

**2017-003396**

**Klamath County, Oregon**

**03/31/2017 01:43:00 PM**

**Fee: \$162.00**

Recording Requested By:

When Recorded Mail to:

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

## AFFIDAVIT OF MAILING

<b>GRANTEE:</b>	<b>CIT Bank, N.A.</b>
<b>GRANTOR:</b>	<b>RICHARD ROLAND FIELDS</b>
<b>CURRENT TRUSTEE:</b>	<b>Nathan F. Smith, Esq., OSB #120112</b>

Recording Requested By:

When Recorded Mail to:

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

Title Order No. 160352393-OR-  
MSO

### **AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE**

STATE OF CALIFORNIA  
COUNTY OF ORANGE

I, ELIZABETH ONOFRE, being first duly sworn, depose, say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of CALIFORNIA, a competent person over the age of eighteen years, and not the Beneficiary or his successor in interest named in the attached original or copy of Trustee's Notice of Sale given under the terms of that certain Trust Deed described in said notice.

Notice of the sale of the real property described in the attached Trustee's Notice of Sale was sent by mailing a copy thereof by registered or certified mail and regular mail to each of the following named persons at their last known address, to-wit: SEE ATTACHED

Said person(s) include the Grantor(s) in the Trust Deed, any successor in interest to the Grantor(s) whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice, and any persons requesting notice as provided in ORS 86.806, and all junior lien holders as provided in ORS 86.764.

Each of the notices mailed was a true copy of the original Trustee's Notice of Sale by TRUSTEE CORPS, for Nathan F. Smith, Esq., OSB #120112, the Trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States mail in IRVINE, on December 13, 2016. Each of said notices was mailed after the Notice of Default and Election to Sell, described in said Trustee's Notice of Sale, and was recorded at least 120 days before the day fixed in said notice by the Trustee for the Trustee's Sale.

"Notice as required by and in accordance with ORS Chapter 646 was provided to Grantor(s) and successor in interest, if any."

Dated: 12-15-16

Elizabeth Onofre  
By: Elizabeth Onofre  
Authorized Signatory

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.

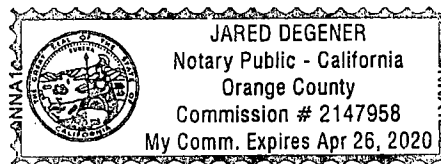
State of CALIFORNIA  
County of ORANGE

On 12-15-16 before me, Jared Degener, Notary Public, personally appeared ELIZABETH ONOFRE, 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

Jared Degener



## Declaration of mailing

Trustee's Sale No. OR07000245-16-1

Date: 12/13/2016

Mailing: OR SALE

Page: 1

I, Elizabeth Onofre, declare: That I am an officer, agent, or employee of MTC Financial Inc. dba Trustee Corps whose business address is 17100 Gillette Ave, Irvine, CA 92614 am over the age of eighteen years; On 12/13/2016 by Certified and First Class mail, enclosed in a sealed envelope with postage notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to following:

Number of Article	Name of Addressee, Street, and Post Office Address	First Class Fee	Cert Fee	R.R Fee
9214890151013904156197	KEVIN RAY FIELDS PO BOX 5130 KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156203	KEVIN RAY FIELDS 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156210	KEVIN RAY FIELDS C/O SCOTT D. MACARTHUR, SCOTT D. MACARTHUR 125 SOUTH 6TH STREET KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156227	MARK ALLEN FIELDS 21599 DELORES WAY, NE UNIT 104 AURORA, OR 97002	0.68	3.98	1.35
9214890151013904156234	MARK ALLEN FIELDS 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156241	MARK ALLEN FIELDS C/O SCOTT D. MACARTHUR, SCOTT D. MACARTHUR 125 SOUTH 6TH STREET KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156258	RICHARD ROLAND FIELDS 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156265	RICHARD ROLAND FIELDS 7930 HWY 39 KLAMATH FALLS, OR 97603	0.68	3.98	1.35
9214890151013904156272	RICHARD ROLAND FIELDS PO BOX 105 KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156289	RICHARD ROLAND FIELDS PO BOX 624 KLAMATH FALLS, OR 97601	0.68	3.98	1.35

Firstclass Total: \$6.80 Postage Total: \$39.80 RR Total: \$13.50

Number of Pieces by Sender	Number of Pieces Received	Postmaster (Name) Receiving Employee
10		

Total: \$60.10

I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct.

