

Recording Requested By:

2017-010778

Klamath County, Oregon

09/22/2017 01:57:00 PM

Fee: \$157.00

When Recorded Mail to:

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

TS No. OR05000017-17-1

APN R889491

TO No. 97108274

AFFIDAVIT OF MAILING

GRANTEE:	U.S. Bank National Association
GRANTOR:	LYLE J SMITH
CURRENT TRUSTEE:	Nathan F. Smith, Esq., OSB #120112

DECLARATION OF MAILING

Reference No: OR05000017-17

Mailing Number: 0023427-01

STATE OF CALIFORNIA }
 }
COUNTY OF SAN DIEGO }

I, Edwardo Silva declare as follows:

I am and at all times herein mentioned a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California:

That at the request of Trustee Corps on 5/25/2017, I deposited in the United States mail a copy of the attached document, in separate sealed envelopes, in accordance with the checked mailing classes defined below, postage prepaid, to the address list on exhibit A, attached hereto and made a part hereof.

☒ First Class ☐ Certified ☒ Certified Electronic Return Receipt
☐ Certified Return ☐ Registered ☐ Registered International

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

5/25/2017 San Diego, California
Date and Place

Declarant

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 SAN DIEGO

On JUNE 1 2017 before me, the undersigned, a Notary Public in and for said State, personally appeared EDUARDO SILVA

personally known to me (or proved to me on the basis of satisfactory evidence) to the person(s) whose names(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.

WITNESS my hand and official seal.

Signature D. Dutcher

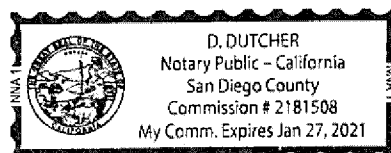


Exhibit A to Affidavit of Mailing

Sender: Trustee Corps
17100 Gillette Ave.
Irvine CA 95614

Postal Class: First Class

Type of Mailing: OR

Affidavit Attachment: 0023427-01 000 81844 Trustee_000418

Postal Number	Sequence	Recipient Name	Address Line 1/3	Address Line 2/4
(11)9690024859937441	1	OCCUPANT	4018 & 4020 CLINTON AVE	KLAMATH FALLS, OR 97603
(11)9690024859937458	2	OCCUPANT	4018 CLINTON AVE	KLAMATH FALLS, OR 97603
(11)9690024859937465	3	OCCUPANT	4020 CLINTON AVE	KLAMATH FALLS, OR 97603
(11)9690024859937472	4	LYLE J SMITH	4018 & 4020 CLINTON AVE	KLAMATH FALLS, OR 97603
(11)9690024859937489	5	LYLE J SMITH	2650 AURORA DR.	KLAMATH FALLS, OR 97603
(11)9690024859937496	6	LYLE J SMITH	4018 CLINTON AVE	KLAMATH FALLS, OR 97603
(11)9690024859937502	7	LYLE J SMITH	4020 CLINTON AVE	KLAMATH FALLS, OR 97603

Exhibit A to Affidavit of Mailing

Sender: Trustee Corps
17100 Gillette Ave.
Irvine CA 95614

Postal Class: Electronic - Ret

Type of Mailing: OR

Affidavit Attachment: 0023427-01 000 81844 Trustee_000418

Postal Number	Sequence	Recipient Name	Address Line 1/3	Address Line 2/4
71969002484047355358	1	OCCUPANT	4018 & 4020 CLINTON AVE	KLAMATH FALLS, OR 97603
71969002484047355372	2	OCCUPANT	4018 CLINTON AVE	KLAMATH FALLS, OR 97603
71969002484047355389	3	OCCUPANT	4020 CLINTON AVE	KLAMATH FALLS, OR 97603
71969002484047355396	4	LYLE J SMITH	4018 & 4020 CLINTON AVE	KLAMATH FALLS, OR 97603
71969002484047355419	5	LYLE J SMITH	2650 AURORA DR.	KLAMATH FALLS, OR 97603
71969002484047355433	6	LYLE J SMITH	4018 CLINTON AVE	KLAMATH FALLS, OR 97603
71969002484047355440	7	LYLE J SMITH	4020 CLINTON AVE	KLAMATH FALLS, OR 97603

