

2017-010244

Klamath County, Oregon

09/11/2017 01:39:00 PM

Fee: \$52.00

When recorded mail document to:

Clear Recon Corp
111 SW Columbia Street #950
Portland, OR 97201
866-931-0036

170322951

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF DEFAULT AND ELECTION TO SELL

TS No.: 060482-OR

Loan No.: *****1347

Legal Authority: ORS 86.752, 86.771

Reference is made to that certain trust deed (the "Deed of Trust") executed by TOMMY L HARRIS AND PATRICIA D HARRIS AS TENANTS BY THE ENTIRETY, as Grantor, to AMERITITLE, as Trustee, in favor of ACTION MORTGAGE COMPANY, as Beneficiary, dated 10/17/2008, recorded 10/22/2008, as Instrument No. 2008-014414, in the Official Records of Klamath County, Oregon, which covers the following described real property situated in Klamath County, Oregon:

**LOT 5 IN BLOCK 10 OF FIRST ADDITION TO KLAMATH RIVER ACRES,
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF
THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.**

APN: R487805 // R-3907-025C0-05800-000

Commonly known as:

**16906 CAMP DAY LANE
KLAMATH FALLS, OR 97601**

The current beneficiary is:

CIT BANK, N.A.

The undersigned hereby certifies that no assignments of the Deed of Trust by the trustee or by the beneficiary 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 Deed of Trust, or, if such action has been instituted, the action has been dismissed, except as permitted by ORS 86.752(7), 86.010.

There is a default by grantor or other person owing an obligation, or by their successor-in-interest, the performance of which is secured by the Deed of Trust with respect to provisions therein which authorize sale in the event of default of such provision. The default consists of 1) Failure to pay the required real property taxes for the year of 2015. 2) Failure to pay insurance for the years of 2016 thru 2017 for a total of \$3,307.43.

By reason of the default, the beneficiary has declared all obligations secured by the Deed of Trust immediately due and payable, those sums being the following: **\$175,043.53**

Notice hereby is given that the beneficiary and trustee, by reason of default, have elected and do hereby elect to foreclose the Deed of Trust 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 grantor executed the Deed of Trust, together with any interest grantor or grantor's successor in interest acquired after the execution of the Deed of Trust, to satisfy the obligations secured by the Deed of Trust and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

CRC NOD 04172014

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The Sale will be held at the hour of 10:00 AM., standard time, as established by ORS 187.110, on 1/18/2018, at the following place:

ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT, 316 MAIN ST, KLAMATH FALLS, OR 97601

Notice is further given that any person named in ORS 86.778 has the right, at any time prior to five days before the date last set for the sale, to have the foreclosure proceeding dismissed and the Deed of Trust 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 Deed of Trust, and in addition to paying the sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust, together with trustee's and attorneys' fees not exceeding the amounts provided by ORS 86.778.

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 includes the plural, the word "grantor" includes any successor in interest to this grantor as well as any other person owing an obligation, the performance of which is secured by the Deed of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: 9/7/2017

CLEAR RECON CORP
111 SW Columbia Street #950
Portland, OR 97201
Phone: 858-750-7600 or 866-931-0036



Shella Domilos, Authorized Signatory of 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.

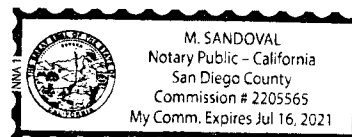
State of California)
) ss.
County of San Diego)

On **SEP 07 2017** before me, M. Sandoval, Notary Public, personally appeared Shella Domilos who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) 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.

Signature M. San (Seal)



After recording, return to:

CIT Bank, N.A.
c/o Juan Lopez
2900 Esperanza Crossing
Austin, TX 78758

RECEIVED
JAN 10 2017

DEPARTMENT OF JUSTICE
PORTLAND LEGAL

**OREGON FORECLOSURE AVOIDANCE PROGRAM
BENEFICIARY EXEMPTION AFFIDAVIT**

Lender/Beneficiary:	CIT Bank, N.A.
Jurisdiction*	National Association

*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: 120 (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 Texas)

Signed and sworn to (or affirmed) before me this 10th day of January, 2017
by Jon Dickerson

Katherine A S Braddock
Notary Public for Texas Katherine A S Braddock
My commission expires: 5-20-2018