12/13/2016

(Date)

(Declarant)

Elizabeth Onofre, Mailing Processor



## Declaration of mailing

Trustee's Sale No. OR07000245-16-1

Date: 12/13/2016

Mailing: OR SALE

Page: 2

I, Elizabeth Onofre, declare: That I am an officer, agent, or employee of MTC Financial Inc. dba Trustee Corps whose business address is 17100 Gillette Ave, Irvine, CA 92614 am over the age of eighteen years; On 12/13/2016 by Certified and First Class mail, enclosed in a sealed envelope with postage notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to following:

Number of Article	Name of Addressee, Street, and Post Office Address	First Class Fee	Cert Fee	R.R Fee
9214890151013904156296	RONALD K. FIELDS 1805 W. MAIN STREET ELIZABETH CITY, NC 27909	0.68	3.98	1.35
9214890151013904156302	RONALD K. FIELDS 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156319	RONALD K. FIELDS C/O SCOTT D. MACARTHUR, SCOTT D. MACARTHUR 125 SOUTH 6TH STREET KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156326	FINANCIAL FREEDOM ACQUISITION LLC, A SUBSIDIA 190 TECHNOLOGY PKWY NORCROSS, GA 30092	0.68	3.98	1.35
9214890151013904156333	SCOTT MACARTHUR 125 SOUTH 6TH STREET KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156340	SCOTT MACARTHUR 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156357	SCOTT MACARTHUR C/O SCOTT D. MACARTHUR, SCOTT D. MACARTHUR 125 SOUTH 6TH STREET KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156364	MERRYETTA L. SOUZA 7930 HWY 39 KLAMATH FALLS, OR 97603	0.68	3.98	1.35
9214890151013904156371	MERRYETTA L. SOUZA 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156388	MERRYETTA L. SOUZA, AFFIANT PO BOX 624 KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156395	MERRYETTA L. SOUZA, AFFIANT 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35

Firstclass Total: \$14.28 Postage Total: \$83.58 RR Total: \$28.35

Number of Pieces by Sender	Number of Pieces Received	Postmaster (Name) Receiving Employee
11		



I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

12/13/2016

(Date)

(Declarant)

Elizabeth Onofre, Mailing Processor

## Declaration of mailing

Trustee's Sale No. OR07000245-16-1

Date: 12/13/2016

Mailing: OR SALE

Page: 3

I, Elizabeth Onofre, declare: That I am an officer, agent, or employee of MTC Financial Inc. dba Trustee Corps whose business address is 17100 Gillette Ave, Irvine, CA 92614 am over the age of eighteen years; On 12/13/2016 by Certified and First Class mail, enclosed in a sealed envelope with postage notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to following:

Number of Article	Name of Addressee, Street, and Post Office Address	First Class Fee	Cert Fee	R.R Fee
9214890151013904156401	MERRYETTA L. SOUZA, AFFIANT 7930 HWY 39 KLAMATH FALLS, OR 97603	0.68	3.98	1.35
9214890151013904156418	MERRYETTA L. SOUZA, AFFIANT C/O SCOTT D. MACARTHUR, SCOTT D. MACARTHUR 125 SOUTH 6TH STREET KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156425	MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, IN P.O. BOX 2026 FLINT, MI 48501-2026	0.68	3.98	1.35
9214890151013904156432	OCCUPANT 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156449	OREGON DEPARTMENT OF HUMAN SERVICES ESTATE ADMINISTRATION UNIT PO BOX 14021 SALEM, OR 97309-5024	0.68	3.98	1.35
9214890151013904156456	OREGON HEALTH AUTHORITY 500 SUMMER ST NE E-20 SALEM, OR 97301-1097	0.68	3.98	1.35
9214890151013904156463	SECRETARY OF HOUSING AND URBAN DEVELOPMEN 451 SEVENTH STREET S.W. WASHINGTON, DC 20410	0.68	3.98	1.35
9214890151013904156470	SECRETARY OF HOUSING AND URBAN DEVELOPMEN C/O FINANCIAL FREEDOM ACQUISITION LLC, A SUBS 190 TECHNOLOGY PKWY NORCROSS, GA 30092	0.68	3.98	1.35
9214890151013904156487	RAYMOND SOUZA 7930 HWY 39 KLAMATH FALLS, OR 97603	0.68	3.98	1.35
9214890151013904156494	RAYMOND SOUZA 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156500	RAYMOND SOUZA C/O SCOTT D. MACARTHUR, SCOTT D. MACARTHUR 125 SOUTH 6TH STREET KLAMATH FALLS, OR 97601	0.68	3.98	1.35

