

Recording Requested By:

2017-010866

Klamath County, Oregon

09/25/2017 04:00:00 PM

Fee: \$222.00

When Recorded Mail to:

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

TS No. OR08000148-16-1-FT

APN R533113 / R-3909-005CA-07300-000

TO No. 8686618

## AFFIDAVIT OF MAILING

**GRANTEE:** 

U.S. Bank National Association as

Successor by Merger to U.S. Bank

**National Association ND** 

**GRANTOR:** 

GORDON H. LUND, JR. (WHO IS

UNMARRIED)

**CURRENT TRUSTEE:** 

Nathan F. Smith, Esq., OSB #120112

# **DECLARATION OF MAILING**

Reference No: OR( Mailing Number: 0				
STATE OF CALIF	FORNIA	} }SS		
COUNTY OF SAN DIEGO		}	•	
	and the second second second	-		
I,	Edwardo Si	lva	declare as follows	:
I am and at all time San Diego County,	es herein mentioned a ci California:	tizen of the United Sta	tes, over the age of eighter	en years and a resident of
document, in separa	of Trustee Corps on 5/ ate sealed envelopes, in ress list on exhibit A, at	accordance with the c	n the United States mail a checked mailing classes detected a part hereof.	copy of the attached fined below, postage
	☐ First Class☐ Certified Return	☐ Certified ☐ Registered	<ul><li>☑ Certified Electr</li><li>☐ Registered Inter</li></ul>	onic Return Receipt rnational
I declare under pen	alty of perjury under th	e laws of the State of (	California that the foregoin	g is true and correct
•	and the second s		<u></u>	8 11 11 10 11 11 1 1 1 1 1 1 1 1 1 1 1 1
5/23/2017 San Dieg	go, California			
Date and Place			eclarant	· —
A notary public or of document, to which	other officer completing this certificate is attacl	g this certificate verified the truthfund th	s only the identity of the in	ndividual who signed the y of that document.
STATE OF CALIF COUNTY OF SAN				
on <b>JVNE</b>	i <b>EDW</b>	ARDO <b>SILVA</b>	ersigned, a Notary Public i	
s/are subscribed to authorized capacity	the within instrument a	nd acknowledged to m r/their signature(s) on	ory evidence) to the person the that he/she/they executed the instrument the person(s	d the same in his/her/their
WITNESS my hand	d and official seal.		NANA	D. DUTCHER  Notary Public – California San Diego County Commission # 2181508
Signatura // /	// MINN		Му	Comm. Expires Jan 27, 2021

# Exhibit A to Affidavit of Mailing

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Sender:

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

First Class Postal Class:

R Type of Mailing: Affidavit Attachment: 0022940-01 000 80344 Trustee\_000418

Postal Number Sequence Recipient Name (11)9690024859874111

GORDON H LUND JR.

OCCUPANT (11)9690024859874166

(11)9690024859874173 3

Portfolio Recovery Associates, LLC

Portfolio Recovery Associates, LLC (11)9690024859874197

Portfolio Recovery Associates, LLC

(11)9690024859874227 5

SOUTHERN OREGON CREDIT SERVICE, INC.

(11)9690024859874234 6

SOUTHERN OREGON CREDIT SERVICE, INC.

(11)9690024859874258 7

Address Line 1/3

1745 RIVERSIDE DR

1745 RIVERSIDE DR

4330 La Jolla Village Dr., Ste 310

c/o Dale R. Nordyke 120 Corporate Blvd

c/o Dale R. Nordyke 4330 La Jolla Village Dr., Ste 310

201 W 6TH ST

PO BOX 4070

Address Line 2/4

**KLAMATH FALLS, OR 97601-5562** 

KLAMATH FALLS, OR 97601-5562

San Diego, CA 92122

Portfolio Recovery Associates, LLC Norfolk, VA 23502

Portfolio Recovery Associates, LLC San Diego, CA 92122

MEDFORD, OR 97501

MEDFORD, OR 97501

# Exhibit A to Affidavit of Mailing

Sender:

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

Electronic - Ret Postal Class:

O<sub>R</sub> Type of Mailing: Affidavit Attachment: 0022940-01 000 80344 Trustee\_000418

Postal Number Sequence Recipient Name

GORDON H LUND JR. 71969002484047312818

OCCUPANT 71969002484047312832 2

71969002484047312849 3

Portfolio Recovery Associates, LLC

71969002484047312856

Portfolio Recovery Associates, LLC

Portfolio Recovery Associates, LLC

71969002484047312870 5

SOUTHERN OREGON CREDIT SERVICE, INC.

71969002484047312894 6

SOUTHERN OREGON CREDIT SERVICE, INC.

