



2016-012702
Klamath County, Oregon
11/30/2016 09:18:00 AM
Fee: \$87.00

After recording, return to:

ROBERT A. SMEJKAL
Attorney at Law
PO Box 1758
Eugene, OR 97440

Grantor:

Michael R. Mumford

Successor Trustee:

Robert A. Smejkal

Beneficiary:

J & D OR Properties LLC

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE
AND NOTICE TO RESIDENTIAL TENANT**

STATE OF OREGON County of Lane) ss.

I, ROBERT A. SMEJKAL, being first duly sworn, depose and say that:

At all times hereinafter mentioned, I was and am a resident of the state of Oregon, a competent person over the age of eighteen years, and not the Beneficiary nor the Beneficiary's successor in interest named in the attached original Trustee's Notice of Sale and Notice to Residential Tenant (the "Notice") given under the terms of that certain Trust Deed described in the Notice.

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

Name/Address

Date

Michael R. Mumford
150154 Midstate
LAPINE OR 97739

July 19, 2016

Dept. of Justice
Division of Child Support
39 N Central
MEDFORD OR 97501

July 19, 2016

Dept. of Revenue
Personal Tax and Compliance
955 Center St NE
SALEM OR 97301-2555

July 19, 2016

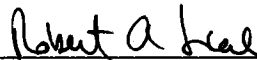
Lisa M. Mathis
PO Box 44
CHEMULT OR 97731

July 19, 2016

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 Notice so mailed was certified to be a true copy of the original Notice by ROBERT A. SMEJKAL, Attorney for the Trustee named in the Notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by my office assistant in the United States Post Office at Eugene, Oregon, on the date or dates indicated herein. 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 was recorded.

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



ROBERT A. SMEJKAL, Successor Trustee

STATE OF OREGON, County of Lane) ss.

SIGNED AND SWORN to before me this 15th day of November, 2016, by ROBERT A. SMEJKAL, Successor Trustee.


NOTARY PUBLIC FOR OREGON

TRUSTEE'S NOTICE OF SALE

The Successor Trustee, under the terms of the Trust Deed described herein, at the direction of the current Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby.

A. PARTIES TO THE TRUST DEED:

Grantor: Michael R. Mumford
Successor Trustee: Robert A. Smejkal, Attorney at Law;
Beneficiary: J & D OR Properties LLC

B. DESCRIPTION OF THE PROPERTY:

"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."

C. ASSIGNMENT OF BENEFICIAL INTEREST: N/A

D. TRUST DEED INFORMATION:

Dated : November 20, 2012
Recording Date: November 28, 2012
Recorder's No.: 2012-013199
Recording Place: Deeds and Records of Klamath County, Oregon

E. DEFAULT: The Grantor is in default and the Beneficiary elects to foreclose the Trust Deed by reason of the 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.

F. AMOUNT DUE: 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.

G. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiary and the Successor Trustee, by reason of said default, have elected, and do hereby elect, to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with 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.

H. **DATE, TIME AND PLACE OF SALE:** Date & Time: December 8, 2016, at 1:30 p.m. Place: at the front entrance of the Klamath County Courthouse, 316 Main St, Klamath Falls, OR 97601.

I. **RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN** that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Successor Trustee of the entire amount then due (other than a 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 by tendering the performance necessary to cure the default, by paying all costs and expenses to the Successor Trustee actually incurred by Beneficiary and Successor Trustee in enforcing the obligation and Trust Deed, together with the Successor Trustee's fees and attorney's fees.

J. **NOTICE:** The Federal Fair Debt Practices Act requires we state that this is an attempt to collect a debt and any information obtained will be used for that purpose.

K. **NOTICE TO RESIDENTIAL TENANTS.** The NOTICE TO RESIDENTIAL TENANTS is attached hereto as Exhibit A and by this reference incorporated herein.

L. **LEGAL ASSISTANCE:** 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.

You may have additional rights under ORS 86.755(5) and under federal law.

Oregon State Bar
Lawyer Referral Service
16037 SW Upper Boones Ferry Road
Tigard, OR 97224

(503) 684 3763 / (800) 452-7636
Toll-free 9:00 a.m. to 5:00 p.m. weekdays

LASO Klamath Falls Regional Office
832 Klamath Avenue
Klamath Falls, OR 97601
(541) 273-0533, or 1 (800) 480-9160

Mailing address:
PO Box 231935
Tigard, OR 97281 1935

<http://www.osbar.org>
<http://www.oregonlawhelp.org>

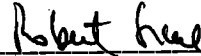
Tuesday – Thursday, 10:00 a.m. – 4:00 p.m.;
clients can leave messages at all other hours,
including evenings and weekends. Also
available for appointments on other days
and times as needed.

Consumer queries and mortgage
foreclosure information: (855) 480-1950

Federal loan modification programs:
<http://www.makinghomeaffordable.gov>

M. **MISCELLANEOUS:** 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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

DATED this 19th day of July, 2016



ROBERT A. SMEJKAL, Successor Trustee
PO Box 1758
Eugene, OR 97440

EXHIBIT A

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **December 8, 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; 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 LANDLORDS 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 landlords as provided in ORS 90.367. To do this, you must notify your landlords 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 landlords. 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 landlords.

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 landlords and must maintain the property. Otherwise:

- You do not owe rent;
- The new owner is not your landlords 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.

