

2016-013040

Klamath County, Oregon

12/07/2016 03:19:00 PM

Fee: \$62.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from:
RICHARD ROLAND FIELDS, Grantor
To:
Nathan F. Smith, Esq., OSB #120112

After recording return to:

Malcolm & Cisneros, A Law Corporation
Attention: Nathan F. Smith, Esq., OSB
#120112
c/o TRUSTEE CORPS
17100 Gillette Ave
Irvine, CA 92614

TS No. OR07000245-16-1

APN R216135/ R-3809-029AD-04600-000

TO No 160352393-OR-MSO

Reference is made to that certain Trust Deed made by RICHARD ROLAND FIELDS as Grantor, to PLACER TITLE COMPANY as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for FINANCIAL FREEDOM ACQUISITION LLC, A SUBSIDIARY OF ONEWEST BANK, FSB, Beneficiary of the security instrument, its successors and assigns, dated as of September 29, 2009 and recorded October 6, 2009 in the records of Klamath County, Oregon as Instrument No. 2009-013133 and the beneficial interest was assigned to **CIT Bank, N.A.** and recorded September 14, 2016 as Instrument Number 2016-009726 covering the following described real property situated in the above-mentioned county and state, to wit:

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LOT 2 IN BLOCK 35 OF HILLSIDE ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

The undersigned hereby certifies that no assignments of the Trust Deed by the Trustee, Nathan F. Smith, Esq., OSB #120112, or by the Beneficiary, **CIT Bank, N.A.**, and no appointments of a successor Trustee have been made, except as recorded in the records of the county or counties 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 or other person owing an obligation, performance of which is secured by the Trust Deed or by the successor in interest, with respect to provisions therein which authorize sale in the event of such provision. The default for which foreclosure is: **Failed to pay the principal balance which became all due and payable based upon the death of all mortgagors**

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:

1. Principal balance of **\$53,334.81**
2. **\$28,113.02** in Unpaid Interest through December 8, 2016.
3. **\$2,610.00** in Monthly Servicing Fees.
4. **\$4,468.15** in MIP/PMI Advances.
5. **\$770.25** in Unpaid Attorney Costs.
6. Together with title expenses, costs, Trustees fees and attorney fees incurred here in by reason of said default and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest there in.

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

reasonable fees of Trustee's attorneys.

The Sale will be held at the hour of **10:00 AM**, in accord with the standard of time established by ORS 187.110, on **April 18, 2017** at the following place: **on the Main Street entrance steps to the Klamath County Circuit Court, 316 Main St, Klamath Falls, OR 97601**

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

RICHARD ROLAND FIELDS
1835 JOHNSON AVENUE, KLAMATH FALLS, OR 97601

OCCUPANT
1835 JOHNSON AVENUE, KLAMATH FALLS, OR 97601

THE ESTATE OF RICHARD ROLAND FIELDS C/O ALL UNKNOWN SURVIVING HEIRS AND BENEFICIARIES
1835 JOHNSON AVENUE, KLAMATH FALLS, OR 97601

THE HEIRS AND DEVISEES OF THE ESTATE OF RICHARD ROLAND FIELDS, DECEASED
1835 JOHNSON AVENUE, KLAMATH FALLS, OR 97601

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), together with costs, Trustee's and attorney's fees, 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, at any time prior to five days before the date last set for sale.

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.

In construing this notice, the singular gender 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.

Dated: November 29, 2016

By: Nathan F. Smith, Esq., OSB #120112
Successor Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

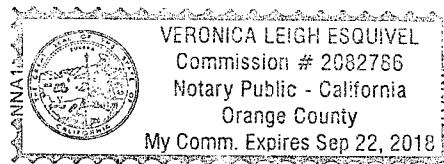
STATE OF CALIFORNIA
COUNTY OF ORANGE

On November 29, 2016 before me, VERONICA LEIGH ESQUIVEL, Notary Public, personally appeared NATHAN F. SMITH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CALIFORNIA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public Signature



Malcolm & Cisneros, A Law Corporation
Attention: Nathan F. Smith, Esq., OSB #120112
c/o TRUSTEE CORPS
17100 Gillette Ave, Irvine, CA 92614
949-252-8300

FOR SALE INFORMATION PLEASE CALL:
In Source Logic at 702-659-7766
Website for Trustee's Sale Information: www.insourcelogic.com

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

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its security instrument, including the right to foreclose its lien.

RECEIVED
JAN 11 2016

After recording, return to:

OneWest Bank Mortgage Servicing
c/o Juan Lopez
2900 Esperanza Crossing
Austin, TX 78758

DEPARTMENT OF JUSTICE
PORTLAND LEGAL

**OREGON FORECLOSURE AVOIDANCE PROGRAM
BENEFICIARY EXEMPTION AFFIDAVIT**

Lender/Beneficiary:	CIT Bank, N.A.
Jurisdiction*	United States

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

I, Jon Dickerson (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: 173 [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 Director [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.

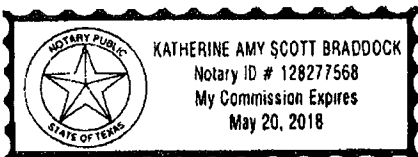
(Signature)

State of Texas)

) ss.

County of Travis)

Signed and sworn to (or affirmed) before me this 11th day of January, 2016
by Jon Dickerson



Katherine A S Braddock
Notary Public for Katherine A S Braddock

My commission expires: 5-20-2018