Firstclass Total: \$21.76 Postage Total: \$127.36 RR Total: \$43.20

Number of Pieces by Sender	Number of Pieces Received	Postmaster (Name) Receiving Employee
11		

Total: \$192.32

I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

12/13/2016

(Date)

(Declarant)

Elizabeth Onofre, Mailing Processor



**Declaration of mailing**

Trustee's Sale No. OR07000245-16-1

Date: 12/13/2016

Mailing: OR SALE

Page: 4

I, Elizabeth Onofre, declare: That I am an officer, agent, or employee of MTC Financial Inc. dba Trustee Corps whose business address is 17100 Gillette Ave, Irvine, CA 92614 am over the age of eighteen years; On 12/13/2016 by Certified and First Class mail, enclosed in a sealed envelope with postage notices, a true and correct copy of which is hereunto attached and made part hereof, addressed to following:

Number of Article	Name of Addressee, Street, and Post Office Address	First Class Fee	Cert Fee	R.R Fee
9214890151013904156517	THE ESTATE OF RICHARD ROLAND FIELDS C/O ALL UN 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35
9214890151013904156524	THE HEIRS AND DEVISEES OF THE ESTATE OF RICHAR 1835 JOHNSON AVENUE KLAMATH FALLS, OR 97601	0.68	3.98	1.35

Firstclass Total: **\$23.12** Postage Total: **\$135.32** RR Total: **\$45.90**

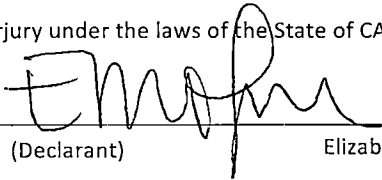
Number of Pieces by Sender	Number of Pieces Received	Postmaster (Name) Receiving Employee
2		

**Total:\$204.34**

I certify (or Declare) under penalty of perjury under the laws of the State of CA that the foregoing is true and correct

12/13/2016

(Date)

  
(Declarant)

Elizabeth Onofre, Mailing Processor



**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:

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

**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

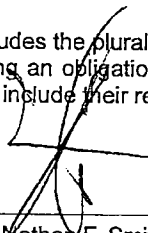
THE HEIRS AND DEVISEES OF THE ESTATE OF RICHARD ROLAND FIELDS, DECEASED  
1835 JOHNSON AVENUE, KLAMATH FALLS, OR 97601

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.

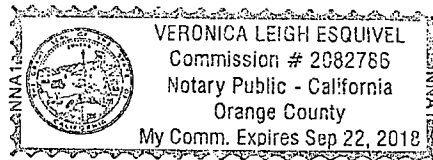
STATE OF CALIFORNIA  
COUNTY OF ORANGE

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](http://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.

JAN 11 2016

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

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

Form 300 V7/5/13

## TRUSTEE'S NOTICE OF SALE

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 on October 6, 2009 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 of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

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

**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.**

Commonly known as: **1835 JOHNSON AVENUE, KLAMATH FALLS, OR 97601**

Both the Beneficiary, **CIT Bank, N.A.**, and the Trustee, Nathan F. Smith, Esq., OSB #120112, have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The default for which the foreclosure is made is the Grantor's failure to pay: **Failed to pay the principal balance which became all due and payable based upon the death of all mortgagors**

By this reason of said default the Beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit: The sum of **\$53,334.81** together with interest thereon from **October 7, 2009** until paid; and all Trustee's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the terms of said Trust Deed.

Wherefore, notice is hereby given that, the undersigned Trustee will on **April 18, 2017** at the hour of **10:00 AM**, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, **on the Main Street entrance steps to the Klamath County Circuit Court, 316 Main St, Klamath Falls, OR 97601** County of Klamath, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said 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 any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, Trustee's or attorney's fees and curing any other default complained of in the Notice of Default 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.


TS No. OR07000245-16-1

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

TO No 160352393-OR-MSO

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other persons owing an obligation, the performance of which is secured by said Trust Deed, the words "Trustee" and "Beneficiary" includes 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.

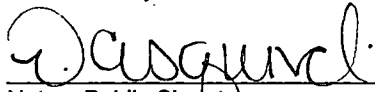
STATE OF CALIFORNIA

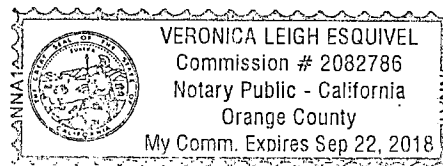
COUNTY OF ORANGE

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](http://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.

