinski

I certify that I know or have satisfactory evidence that John Kolesinski is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: MAR 23 2016





NOTARY PUBLIC in and for the State of
Washington, residing at King
My commission expires 4-27-19

EXHIBIT A

Marion G Podesta-Wayne aka Marion G Podesta
Podesta
aka Marion G Wayne
57940 Santa Rosa Trail
La Quinta, CA 92253

Marion G Podesta-Wayne aka Marion G Podesta
Podesta
aka Marion G Wayne Trustee of The Podesta Fam
Podesta Fam
4634 Coopers Hawk Road
Klamath Falls, OR 97601

Mark N Wayne
4634 Coopers Hawk Road
Klamath Falls, OR 97601

Mark N Wayne
Trustee of The Podesta Family Trust
4634 Coopers Hawk Road
Klamath Falls, OR 97601

Occupants
4634 Coopers Hawk Road
Klamath Falls, OR 97601

Marion G Podesta-Wayne aka Marion G
aka Marion G Wayne
aka Marion G Way
Klamath Falls, OR 97601

Marion G Podesta-Wayne aka Marion G
aka Marion G Wayne Trustee of The
57940 Santa Rosa Trail
La Quinta, CA 92253

Mark N Wayne
57940 Santa Rosa Trail
La Quinta, CA 92253

Mark N Wayne
Trustee of The Podesta Family Trust
57940 Santa Rosa Trail
La Quinta, CA 92253

7236.25961
Nanci Lambert

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:
4634 Coopers Hawk Road
Klamath Falls, OR 97601

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 3/11/2016 to bring your mortgage current was \$87,921.39. 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 (866) 254-5790 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 Trustee Services, Inc.
PO Box 997
Bellevue, WA 98009-0997

THIS IS WHEN AND WHERE YOUR PROPERTY
WILL BE SOLD IF YOU DO NOT TAKE ACTION: 07/22/16 at 10:00 AM inside
the 1st floor lobby of the Klamath County Courthouse, 316 Main Street,
Klamath Falls OR

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 (888) 818-6032 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 phone number of an organization near you, please call the statewide phone 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 Web site at: 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 questions, talk to a lawyer or one of the organizations mentioned above before signing.

Date: 3/11/2016

By Nanci Lambert

Its Assistant Vice President

Trustee Telephone Number: 425-586-1900

7236.25961/Wayne, Mark and Podesta Wayne, Marion

After recording return to:
Northwest Trustee Services, Inc.
Attn: Nanci Lambert
P.O. Box 997
Bellevue, WA 98009-0997

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
RE: Trust Deed from
Wayne, Mark and Podesta Wayne, Marion
Grantor
to
Northwest Trustee Services, Inc.,
Trustee **File No. 7236.25961**

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

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

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy 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 address, to-wit:

See Attached Exhibit A

Said 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 notices so mailed was certified to be a true copy of the original notice of sale, each such copy was contained in a sealed envelope with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on **MAR 23 2016**. 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 and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

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

STATE OF WASHINGTON)

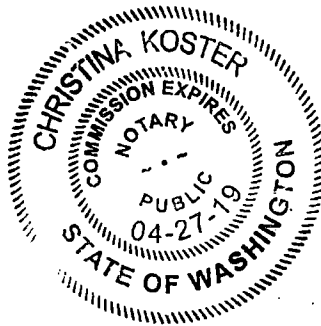
) ss.

COUNTY OF KING)


John Kolesinski

I certify that I know or have satisfactory evidence that John Kolesinski is the person who appeared before me, and said person acknowledged that (he/~~she~~) signed this instrument and acknowledged it to be (his/~~her~~) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: MAR 23 2016





NOTARY PUBLIC in and for the State of
Washington, residing at King
My commission expires 4-27-19

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Trustee of The Podesta Family Trust
4634 Coopers Hawk Road
Klamath Falls, OR 97601

Occupants
Association
4634 Coopers Hawk Road
Klamath Falls, OR 97601

Running Y Ranch Resort Owner's Association
Association
c/o Eagle Crest
PO Box 1215
Redmond, OR 97756

Running Y Ranch Resort Owner's Association
Vial Fotheringham LLP
17355 Southwest Boone Ferry Road, Sutie A
Lake Oswego, OR 97035

Marion G Podesta-Wayne aka Marion G
aka Marion G Wayne
aka Marion G Way
Klamath Falls, OR 97601