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, LYLE J SMITH as Grantor to ASPEN TITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for ALL SEASONS MORTGAGE SERVICES GROUP, Beneficiary of the security instrument, its successors and assigns, dated as of May 14, 2003 and recorded on May 16, 2003 in Book M03, on Page 33212 and the beneficial interest was assigned to U.S. Bank National Association and recorded October 11, 2011 as Instrument Number 2011-011302 of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

APN: R889491

TRACTS 2, 3 AND 4, LANDIS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON. EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 4 AS DESCRIBED IN THAT CERTAIN DEED FROM CLINTON LANDIS, A SINGLE MAN TO EARLE WILLIAM TICHENOR AND ISABELL JEAN TICHENOR, HUSBAND AND WIFE, DATED NOVEMBER 5, 1941 AND RECORDED NOVEMBER 6, 1941 IN BOOK 142 AT PAGE 313, DEED RECORDS OF KLAMATH COUNTY, OREGON. ALSO EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 3 AS DESCRIBED IN THAT CERTAIN DEED FROM CAROLYN F. PEACORE TO STERLING W. HANCOCK, ET UX, DATED SEPTEMBER 12, 1980 AND RECORDED SEPTEMBER 15, 1980 IN VOLUME M-80 AT PAGE 17483, MICROFILM RECORDS OF KLAMATH COUNTY, OREGON. ALSO EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 2. ALSO KNOWN AS PARCEL 2 OF MINOR PARTITION 79-100.

Commonly known as: 4018 & 4020 CLINTON AVE, KLAMATH FALLS, OR 97603

Both the Beneficiary, U.S. Bank National Association, 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 payments which became due**

Monthly Payment(s):

7 Monthly Payment(s) from 08/01/2016 to 02/01/2017 at \$1,863.77

3 Monthly Payment(s) from 03/01/2017 to 05/01/2017 at \$1,879.22

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 **\$142,174.89** together with interest thereon at the rate of 5.87500% per annum from July 1, 2016 until paid; plus all accrued late charges thereon; 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 **October 10, 2017** at the hour of **01:00 PM**, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, **Front Steps, Klamath County Circuit Court, 316 Main Street, 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.

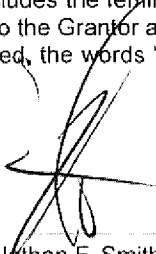
TS No. OR05000017-17-1

APN R889491

TO No 97108274

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: May 22, 2017


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

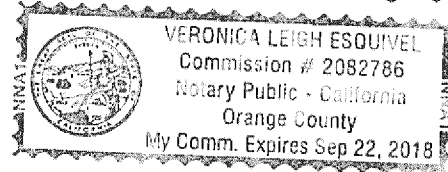
COUNTY OF ORANGE

On May 22, 2017 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:
Auction.com at 800.280.2832
Website for Trustee's Sale Information: www.Auction.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:
4018 & 4020 CLINTON AVE, 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 May 22, 2017 to bring your mortgage loan current was \$19,975.93. 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 855-698-7627 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: October 10, 2017 at 01:00 PM

Place: Front Steps, Klamath County Circuit Court, 316 Main
Street, Klamath Falls, OR 97601, County of Klamath

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

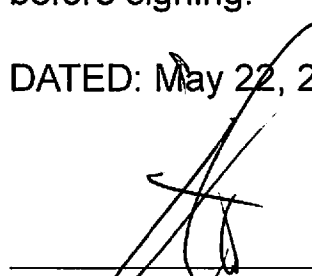
1. You can pay the amount past due or correct any other default, up to five days before the sale.

2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call U.S. Bank National Association at phone no 855-698-7627 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: May 22, 2017



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 **October 10, 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)

2017-005599**Klamath County, Oregon**

05/22/2017 01:53:00 PM

Fee: \$62.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**RE: Trust Deed from:
LYLE J SMITH, 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. OR05000017-17-1

APN R889491

TO No 97108274

Reference is made to that certain Trust Deed made by LYLE J SMITH as Grantor, to ASPEN TITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for ALL SEASONS MORTGAGE SERVICES GROUP, Beneficiary of the security instrument, its successors and assigns, dated as of May 14, 2003 and recorded May 16, 2003 in the records of Klamath County, Oregon in Book M03, on Page 33212 and the beneficial interest was assigned to U.S. Bank National Association and recorded October 11, 2011 as Instrument Number 2011-011302 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: R889491