TRUSTEE'S AFFIDAVIT AS TO NON-OCCUPANCY

RE: Trust Deed from Michael R. Mumford
(Grantor)

To: Robert A. Smejkal, Attorney at Law
(Successor Trustee)

After Recording Return To:
Robert A. Smejkal
PO Box 1758
EUGENE OR 97440

STATE OF OREGON)
) ss.
County of Lane)

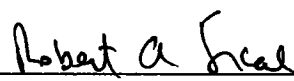
I, Robert A. Smejkal, being first duly sworn, depose, say and certify that:

I am the successor trustee in that certain trust deed executed and delivered by Michael R. Mumford, as Grantor, to AmeriTitle, as trustee, in which J & D OR Properties LLC is the Beneficiary, recorded on November 28, 2012, in the mortgage records of Klamath County, Oregon as Recorder's No. 2012-013199, covering the following described real property situated in said county:

"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."


I hereby certify that on July 14, 2016, the above described real property was not occupied.

The word "trustee" as used in this affidavit means any successor trustee to the trustee named in the trust deed first mentioned above.


Robert A. Smejkal, Successor Trustee

SIGNED AND SWORN to before me this 15th day of November, 2016, by Robert A. Smejkal, Successor Trustee.




Notary Public for Oregon

**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#17346 SALE MUMFORD

TRUSTEE'S NOTICE OF SALE

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:

10/11/2016 10/18/2016 10/25/2016 11/01/2016

Total Cost: \$1411.00

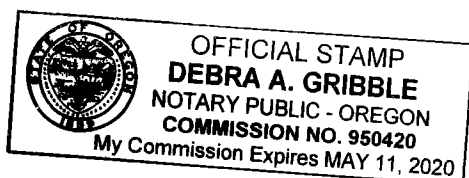
Pat Bergstrom

Subscribed and sworn by Pat Bergstrom before me on:
1st day of November in the year of 2016

Debra A. Gribble

Notary Public of Oregon

My commission expires on May 11, 2020



TRUSTEE'S NOTICE OF SALE

The Successor Trustee, under the terms of the Trust Deed described herein, at the direction of the current Beneficiary, hereby elects to sell the property described in said Trust Deed to satisfy the obligations secured thereby.

A. PARTIES TO THE TRUST DEED: Grantor: Michael R. Mumford; Successor Trustee: Robert A. Smejkal, Attorney at Law; Beneficiary: J & D OR Properties LLC.

B. DESCRIPTION OF THE PROPERTY: "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."

C. ASSIGNMENT OF BENEFICIAL INTEREST: N/A
D. TRUST DEED INFORMATION: Dated: November 20, 2012; Recording Date: November 28, 2012; Recorder's No.: 2012-013199; Recording Place: Deeds and Records of Klamath County, Oregon.

E. DEFAULT: The Grantor is in default and the Beneficiary elects to foreclose the Trust Deed by reason of the 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.

F. AMOUNT DUE: 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.

G. ELECTION TO SELL: NOTICE IS HEREBY GIVEN that the Beneficiary and the Successor Trustee, by reason of said default, have elected, and do hereby elect, to foreclose said Trust Deed by advertisement and sale pursuant to Oregon Revised Statutes §86.705 et seq., and to cause to be sold at public auction to the highest bidder, for cash or certified funds, the interest in said described property which Grantor had, or had the power to convey, at the time of the execution of the Trust Deed, together with any interest the Grantor acquired after the execution of the Trust Deed, to satisfy the obligations secured by said Trust Deed together with 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.

H. DATE, TIME AND PLACE OF SALE: Date & Time: December 8, 2016, at 1:30 p.m. Place: at the front entrance of the Klamath County Courthouse, 316 Main St, Klamath Falls, OR 97601.

I. RIGHT TO REINSTATE: NOTICE IS FURTHER GIVEN that at any time prior to five (5) days before the sale, this foreclosure proceeding may be dismissed and the Trust Deed reinstated by payment to the Successor Trustee of the entire amount then due (other than a 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 by tendering the performance necessary to cure the default, by paying all costs and expenses to the Successor Trustee actually incurred by Beneficiary and Successor Trustee in enforcing the obligation and Trust Deed, together with the Successor Trustee's fees and attorney's fees.

J. NOTICE: The Federal Fair Debt Practices Act requires we state that this is an attempt to collect a debt and any information obtained will be used for that purpose.

K. NOTICE TO RESIDENTIAL TENANTS. The NOTICE TO RESIDENTIAL TENANTS is attached hereto as Exhibit A and by this reference incorporated herein.

L. LEGAL ASSISTANCE: 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. You may have additional rights under ORS 86.755(5) and under federal law. Oregon State Bar Lawyer Referral Service 18087 SW Upper Boones Ferry Road, Tigard, OR 97224. Mailing address: PO Box 231935, Tigard, OR 97281-1935; (503) 684-3763 / (800) 452-7636. Toll free 9:00 a.m. to 5:00 p.m. weekdays.

<http://www.osbar.org> <http://www.oregonlawhelp.org>
DASO Klamath Falls Regional Office 832 Klamath Avenue Klamath Falls, OR 97601, (541) 273-0533, or 1 (800) 480-9160. Tuesday Thursday, 10:00 a.m. 4:00 p.m.

clients can leave messages at all other hours, including evenings and weekends. Also available for appointments on other days and times as needed. For summer queues and mortgage foreclosure information, (855) 480-1960. Federal loan modification programs: <http://www.makinghomeaffordable.gov>

M. MISCELLANEOUS: 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 the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any. DATED this 19th day of July, 2016. ROBERT A. SNEKAL, Successor Trustee, PO Box 1758, Eugene, OR 97440.
#17346 October 11, 18, 25, November 01, 2016.