

After Recording, Return to:
Frank C. Rote, III, Attorney
612 N. W. Fifth Street
Grants Pass, OR 97526

2017-000530
Klamath County, Oregon
01/19/2017 11:14:00 AM
Fee: \$77.00

AFFIDAVIT OF MAILING TRUSTEE'S AMENDED NOTICE OF SALE

RE: Trust Deed From
Thomas & Jeanette Matthias,
Grantors,
to
Frank C. Rote, III, Attorney,
Trustee,

STATE OF OREGON, County of Josephine} ss.

I, Laurie K. Hecker, the undersigned, being first duly sworn, depose and say that:

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 Trustee's Amended Notice of Sale given under the terms of that certain deed described in the Trustee's Amended Notice of Sale.

I gave notice of the sale of the real property described in the attached Trustee's Amended 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, to-wit:

Name of Person

Address

Thomas Matthias	PO Box 452, Keno, OR 97627
Thomas Matthias	15055 Pucket Road, Keno, OR 97627
Thomas Matthias	1724 Homedale Road, Klamath Falls, OR 97603
Jeanette Matthias	PO Box 452, Keno, OR 97627
Jeanette Matthias	15055 Pucket Road, Keno, OR 97627
Jeanette Matthias	1724 Homedale Road, Klamath Falls, OR 97603
All Unknown Occupants	1724 Homedale Road, Klamath Falls, OR 97603
State Administration Unit, Oregon Dept of Human Resources	Attn: Diane L. Holmes, PO Box 14021, Salem, OR 97309
Carter-Jones Collection Service	1143 Pine Street, Klamath Falls, OR 97601
Labor Ready Northwest, Inc.	4401 N I-10 Service Road W, Maitairie, LA 70006
Rhonda Marie Matthias	3950 Homedale Road #56, Klamath Falls, OR 97603
Quick Collect, Inc.	PO Box 55457, Portland, OR 97238
General Credit Service, Inc.	2724 West Main Street, Medford, OR 97501

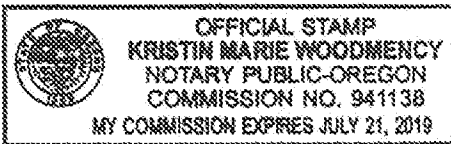
These persons include (a) the grantor in the trust deed; (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual amended notice; (c) any person, including the Department of Revenue or any other state agency, having a 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 any person requesting notice as set forth in ORS 86.806.

Each of the amended notices so mailed was certified to be a true copy of the original Trustee's Amended Notice of Sale by Frank C. Rote, III, as successor trustee named in the amended notice. 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 Grants Pass, Oregon, on the 28th day of September, 2016. With respect to each person listed above, one such amended notice was mailed with postage thereon sufficient for first class delivery to the

address indicated, and another such amended 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 amended notice was mailed after the Notice of Default and Election to Sell described in the Trustee's Amended Notice of Sale was recorded.

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

Dated: September 28, 2016



A handwritten signature in cursive script, reading "Laurie K. Hecker".

Laurie K. Hecker

SIGNED AND SWORN TO before me on this 28th day of
September, 2016.

A handwritten signature in cursive script, likely belonging to the notary public.

Notary Public for Oregon

TRUSTEE'S AMENDED NOTICE OF SALE

Reference is made to that certain trust deed made by **Thomas Matthias and Jeanette K. Matthias, with full rights of survivorship**, as Grantors, to **AmeriTitle**, as Trustee, and **Owen W. MacPhee and Neva K. MacPhee Trustees of the Owen W. MacPhee Family Trust dated March 20, 2008**, as Beneficiary, dated September 29, 2011, notarized on October 13, 2011, and recorded on October 18, 2011, in the Official Records of Klamath County, Oregon, as Instrument No. 2011-011675, covering the following described real property situated in Klamath County, Oregon, to-wit:

TRACT 92 OF YALTA GARDENS, IN THE COUNTY OF KLAMATH, STATE OF OREGON, AND A PORTION OF TRACT 93 OF YALTA GARDENS, IN THE COUNTY OF KLAMATH, STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 93; THENCE NORTH ALONG THE EAST BOUNDARY LINE OF SAID TRACT 93 A DISTANCE OF 15 FEET TO A POINT; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID TRACT A DISTANCE OF 91 FEET TO A POINT; THENCE SOUTH, AND PARALLEL TO THE EAST LINE OF SAID TRACT A DISTANCE OF 15 FEET TO THE SOUTH LINE OF SAID TRACT; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 91 FEET TO THE POINT OF BEGINNING.

Said real property is commonly known as: 1724 Homedale Road, Klamath Falls, Oregon, 97603.

FRANK C. ROTE, III, Attorney, OSB #893898, is now the Successor Trustee. His office is located at 612 NW Fifth Street, Grants Pass, OR 97526. His telephone number is (541) 479-2678.

Both the beneficiary and/or 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 86.735(3); the defaults for which the foreclosure is made are grantor's failure to pay when due the following sums:

- (a) Failure to make the payment of \$444.89 due March 14, 2015, and the payment due on the 15th of each and every month thereafter.
- (b) Failure to pay the late fee of \$22.14 for the March, 2015, payment through the payment due August, 2016, and for each and every month thereafter for which an installment is due.
- (c) Title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default.
- (d) Failure to pay real property taxes in the amount of \$2,054.61, paid by the beneficiary.
- (e) Failure to pay real property taxes for 2013-2014 through 2015-2016 in the amount of \$4,458.79 plus unpaid interest.