TRACTS 2, 3 AND 4, LANDIS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON. EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 4 AS DESCRIBED IN THAT CERTAIN DEED FROM CLINTON LANDIS, A SINGLE MAN TO EARLE WILLIAM TICHENOR AND ISABELL JEAN TICHENOR, HUSBAND AND WIFE, DATED NOVEMBER 5, 1941 AND RECORDED NOVEMBER 6, 1941 IN BOOK 142 AT PAGE 313, DEED RECORDS OF KLAMATH COUNTY, OREGON. ALSO EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 3 AS DESCRIBED IN THAT CERTAIN DEED FROM CAROLYN F. PEACORE TO STERLING W. HANCOCK, ET UX, DATED SEPTEMBER 12, 1980 AND RECORDED SEPTEMBER 15, 1980 IN VOLUME M-80 AT PAGE 17483, MICROFILM RECORDS OF KLAMATH COUNTY, OREGON. ALSO EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 2. ALSO KNOWN AS PARCEL 2 OF MINOR PARTITION 79-100.

The undersigned hereby certifies that no assignments of the Trust Deed by the Trustee, Nathan F. Smith, Esq., OSB #120112, or by the Beneficiary, U.S. Bank National Association, 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 made is Grantor's failure to pay when due the following sums:

The total monthly payment(s) in the amount of \$18,684.05 beginning August 1, 2016, as follows:

\$13,046.39 = 7 monthly payment(s) at \$1,863.77

\$5,637.66 = 3 monthly payment(s) at \$1,879.22

By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable totaling \$152,909.57, said sums being the following:

1. Principal balance of \$142,174.89 and accruing interest as of May 22, 2017, per annum, from July 1, 2016 until paid.
2. \$7,441.17 in interest

3. \$2,794.01 in escrow advance
4. \$499.50 in recoverable balance
5. 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.

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following, to-wit: Failed to pay payments which became due

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 01:00 PM, in accord with the standard of time established by ORS 187.110, on October 10, 2017 at the following place: Front Steps, Klamath County Circuit Court, 316 Main Street, 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:

OCCUPANT
4018 & 4020 CLINTON AVE, KLAMATH FALLS, OR 97603

LYLE J SMITH
4018 & 4020 CLINTON AVE, KLAMATH FALLS, OR 97603

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: May 22, 2017

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

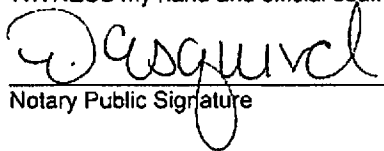
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF ORANGE

On May 22, 2017 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:
Auction.com at 800.280.2832
Website for Trustee's Sale Information: www.Auction.com

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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.



**CERTIFICATE OF COMPLIANCE
STATE OF OREGON
FORECLOSURE AVOIDANCE PROGRAM**

AFTER RECORDING RETURN TO:

Megan Ruskus
For Malcolm & Cisneros, For U.S. Bank National Assoc.
2112 Business Center Drive
Irvine, CA 92612

4/10/2017

Grantor:	Lyle Smith
Beneficiary:	U.S. BANK NATIONAL ASSOCIATION
Property Address:	4018 & 4020 Clinton Avenue Klamath Falls, OR 97603
Instrument / Recording No. Date / County	Instrument Number: Volume M03, Page 33212 Recording Number: Volume M03, Page 33212 Loan Number: [REDACTED] 5/16/2003 Klamath
Case Number	BI-170215-8485

1. The Service Provider hereby certifies that:

☐


The beneficiary and/or its agent complied with the requirements of Oregon Laws 2013, Chapter 304, sections 2, 3, and 4;
or

☒

The grantor did not pay the required fee by the deadline.

2. On this date, I mailed the original certificate to the beneficiary and provided a copy to the grantor and the Attorney General electronically or by mail.

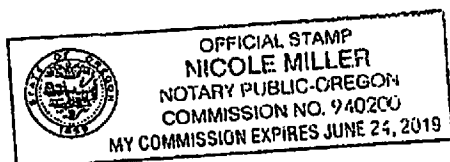
DATED this 10 day of April, 2017.

