

2017-006657

Klamath County, Oregon



00205401201700066570040043

06/19/2017 01:59:37 PM

Fee: \$62.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from Dennis L. Justice and  
Tyra L. Justice, Tenants by the Entirety, Grantor

To AmeriTitle,  
an Oregon Corporation, as Trustee

For the benefit of Carl R. Faith, Beneficiary

AFTER RECORDING RETURN TO:  
Scott D. MacArthur, Successor Trustee  
125 S. 6th Street  
Klamath Falls, OR 97601

NOTICE OF DEFAULT AND ELECTION TO SELL

KNOW ALL MEN BY THESE PRESENTS, that DENNIS L. JUSTICE and TYRA L. JUSTICE, as Tenants by the Entirety, is the grantor, and AMERITITLE, an Oregon Corporation is the trustee, and CARL R. FAITH is the beneficiary under that certain trust deed dated February 20, 2003, and recorded on February 26, 2003, in volume No.M03 at Page 011805 of the Mortgage (Microfilm) Records of Klamath County, Oregon. The beneficial interest was assigned by CARL R. FAITH to CARL R. FAITH and DEBRA L. FAITH, Trustees of the 2016 Carl R. Faith and Debra L. Faith Revocable Trust on March 22, 2016 in volume No. 2016-003006 of the Mortgage (Microfilm) Records of Klamath County, Oregon. The property is located at 3026 Altamont Drive, Klamath Falls, Oregon 97603 and legally described as:

A tract of land situated in Lot 2, Block 1, THIRD ADDITION TO ALTAMONT ACRES, in the County of Klamath, State of Oregon, more particulary described as follows:

Beginning at the Northeast corner of said Lot 2; thence South 00 degrees 13' 00" East, along the East line of said Lot 2, 66.75 feet; thence North 80 degrees 12' 17" West 150.00 feet; thence North 00 degrees 13' 00" West 66.75 feet to a point on the North line of said Lot 2; thence South 89 degrees 12' 17" East 150.00 feet to the point of beginning.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor-trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed.

There is a default by the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

Returned at Counter

Taxes for the tax year 2010-2011, delinquent in the sum of \$297.79, plus interest, paid by beneficiary.

Taxes for the tax year 2011-2012, delinquent in the sum of \$595.56, plus interest, paid by beneficiary.

Taxes for the tax year 2012-2013, delinquent in the sum of \$945.90, plus interest, paid by beneficiary.

Taxes for the tax year 2013-2014, delinquent in the sum of \$1,008.41, plus interest, paid by beneficiary.

Taxes for the tax year 2014-2015, delinquent in the sum of \$1,052.63, plus interest, paid by beneficiary.

Taxes for the tax year 2015-2016, delinquent in the sum of \$1,065.95, plus interest, paid by beneficiary.

Taxes for the tax year 2016-2017, delinquent in the sum of \$1,125.47, plus interest, paid by beneficiary.

Foreclosure Redemption Fees paid to Klamath County in the amount of \$286.24.

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, to-wit: \$29,089.83 as of March 8, 2017, plus interest, taxes and costs.

Notice hereby is given that the beneficiary and 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 Sections 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the said described property which the grantor's had, or had the power to convey, at the time of the execution by them of the trust deed, together with any interest the grantor or his successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trust deed and the expenses of the sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney.

Said sale will be held at the hour of 11:00 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on October 27, 2017, at the following place: 125 S. 6th Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or the said 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 the grantor or of any lessee or other person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN OR INTEREST

Dennis L. Justice  
1750 Carlson Drive  
Klamath Falls, OR 97603

Default upon Trust Deed

Tyra L. Justice  
1750 Carlson Drive  
Klamath Falls, OR 97603

Default upon Trust Deed

Dennis L. Justice  
P.O. Box 7569  
Klamath Falls, OR 97602

Default upon Trust Deed

Tyra L. Justice  
P.O. Box 7569  
Klamath Falls, OR 97602

Default upon Trust Deed

Robert Stanley Stockton  
Elizabeth Ann Stockton  
Trustees of the Robert Stanley Stockton  
and Elizabeth Ann Stockton Trust, dated  
April 17, 2009.  
1024 Alandale Street  
Klamath Falls, OR 97603

Bargain and Sale Deed  
Dated May 26, 2009  
Recorded May 27, 2009  
Volume 2009-007340  
No Chain of Title

Discover Bank  
Issuer of the Discover Card  
Bishop, White, Marshall & Weibel, PS  
720 Olive way, Suite 1201  
Seattle, WA 98101

Judgment dated March 15, 2011  
Klamath County Case No. 1003420CV

Carter-Jones Collection Services  
1143 Pine Street  
Klamath Falls, OR 97601

Judgment dated May 10, 2010  
Klamath County Case No. 1001416CV

Midland Funding, LLC  
Daniel N. Gordon, P.C.  
Attorney at Law  
P.O. Box 22338  
Eugene, OR 97402

Judgment dated July 2, 2014  
Klamath County Case No. 1400750CV

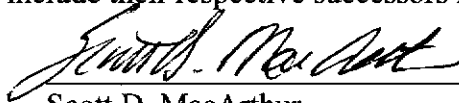
Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised

Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 said trust deed,

and the words "trustee" and "beneficiary" include their respective successors in interest, if any.


DATED: June 19, 2017.

  
\_\_\_\_\_  
Scott D. MacArthur  
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 2017, by Scott D. MacArthur.

(SEAL)

Before me:   
\_\_\_\_\_  
Notary Public for Oregon  
My Commissioner Expires: 3-27-2018

