



After recording, return to:  
ROBERT A. SMEJKAL, P.C.  
PO Box 1758  
Eugene, OR 97440

**2016-007468**

**Klamath County, Oregon**

07/14/2016 02:42:30 PM

Fee: \$57.00

**Grantor:**

Michael R. Mumford

**Successor Trustee:**

ROBERT A. SMEJKAL  
PO Box 1758  
Eugene, OR 97440

**Beneficiary:**

J & D OR Properties LLC

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain Trust Deed made by Michael R. Mumford, as Grantor, to Robert A. Smejkal, Attorney at Law as Successor Trustee, in favor of J & D OR Properties LLC, as Beneficiary, dated November 20, 2012, recorded November 28, 2012, as Recorder's No. 2012-013199, all in the Deeds and Records of Klamath County, Oregon. The Trust Deed covers the real property situated in the above mentioned county and state which is more particularly described as follows:

"Lot 4, Block 3, FIRST ADDITION TO ANTELOPE MEADOWS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon."

The Successor Trustee hereby certifies that no assignments of the Trust Deed by the Successor Trustee, the Beneficiary or any successors, and no appointments of a Successor Trustee have been made, except as recorded in the records of the county 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, performance of which is secured by the Trust Deed with respect to provisions therein, which authorizes sale in the event of default of such provision. The default for which foreclosure is made is Grantor's failure to pay monthly payments in the amount of \$561.58 each, commencing with the payment due February 28, 2015 and continuing each month thereafter.

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount

of \$47,457.00, plus accrued interest as of February 23, 2016 in the amount of \$167.56, plus interest on the principal amount at the rate of 5% per annum from February 24, 2016 until paid; plus amounts advanced by the Beneficiary, if any, pursuant to the Trust Deed or applicable law and attorney fees and foreclosure costs incurred.

Notice is hereby given that the Beneficiary and the Successor Trustee, by reason of the default, have elected and do hereby elect to foreclose the Trust Deed by advertisement and sale pursuant to ORS 86.705 to ORS 86.795, and to cause to be sold at public auction to the highest bidder for cash or certified funds, the interest in the described property which Grantors had, or had the power to convey, at the time of the execution by Grantor of the Trust Deed, together with any interest Grantor acquired after the execution of the Trust Deed, to satisfy the obligations secured by the Trust Deed and the expenses of sale, including the compensation of the Successor Trustee as provided by law, and the reasonable fees of the Successor Trustee's attorney.

The sale will be held at 1:30 p.m. in accord with the standard time established by ORS 187.110 on December 8, 2016, at the front entrance of the Klamath County Courthouse located at 316 Main St, Klamath Falls, OR 97601, which is the hour, date and place last set for the sale.

Other than as shown of record, neither the Beneficiary nor the Successor 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 Successor 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:

<b>Name and Last Known Address</b>	<b>Nature of Right, Lien or Interest</b>
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None	
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Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five (5) 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 the 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 the Trustee's attorney fees not exceeding the amounts provided by ORS 86.753.

Without limiting the Successor Trustee's disclaimer of representations or warranties, Oregon law requires the Successor Trustee to state in this notice that some residential property sold at the 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 a trustee's

sale.

In construing this notice, the singular includes the plural, the word "Grantors" includes any successor in interest to the Grantors as well as any other person owing an obligation, the performance of which is secured by the Trust Deed, and the words "Trustee" or "Beneficiary" include their respective successors in interest, if any.

DATED this 12<sup>th</sup> day of July, 2016.

Robert A. Smejkal

ROBERT A. SMEJKAL, Successor Trustee

STATE OF OREGON, County of Lane ) ss.

This instrument was acknowledged before me on July 12, 2016, by ROBERT A. SMEJKAL, Successor Trustee.



Bonnie G. Felsner

NOTARY PUBLIC FOR OREGON

**After recording, return to:**

Robert A. Smejkal, P.C.  
PO Box 1758  
EUGENE OR 97440-1758

**OREGON FORECLOSURE AVOIDANCE PROGRAM  
BENEFICIARY EXEMPTION AFFIDAVIT**

Lender/Beneficiary:	J & D OR Properties, LLC
Jurisdiction*	Lane County

\*If Lender/Beneficiary is not a natural person, provide the state or other jurisdiction in which the Lender/Beneficiary is organized.

I, John Lusk (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: -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 Member

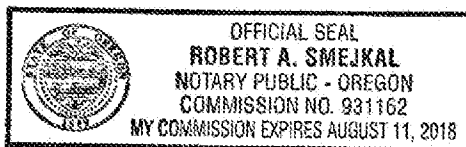
[insert title] of the entity claiming

exemption from requirements established under Or Laws 2013, ch 304, and is authorized by such entity to execute this affidavit on its behalf.

John W. Lusk  
(Signature)

STATE OF OREGON County of Lane) ss.

Signed and sworn to (or affirmed) before me this 30 day of June, 2016  
by John Lusk, Member of J & D OR Properties, LLC



Robert A. Smejkal  
Notary Public for Oregon