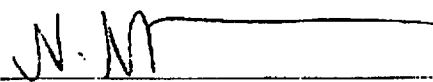


April Curtis
Compliance Officer, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on April 10th, 2017, by April Curtis
[Print Name]
as Compliance Officer of Mediation Case Manager.





Notary Public - State of Oregon
My Commission Expires: 6/24/2019

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. OR05000017-17-1

APN R889491

TO No. 97108274

AFFIDAVIT OF COMPLIANCE

AFFIDAVIT OF COMPLIANCE
With ORS 86.748 (Oregon Laws 2013, Chapter 304, Section 9)

Grantor(s):	<u>LYLE J SMITH</u>
Beneficiary:	<u>U.S. Bank National Association</u>
Trustee:	<u>Nathan F. Smith, Esq., OSB #120112</u>
Property Address:	<u>4018 & 4020 CLINTON AVE, KLAMATH FALLS, OR 97603</u>
Instrument Recording Number:	<u>Book M03, Page 33212</u>

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

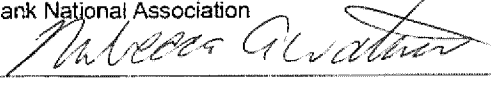
1. I am the Assistant Vice President of U.S. Bank National Association, who is the Beneficiary of the above-referenced instrument.

2. The Beneficiary has determined that the Grantor(s) of the above-referenced instrument:

- ☐ Is not eligible for a foreclosure avoidance measure; or
- ☐ Has not complied with the terms of a foreclosure avoidance measure to which the Grantor(s) agreed; or
- ☒ Has not requested a foreclosure avoidance measure
- ☐ The Beneficiary/Service mailed written notice, in plain language, explaining the basis for the Beneficiary's determination to the Grantor(s) and to the Oregon Department of Justice within 10 days after making the determination as required by ORS 86.748.

3. By reason of the above, the Beneficiary has complied with the requirements of ORS 86.748.

U.S. Bank National Association


Signature

Rebecca A. Worthington, Assistant Vice President

Print Name

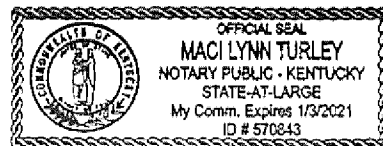
State of Kentucky

County of Daviess

The foregoing instrument was subscribed and sworn to before me this Sept. 7. 2017 by Rebecca A. Worthington, Assistant Vice President of U.S. Bank National Association, a federally-chartered banking association, on behalf of U.S. Bank National Association.


(Signature of notary)

Notary Public, State at Large



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. OR05000017-17-1

APN R889491

TO No. 97108274

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#17752 SALE

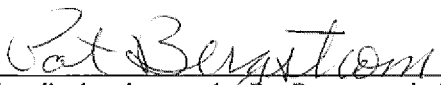
ISL#31782 SMITH

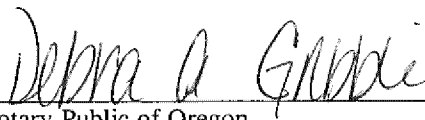
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

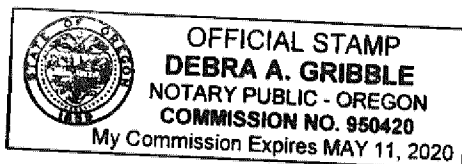
Insertion(s) in the following issues:

07/06/2017 07/13/2017 07/20/2017 07/27/2017

Total Cost: \$1467.56


Subscribed and sworn by Pat Bergstrom before me on:
27th day of July in the year of 2017