71969002484047312924 7

1745 RIVERSIDE DR

1745 RIVERSIDE DR

4330 La Jolla Village Dr., Ste 310

c/o Dale R. Nordyke 120 Corporate Blvd

c/o Dale R. Nordyke 4330 La Jolla Village Dr., Ste 310

201 W 6TH ST

PO BOX 4070

KLAMATH FALLS, OR 97601-5562

Address Line 2/4

Address Line 1/3

KLAMATH FALLS, OR 97601-5562

San Diego, CA 92122

Portfolio Recovery Associates, LLC Norfolk, VA 23502

Portfolio Recovery Associates, LLC San Diego, CA 92122

MEDFORD, OR 97501

MEDFORD, OR 97501

## **DECLARATION OF MAILING**

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	}SS }		
Edwardo S			
	ilva	declare as follows:	
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	☐ Certified ☐ Registered	□ Certified Electronic Return Receipt     □ Registered International	
of perjury under th	ne laws of the State of C	California that the foregoing is true and correct	•
		5	
alifornia	Ž	eclarant	
officer completin	g this certificate verifie thed, and not the truthfu	s only the identity of the individual who signed lness, accuracy, or validity of that document.	i the
(or proved to me vithin instrument and that by his/he	EDWARDO SILVA on the basis of satisfact and acknowledged to mer/their signature(s) on	ory evidence) to the person(s) whose names(s) e that he/she/they executed the same in his/her	their
	ealed envelopes, in ist on exhibit A, a set Class retified Return of perjury under the alifornia officer completing certificate is attack.  IIA GO  (or proved to me within instrument, and that by his/hi	ealed envelopes, in accordance with the clist on exhibit A, attached hereto and madest Class	officer completing this certificate verifies only the identity of the individual who signed certificate is attached, and not the truthfulness, accuracy, or validity of that document.  IIA  IGO  before me, the undersigned, a Notary Public in and for said State,  EDWARDO SILVA  (or proved to me on the basis of satisfactory evidence) to the person(s) whose names(s) within instrument and acknowledged to me that he/she/they executed the same in his/her and that by his/her/their signature(s) on the instrument the person(s), or the entity upon

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

First Class Postal Class: Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024111-01 000 84408 Trustee\_000418

Postal Number Sequence Recipient Name

(11)9690024860020132

GORDON H LUND JR.

Address Line 1/3

Address Line 2/4

1745 RIVERSIDE DR

KLAMATH FALLS, OR 97601-5562

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

Electronic - Ret Postal Class:

Affidavit Attachment: 0024111-01 000 84408 Trustee\_000418 Type of Mailing: Courtesy 1st Class/CRR/Notary

Postal Number Sequence Recipient Name

71969002484047409785

GORDON H LUND JR.

Address Line 1/3

Address Line 2/4

1745 RIVERSIDE DR

KLAMATH FALLS, OR 97601-5562

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

First Class Postal Class:

Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024112-01 000 84409 Trustee\_000418 Postal Number Sequence Recipient Name

(11)9690024860020149 1

OCCUPANT

Address Line 1/3

1745 RIVERSIDE DR

Address Line 2/4

KLAMATH FALLS, OR 97601-5562

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

Electronic - Ret Postal Class: Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024112-01 000 84409 Trustee\_000418

Postal Number Sequence Recipient Name

71969002484047409792 1

OCCUPANT

Address Line 1/3

1745 RIVERSIDE DR

KLAMATH FALLS, OR 97601-5562

Address Line 2/4

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

First Class Postal Class: Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024113-01 000 84410 Trustee\_000418

Postal Number Sequence Recipient Name

(11)9690024860020156

Portfolio Recovery Associates, LLC

Address Line 1/3

4330 La Jolla Village Dr., Ste 310

Address Line 2/4

San Diego, CA 92122

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

Electronic - Ret Postal Class: Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024113-01 000 84410 Trustee\_000418

Postal Number Sequence Recipient Name

Address Line 1/3

Address Line 2/4

71969002484047409808 1

Portfolio Recovery Associates, LLC

4330 La Jolla Village Dr., Ste 310

San Diego, CA 92122

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

First Class Postal Class:

Affidavit Attachment: 0024114-01 000 84411 Trustee\_000418 Type of Mailing: Courtesy 1st Class/CRR/Notary

Postal Number Sequence Recipient Name

(11)9690024860020163

Portfolio Recovery Associates, LLC

Address Line 1/3

c/o Dale R. Nordyke 120 Corporate Blvd

Address Line 2/4

Portfolio Recovery Associates, LLC Norfolk, VA 23502

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

Electronic - Ret

Postal Class:

Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024114-01 000 84411 Trustee\_000418

Postal Number Sequence Recipient Name

Portfolio Recovery Associates, LLC 71969002484047409815

Address Line 1/3

c/o Dale R. Nordyke 120 Corporate Blvd

Address Line 2/4

Portfolio Recovery Associates, LLC Norfolk, VA 23502

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Trustee Corps 17100 Gillette Ave. Irvine CA 95614

Electronic - Ret

Postal Class:

Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidávit Attachment: 0024115-01 000 84412 Trustee\_000418

Postal Number Sequence Recipient Name

Portfolio Recovery Associates, LLC 71969002484047409822

Address Line 1/3

c/o Dale R. Nordyke 4330 La Jolla Village Dr., Ste 310

Address Line 2/4

Portfolio Recovery Associates, LLC San Diego, CA 92122

1.