By reason of the defaults, the beneficiary has declared all sums owing on the obligation that the trust deed secures immediately due and payable, those sums being the following, to-wit:

- (a) The principal sum of \$13,370.18, with accrued interest thereon at the rate of 12% per

annum beginning July 2, 2016, until paid.

(b) Title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by beneficiary for protection of the above described real property and beneficiary's interest therein.

(c) Any other defaults which may exist prior to the foreclosure sale not hereinabove mentioned for the protection of the above-described real property and beneficiary's interest therein.

WHEREFORE, notice is hereby given that the beneficiary on **February 14, 2017**, at the hour of **10:00 o'clock A.M.**, in accord with the standard of time established by ORS 187.110, at the front steps of the **Klamath County Circuit Court, located at 316 Main Street, Klamath Falls, State of Oregon**, the interest in the real property described above which the grantor had or had power to convey at the time the grantor executed the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed will be sold by the undersigned trustee at public auction to the highest bidder for cash to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.778 that the right exists under ORS 86.778 to have the proceeding dismissed and the trust deed reinstated by paying the entire amount then due, together with costs, trustee's fees and attorney fees, and by curing any other default complained of in the notice of default, at any time that is not later than five days before the date last set for the sale.

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.

NOTICE TO RESIDENTIAL TENANTS
1724 Homedale Road, Klamath Falls, Oregon, 97603

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **February 14, 2017**. The date of this sale may be postponed. Unless the lender who 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 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 to 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 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.

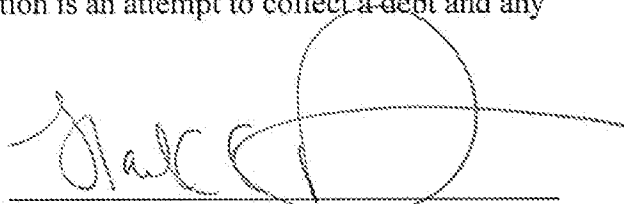
The new owner may offer to pay your moving expenses and any other costs or amounts you and the new owner agree on in exchange for your agreement to leave the premises in less than 90 days or before your fixed term lease expires. You should speak with a lawyer to fully understand your rights before making 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 at 1-503-620-0222 or toll-free in Oregon at 1-800-452-8260 or you may visit its website at www.osbar.org 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. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

FAIR DEBT COLLECTION PRACTICE NOTICE


Trustee is a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED this 28th day of September, 2016

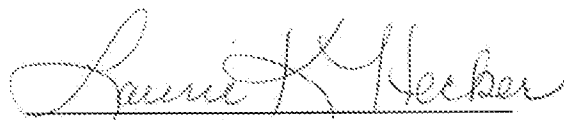
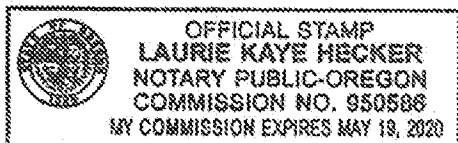

Frank C. Rote, III, OSB #893898

State of Oregon)
) ss.
County of Josephine)

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.


Frank C. Rote, III, Attorney for Trustee

SUBSCRIBED AND SWORN to before me this 28th day of September, 2016, by Frank C. Rote, III, Attorney for Trustee.


Notary Public for Oregon

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: 1724 Homedale Road, Klamath Falls, Oregon, 97603.

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 September 21, 2016, to bring your mortgage loans current was \$13,726.58. The amount you must now pay to bring your loan current may have increased since that date. There are other defaults that require payment to third parties in addition to that set forth immediately above.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call Frank C. Rote, III, Attorney, at (541) 479-2678 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:
FRANK C. ROTE, III, Attorney, 612 NW Fifth Street, Grants Pass, OR 97526.

THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD
IF YOU DO NOT TAKE ACTION:

Date and time: February 14, 2017, at 10:00 a.m.

Place: Front steps of the **Klamath County Circuit Court, located at 316 Main Street, Klamath Falls, State of Oregon**

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 contact your lender to find out if they are 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 telephone number of an organization near you, please call the statewide telephone 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 **1-503- 620-0222** or toll-free in Oregon at **1-800-452-8260** or you may visit its website 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>.

Your lender may be willing to modify your loan to reduce the interest rate, reduce the monthly payments or both. You can get information about possible loan modification programs by contacting your lender at (541) 218-2549. If you cannot reach your lender, you may contact the trustee at the telephone number at the bottom of this notice. If you have already entered into a loan modification with your lender, it is possible that you will not be able to modify your loan again unless your circumstances have changed. Your lender is not obligated to modify your loan. You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll-free consumer mortgage foreclosure information number: **800-SAFENET (800-723-3638)**. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: **<http://www.makinghomeaffordable.gov/>**.

DATED: September 28, 2016

Trustee name: Frank C. Rote, III, OSB #893898

Trustee telephone number: (541) 479-2678