Notary Public of Oregon
My commission expires on May 11, 2020



**TS No. OR05000017-17-1
APN R889491 TO No 97108274
TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain Trust Deed made by, LYLE J SMITH as Grantor to ASPEN TITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for ALL SEASONS MORTGAGE SERVICES GROUP, Beneficiary of the security instrument, its successors and assigns, dated as of May 14, 2003 and recorded on May 16, 2003 in Book M03, on Page 33212 and the beneficial interest was assigned to {{WILD}} U.S. Bank National Association and recorded August 19, 2014 as Instrument Number 2014-008628 of official records in the Office of the Recorder of Klamath County, Oregon to-wit: APN: R889491 TRACTS 2, 3 AND 4, LANDIS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON. EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 4 AS DESCRIBED IN THAT CERTAIN DEED FROM CLINTON LANDIS, A SINGLE MAN TO EARLE WILLIAM TICHENOR AND ISABELL JEAN TICHENOR, HUSBAND AND WIFE, DATED NOVEMBER 5, 1941 AND RECORDED NOVEMBER 6, 1941 IN BOOK 142 AT PAGE 313, DEED RECORDS OF KLAMATH COUNTY, OREGON. ALSO EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 3 AS DESCRIBED IN THAT CERTAIN DEED FROM CAROLYN F. PEACORE TO STERLING W. HANCOCK, ET UX, DATED SEPTEMBER 12, 1980 AND RECORDED SEPTEMBER 15, 1980 IN VOLUME M-80 AT PAGE 17483, MICROFILM RECORDS OF KLAMATH COUNTY, OREGON. ALSO EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 2, ALSO KNOWN AS PARCEL 2 OF MINOR PARTITION 79-100. Commonly known as: 4018 & 4020 CLINTON AVE, KLAMATH FALLS, OR 97603

Both the Beneficiary, U.S. Bank National Association, 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 payments which became due Monthly Payment(s): 7 Monthly Payment(s) from 08/01/2016 to 02/01/2017 at \$1,863.77 3 Monthly Payment(s) from 03/01/2017 to 05/01/2017 at \$1,879.22 Monthly Late Charge(s): 05/22/2017

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 \$142,174.89 together with interest thereon at the rate of 5.87500% per annum from July 1, 2016 until paid; plus all accrued late charges thereon; 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 October 10, 2017 at the hour of 01:00 PM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, Front Steps, Klamath County Circuit Court, 316 Main Street, 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: May 22, 2017 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: Auction.com at 800.280.2832 Website for Trustee's Sale Information: www.Auction.com SL Number 31782, Pub Dates: 07/06/2017, 07/13/2017, 07/20/2017, 07/27/2017, HERALD & NEWS #17752 July 06, 13, 20, 27, 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. OR05000017-17-1

APN R889491

TO No. 97108274

AFFIDAVIT OF SERVICE

AFFIDAVIT OF MAILING


STATE OF OREGON }
County of Klamath } ss.

I, Robert Bolenbaugh, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On June 16, 2017, I mailed a true 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 via First Class Mail, postage pre-paid, pursuant to ORS 86.774(1)(b)(C).

The envelope was addressed as follows:

OCCUPANT
4018 Clinton Avenue
Unit B
Klamath Falls, OR 97603

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


Robert Bolenbaugh (331938)

SUBSCRIBED AND SWORN to before me this 12th, day of July, 2017, by Robert Bolenbaugh.


Notary Public for Oregon



AFFIDAVIT OF MAILING

STATE OF OREGON }
County of Multnomah } ss.

I, Mary Brodbeck, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On June 27, 2017, I mailed a true 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 via First Class Mail, postage pre-paid, together with a statement of the date, time and place at which substituted service was made, pursuant to ORCP 7D(2)(b).

The envelopes were addressed as follows:

Lyle J. Smith
4018 Clinton Ave.
Unit A
Klamath Falls, OR 97603

Lyle J. Smith
4018 Clinton Ave.
Unit B
Klamath Falls, OR 97603

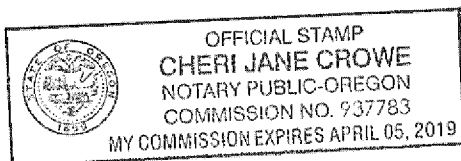
Lyle J. Smith
4020 Clinton Ave.
Unit A
Klamath Falls, OR 97603

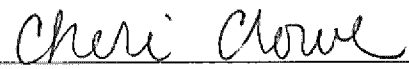
I declare under the penalty of perjury that the above statement is true and correct.



Mary Brodbeck (331938)

SUBSCRIBED AND SWORN to before me this 3, day of July, 2017, by Mary Brodbeck.





Notary Public for Oregon

AFFIDAVIT OF SERVICE

STATE OF OREGON }
County of Klamath } ss.