Marion G Podesta-Wayne aka Marion G
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57940 Santa Rosa Trail
La Quinta, CA 92253

Mark N Wayne
57940 Santa Rosa Trail
La Quinta, CA 92253

Mark N Wayne
Trustee of The Podesta Family Trust
57940 Santa Rosa Trail
La Quinta, CA 92253

Running Y Ranch Resort Owner's
c/o Curt Heimuller, Reg Agent
5115 Running Y Road
Klamath Falls, OR 97601

Running Y Ranch Resort Owner's
c/o Jeld-Wen Communities
PO Box 1215
Redmond, OR 97756

TRUSTEE'S NOTICE OF SALE

File No. 7236.25961

Reference is made to that certain trust deed made by Mark N Wayne, and Marion G Wayne, husband and wife, as grantor, to Chicago Title, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. as nominee for America's Wholesale Lender, its successors and assigns, as beneficiary, dated 08/31/05, recorded 09/08/05, in the mortgage records of KLAMATH County, Oregon, as M05-63827 Loan Modification Agreement recorded 4/19/2011 as Instrument #2011-004954 and subsequently assigned to Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-51, Mortgage Pass-Through Certificates, Series 2005-51 by Assignment recorded as 2014-012569, covering the following described real property situated in said county and state, to wit:

Lot 830, Tract 1404, Replat of Lots 792-795 and 818-820 of Running Y Resort Phase 10, Tract 1394, according to the official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PROPERTY ADDRESS: 4634 Coopers Hawk Road
Klamath Falls, OR 97601

Both 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 Oregon Revised Statutes 86.752(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,923.36 beginning 11/01/12; plus prior accrued late charges of \$402.80; plus advances of \$5,799.95; 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 the trust deed immediately due and payable, said sums being the following, to wit: \$517,251.29 with interest thereon at the rate of 2 percent per annum beginning 10/01/12; plus prior accrued late charges of \$402.80; plus advances of \$5,799.95; together with title expense, costs, trustee's fees and attorneys 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 **July 22, 2016** at the hour of 10:00 AM. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of KLAMATH, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution 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 for reinstatement or payoff quotes requested pursuant to ORS 86.786 and 86.789 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. 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 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 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 not exceeding the amounts provided by said ORS 86.778. Requests from

persons named in ORS 86.778 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

In construing this notice, 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.

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.

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for July 22, 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. 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 Association (16037 Upper Boones Ferry Road, Tigard, Oregon 97224, (503)620-0222, toll-free in Oregon (800)452-8260) and ask for the lawyer referral service. 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; a county-by-county listing of legal aid resources may be found on the Internet at <http://www.osbar.org/public/ris/lowcostlegalhelp/legalaid.html>.

The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Dated: MARCH 21, 2014

Northwest Trustee Services, Inc.

By 

Assistant Vice President,
Northwest Trustee Services, Inc.

For further information, please contact:

Nanci Lambert
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900
File No.7236.25961/Wayne, Mark and Podesta Wayne, Marion

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

FEI, LLC
Affidavit of Posting and Service

State of Oregon
County of KLAMATH

KENT PEDERSON, being sworn, says:

- That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale:
- That my business address is 1135 Pine Street, Klamath Falls, OR.
- On three occasions, I attempted to serve a copy of the Notice of Trustee's Sale on an adult occupant of the property described in the Notice of Trustee's Sale and commonly referred to as 4634 Coopers Hawk Road, Klamath Falls, Oregon 97601
 - 1st Attempt: 3/23/2016 at 8:30pm - Unable to serve adult occupant, and I posted a copy of the Notice of Trustee's Sale to a conspicuous place on the property.
 - 2nd Attempt: 3/26/2016 at 9:05am - Unable to serve adult occupant, and I posted a copy of the Notice of Trustee's Sale to a conspicuous place on the property.
 - 3rd Attempt: 3/31/2016 at 8:55am - Unable To Serve Adult Occupant.

Signed in Klamath County, Oregon by:

Signature

Date

State of Oregon
County of

On this 1st day of April in the year of 2016, before me a Notary Public, Personally appeared Kent Pederson, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Notary Public for Oregon

Residing at

Commission expires



D12937283

1002.280012
7236.25961
Wayne, Mark and Podesta Wayne, Marion
Northwest Trustee Services, Inc.