**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:  
1835 JOHNSON AVENUE, KLAMATH FALLS, Oregon 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 December 8, 2016 to bring your mortgage loan current was \$89,296.23. 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 800-441-4428 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:

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

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

Date and Time: April 18, 2017 at 10:00 AM

Place: on the Main Street entrance steps to the Klamath County  
Circuit Court, 316 Main St, Klamath Falls, OR 97601,  
County of Klamath

**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.

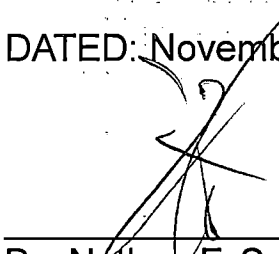
3. You can call Financial Freedom, a division of CIT Bank, N.A. at phone no 800-441-4428 to find out if your lender is willing to give you more time or change the terms of your loan.

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 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 503-684-3763 or toll-free in Oregon at 800-452-7636 or you can visit its website at <http://www.osbar.org>. Legal assistance may be available to you 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 any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: November 29, 2016



---

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

## **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **April 18, 2017**. 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.

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 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.

**Oregon Law Center**  
**Portland: 503-473-8329**  
**Coos Bay: 800-303-3638**  
**Ontario: 888-250-9877**  
**Salem: 503-485-0696**  
**Grants Pass: 541-476-1058**  
**Woodburn: 800-973-9003**  
**Hillsboro: 877-726-4381**  
**<http://www.oregonlawcenter.org/>**

**Oregon State Bar's Lawyer Referral Service** at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit the website at: <http://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://oregonlawhelp.org>

For the name and telephone number of an organization near you, please call the statewide telephone contact number at 800-SAFENET (800-723-3638)

Recording Requested By:

When Recorded Mail to:

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

## AFFIDAVIT OF PUBLICATION

**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#17418 SALE FIELDS

ISL#26181

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:

01/19/2017 01/26/2017 02/02/2017 02/09/2017

Total Cost: \$1243.00

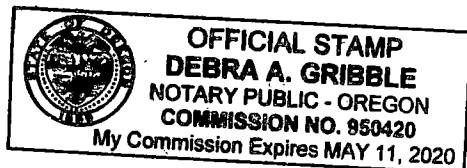
*Pat Bergstrom*

Subscribed and sworn by Pat Bergstrom before me on:  
9th day of February in the year of 2017

*Debra A Gribble*

Notary Public of Oregon

My commission expires on May 11, 2020



**TS No. OR07000245-16-1 APN R216135/ R-3809-029AD-04600-000 TO No 160352393-OR-MSO TRUSTEE'S NOTICE OF SALE**

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. (EMERSIÉ), 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 on October 6, 2009 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 of official records in the Office of the Recorder of Klamath County, Oregon to-wit: APN: R216135/ R-3809-029AD-04600-000 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. Commonly known as: 1835 JOHNSON AVENUE, KLAMATH FALLS, OR 97601

Both the Beneficiary, CIT Bank, N.A., and the Trustee, Nathan F. Smith, Esq., OSB #120112, have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The default for which the foreclosure is made is the Grantor's failure to pay: Failed to pay the principal balance which became all due and payable based upon the death of all mortgagors

By this reason of said default the Beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit: The sum of \$53,334.81 together with interest thereon from October 7, 2009 until paid; and all Trustee's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the terms of said Trust Deed.

Wherefore, notice is hereby given that, the undersigned Trustee will on April 18, 2017 at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, on the Main Street entrance steps to the Klamath County Circuit Court, 316 Main St, Klamath Falls, OR 97601 County of Klamath, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said 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 any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, Trustee's or attorney's fees and curing any other default complained of in the Notice of Default 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 masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other persons owing an obligation, the performance of which is secured by said Trust Deed, the words "Trustee" and "Beneficiary" includes their respective successors in interest, if any. Dated: November 29, 2016 By: Nathan F. Smith, Esq., OSB #120112 Successor Trustee 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](http://www.insourcelogic.com) ISL Number 26181, Pub Dates: 01/19/2017, 01/26/2017, 02/02/2017, 02/09/2017, HERALD & NEWS #17418 January 19, 26, February 02, 09, 2017

Recording Requested By:

When Recorded Mail to:

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

## AFFIDAVIT OF SERVICE

**AFFIDAVIT OF MAILING**

STATE OF OREGON

County of Klamath

ss.