I, Robert Bolenbaugh, hereby certify and swear that at all times herein mentioned I was and am now a competent person 18 years of age or older and a resident of Oregon; 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 attached 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** by delivering and/or posting a true copy of the aforementioned documents upon the subject property, legally described as:

TRACTS 2, 3 AND 4, LANDIS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF KLAMATH COUNTY, OREGON. EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 4 AS DESCRIBED IN THAT CERTAIN DEED FROM CLINTON LANDIS, A SINGLE MAN TO EARLE WILLIAM TICHENOR AND ISABELL JEAN TICHENOR, HUSBAND AND WIFE, DATED NOVEMBER 5, 1941 AND RECORDED NOVEMBER 6, 1941 IN BOOK 142 AT PAGE 313, DEED RECORDS OF KLAMATH COUNTY, OREGON. ALSO EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 3 AS DESCRIBED IN THAT CERTAIN DEED FROM CAROLYN F. PEACORE TO STERLING W. HANCOCK, ET UX, DATED SEPTEMBER 12, 1980 AND RECORDED SEPTEMBER 15, 1980 IN VOLUME M-80 AT PAGE 17483, MICROFILM RECORDS OF KLAMATH COUNTY, OREGON. ALSO EXCEPTING THEREFROM THE EASTERLY 144 FEET OF TRACT 2. ALSO KNOWN AS PARCEL 2 OF MINOR PARTITION 79-100.

Commonly known as: 4018 & 4020, Units A & B, Klamath Falls, Oregon 97603

By delivering such copy, personally and in person to **Haylie Melahn**, at **4018 Clinton Ave., Unit A, Klamath Falls, OR 97603** on June 06, 2017 at 10:38 AM.

Upon **Lyle J. Smith**, by delivering such true copy at the dwelling house or usual place of abode of, to-wit: 4018 Clinton Avenue, Unit A, Klamath Falls, OR 97603, to Haylie Melahn, who is a person 14 years of age or older residing in the dwelling house or usual place of abode of the person to be served on June 06, 2017 at 10:38 AM.

On June 01, 2017 at 10:50 AM, I attempted personal service at **4018 Clinton Ave., Unit B, Klamath Falls, OR 97603**. 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).

By delivering such copy, personally and in person to **Amber Varea**, at 4018 Clinton Ave., Unit B, Klamath Falls, OR 97603 on June 05, 2017 at 2:59 PM

Upon **Lyle J. Smith**, by delivering such true copy at the dwelling house or usual place of abode of, to-wit: 4018 Clinton Avenue, Unit B, Klamath Falls, OR 97603, to Amber Varea, who is a person 14 years of age or older residing in the dwelling house or usual place of abode of the person to be served on June 05, 2017 at 2:59 PM

By delivering such copy, personally and in person to **Ariel Harns**, at **2040 Clinton Ave., Unit A, Klamath Falls, OR 97603** on June 06, 2017 at 10:42 AM.

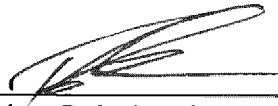
Upon **Lyle J. Smith**, by delivering such true copy at the dwelling house or usual place of abode of, to-wit: 4020 Clinton Avenue, Unit A, Klamath Falls, OR 97603, to Haylie Melahn, who is a person 14 years of age or older residing in the dwelling house or usual place of abode of the person to be served on June 06, 2017 at 10:42 AM.

On June 01, 2017 at 10:46 AM, I attempted personal service at **4020 Clinton Ave., Unit B, Klamath Falls, OR 97603**. 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).

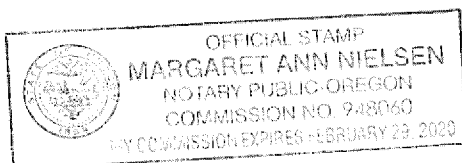
On June 05, 2017 at 2:57 PM, I returned to 4020 Clinton Ave., Unit B, Klamath Falls, OR 97603 and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.774 (1)(b)(B).


On June 13, 2017 at 1:21 PM, I returned to 4020 Clinton Ave., Unit B, Klamath Falls, OR 97603 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 penalty of perjury that the above statements are true and correct.


Robert Bolenbaugh (331938)

SUBSCRIBED AND SWORN TO before me this 12th day of July, 2017, by Robert Bolenbaugh.




Notary Public for Oregon