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE TO OCCUPANT
(In Lieu of Personal Service)**

STATE OF WASHINGTON, County of KING) ss:

I, Theresa Lake the undersigned, being first duly sworn, depose and say and certify that:

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

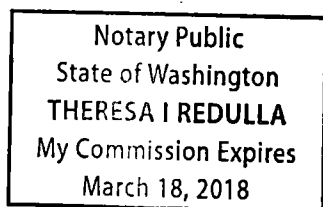
On April 1, 2016 I caused to be deposited in the United States post office at Bellevue, Washington a copy of the attached Notice of Trustee's Sale ("Notice"). The Notice was sealed in an envelope addressed to "Occupant" at 4634 Coopers Hawk Road, Klamath Falls, OR, 97601 and sufficient postage was affixed to the envelope for first class delivery to the address indicated.




STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Theresa Lake is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 4/1/16





NOTARY PUBLIC in and for the State of
Washington, residing at Kings
My commission expires 3-18-18

7236.25961 / Wayne, Mark and Podesta Wayne, Marion
Nanci Lambert

**AFFIDAVIT OF PUBLICATION
STATE OF OREGON,
COUNTY OF KLAMATH**

I, Pat Bergstrom, Legal Specialist, being duly sworn,
depose and say that I am the principle clerk of the
publisher of the Herald and News, a newspaper in
general circulation, as defined by Chapter 193 ORS,
printed and published at 2701 Foothills Blvd,
Klamath Falls, OR 97603 in the aforesaid county and
state; that I know from my personal knowledge that the
Legal#17022 SALE WAYNE
FILE #: 7236.25961

a printed copy of which is hereto annexed, was published
in the entire issue of said newspaper for: 4

Insertion(s) in the following issues:

04/28/2016 05/05/2016 05/12/2016 05/19/2016

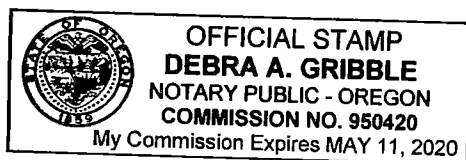
Total Cost: \$1551.00

Pat Bergstrom

Subscribed and sworn by Pat Bergstrom before me on:
19th day of May in the year of 2016

Debra A Gribble

Notary Public of Oregon
My commission expires on May 11, 2020



TRUSTEE'S NOTICE OF SALE File No. 7236.25961

Reference is made to that certain trust deed made by Mark N Wayne, and Marion G Wayne, husband and wife, as grantor, to Chicago Title, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. as nominee for America's Wholesale Lender, its successors and assigns, as beneficiary, dated 08/31/05, recorded 09/08/05, in the mortgage records of KLAMATH County, Oregon, as M05-63827 Loan Modification Agreement recorded 4/19/2011 as Instrument #2011-004954 and subsequently assigned to Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-51, Mortgage Pass-Through Certificates, Series 2005-51 by Assignment recorded as 2014-012569, covering the following described real property situated in said county and state, to wit: Lot 830, Tract 1404, Replat of Lots 792-795 and 818-820 of Running Y Resort Phase 10, Tract 1394, according to the official Plat thereof on file in the office of the County Clerk of Klamath County, Oregon. PROPERTY ADDRESS: 4634 Coopers Hawk Road Klamath Falls, OR 97601

Both 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 Oregon Revised Statutes 86.752(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$1,923.36 beginning 11/01/12; plus prior accrued late charges of \$402.80; plus advances of \$5,799.95; 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 the trust deed immediately due and payable, said sums being the following, to wit: \$517,251.29 with interest thereon at the rate of 2 percent per annum beginning 10/01/12; plus prior accrued late charges of \$402.80; plus advances of \$5,799.95; together with title expense, costs, trustee's fees and attorneys 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 July 22, 2016 at the hour of 10:00 AM. in accord with the standard of time established by ORS 187.110, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 Main Street, in the City of Klamath Falls, County of KLAMATH, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution 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 for reinstatement or payoff quotes requested pursuant to ORS 86.786 and 86.789 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website,

www.northwesttrustee.com. 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 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 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 not exceeding the amounts provided by said ORS 86.778. Requests from persons named in ORS 86.778 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

In construing this notice, 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. 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. The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com. For further information, please contact: Nanci Lambert Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 586-1900 Wayne, Mark and Podesta Wayne, Marion (TS# 7236.25961) 1002.280012-File No. #17022 April 28, May 05, 12, 19, 2016.