I, Chelsea Chambers, being first duly sworn, depose and say that I am a competent person over the age of 18 years of age or older. On December 30, 2016, I mailed a copy of the Trustee's Notice of Sale, Notice of Default and Election to Sell, Notice You Are in Danger of Losing Your Property, and Notice to Tenants, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.774(1)(b)(C).

The envelope was addressed as follows:

**OCCUPANT**  
**1835 Johnson Ave**  
**Klamath Falls, OR 97601**

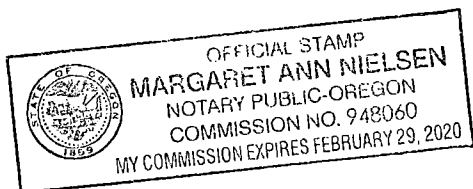
This mailing completes service upon an occupant at the above address with an effective date of **12/15/2016** as calculated pursuant to ORS 86.774 (1)(c).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 11th day of January, 2017  
by Chelsea Chambers.

Margaret A. Nielsen  
Notary Public for Oregon

x Chelsea Chambers  
Chelsea Chambers  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*329228\*

**AFFIDAVIT OF POSTING**

STATE OF OREGON

County of Klamath

ss.

I, Chelsea Chambers, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the Trustee's Notice of Sale, Notice of Default and Election to Sell, Notice You Are in Danger of Losing Your Property, and Notice to Tenants upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "**Property Address**":

**1835 Johnson Ave  
Klamath Falls, OR 97601**

As follows:

On 12/15/2016 at 10:37 AM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.774 (1)(b)(A).

On 12/20/2016 at 3:08 PM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.774 (1)(b)(B).

On 12/28/2016 at 3:11 PM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.774 (1)(b)(C).

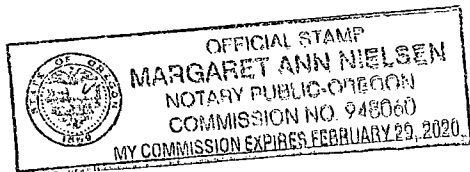
I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 16th day of January, 2017  
by Chelsea Chambers.

*Margaret A. Nielsen*  
Notary Public for Oregon

*Chelsea Chambers*

Chelsea Chambers  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*329228\*

Recording Requested By:

When Recorded Mail to:

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

## AFFIDAVIT OF COMPLIANCE

AFTER RECORDING, RETURN TO:

Nathan F. Smith, Esq., OSB #120112  
c/o Trustee Corps  
17100 Gillette Ave  
Irvine, CA 92614

**AFFIDAVIT OF COMPLIANCE**  
With Oregon Laws 2013, chapter 304, section 9

<b>Grantor:</b>	RICHARD ROLAND FIELDS
<b>Beneficiary:</b>	CIT Bank, N.A.
<b>Trustee:</b>	Nathan F. Smith, Esq., OSB #120112
<b>Property Address:</b>	1835 JOHNSON AVENUE, KLAMATH FALLS, OR 97601
<b>Instrument Recording No.:</b>	2009-013133

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

(1) I am the Assistant Secretary of CIT Bank, N.A.,  
who is the Beneficiary of the above referenced residential trust deed:

(2) The beneficiary has determined that the grantor(s) of the residential trust deed is/are:

☐ not eligible for a foreclosure avoidance measure; or

☐ has not complied with the terms of a foreclosure avoidance measure to which the  
grantor(s) has/have agreed; or

☒ has not requested a foreclosure avoidance measure.

(3)

☐ The beneficiary mailed written notice, in plain language explaining the basis for the  
beneficiary's determination above, to the grantor(s) within 10 days after making the  
determination; or

☒ The borrower did not request a foreclosure avoidance measure.



- (4) By reason of the above, the beneficiary has complied with the requirements of Oregon Laws 2013, chapter 304, section 9 to the extent such requirements may be applicable to the beneficiary as a federally chartered national bank.

Justin Roland  
(Signature)  
Justin Roland  
(Printed Name)

State of Texas )  
County of Travis ) ss.

Signed and sworn to (or affirmed) before me this MAR 28 2017 day of Justin Roland  
2017, by Justin Roland, who is the Assistant Secretary of  
CIT Bank, N.A. (beneficiary).

Carla A. Hardin  
Notary Signature  
My commission expires: JUL 11 2019