Sender:

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

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Postal Class: First Class

Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024115-01 000 84412 Trustee\_000418

Postal Number Sequence Recipient Name

(11)9690024860020170

Portfolio Recovery Associates, LLC

Address Line 1/3

c/o Dale R. Nordyke 4330 La Jolla Village Dr., Ste 310

Address Line 2/4

Portfolio Recovery Associates, LLC San Diego, CA 92122

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

First Class Postal Class:

Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024116-01 000 84413 Trustee\_000418

Postal Number Sequence Recipient Name

SOUTHERN OREGON CREDIT SERVICE, INC. (11)9690024860020187

Address Line 1/3

201 W 6TH ST

Address Line 2/4

MEDFORD, OR 97501

# Exhibit A to Affidavit of Mailing

Sender:

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

Electronic - Ret Postal Class:

Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024116-01 000 84413 Trustee\_000418

Postal Number Sequence Recipient Name

SOUTHERN OREGON CREDIT SERVICE, INC. 71969002484047409839 1

Address Line 1/3

201 W 6TH ST

Address Line 2/4

MEDFORD, OR 97501

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

First Class Postal Class: Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024117-01 000 84414 Trustee\_000418

Postal Number Sequence Recipient Name

SOUTHERN OREGON CREDIT SERVICE, INC.

Address Line 1/3

Address Line 2/4

MEDFORD, OR 97501

(11)9690024860020194 1

PO BOX 4070

Trustee Corps 17100 Gillette Ave. Irvine CA 95614

Postal Class: Electronic - Ret

Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0024117-01 000 84414 Trustee\_000418

Postal Number Sequence Recipient Name

71969002484047409846 1

SOUTHERN OREGON CREDIT SERVICE, INC.

Address Line 1/3

PO BOX 4070

Address Line 2/4

MEDFORD, OR 97501

#### TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, GORDON H. LUND, JR. (WHO IS UNMARRIED) as Grantor to U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION as Trustee, in favor of U.S. BANK NATIONAL ASSOCIATION ND as Beneficiary dated as of December 12, 2008 and recorded on January 8, 2009 as Instrument No. 2009-000199 of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

APN: R533113 / R-3909-005CA-07300-000

THAT PORTION OF LOT 2, BLOCK 1, LYING WEST OF THE EAST LINE OF LOT 3, BLOCK 1, IF SAID LINE WERE EXTENDED NORTHERLY TO THE NORTH LINE OF LOT 2, AND ALL OF LOT 3, BLOCK 1, FAIRFIELD, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as: 1745 RIVERSIDE DR, KLAMATH FALLS, OR 97601-5562

Both the Beneficiary, U.S. Bank National Association as Successor by Merger to U.S. Bank National Association ND, 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 05/01/2015 to 11/01/2015 at \$750.53

6 Monthly Payment(s) from 12/01/2015 to 05/01/2016 at \$862.69

12 Monthly Payment(s) from 06/01/2016 to 05/01/2017 at \$750.53

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 \$112,004.70 together with interest thereon at the rate of 5.99000% per annum from April 13, 2015 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 5, 2017 at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statues, 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: May 15, 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 15, 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 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

My Comm. Expires Sep 22, 2018

Malcolm & Cisneros, A Law Corporation

Attention: Nathan F. Smith, Esq., OSB #120112

VERONICA LEIGH ESQUIVEL Commission # 2082786

Notary Public - California Orange County

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

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: 1745 RIVERSIDE DR, KLAMATH FALLS, Oregon 97601-5562.

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 15, 2017 to bring your mortgage loan current was \$20,553.17. 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 5, 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:

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

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 1/5, 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 5**, **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

**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

http://www.oregonlawcenter.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)



## NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from: GORDON H. LUND, JR. (WHO IS UNMARRIED), 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 Fee: \$57.00

2017-005426 Klamath County, Oregon 05/17/2017 02:21:00 PM

TS No. OR08000148-16-1-FT

APN R533113 / R-3909-005CA-07300-000

TO No 8686618

Reference is made to that certain Trust Deed made by GORDON H. LUND, JR. (WHO IS UNMARRIED) as Grantor, to U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION as Trustee, in favor of U.S. BANK NATIONAL ASSOCIATION ND as original Beneficiary, dated as of December 12, 2008 and recorded January 8, 2009 in the records of Klamath County, Oregon as Instrument No. 2009-000199 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: R533113 / R-3909-005CA-07300-000

THAT PORTION OF LOT 2, BLOCK 1, LYING WEST OF THE EAST LINE OF LOT 3, BLOCK 1, IF SAID LINE WERE EXTENDED NORTHERLY TO THE NORTH LINE OF LOT 2, AND ALL OF LOT 3, BLOCK 1, FAIRFIELD, 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, U.S. Bank National Association as Successor by Merger to U.S. Bank National Association ND, 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).or07000252-16

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 \$19,436.21 beginning May 11, 2015, as follows:

\$5,253.71 = 7 monthly payment(s) at \$750.53 \$5,176.14 = 6 monthly payment(s) at \$862.69 \$9,006.36 = 12 monthly payment(s) at \$750.53

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 \$129,399.68, said sums being the following:

- 1. Principal balance of \$112,004.70 and accruing interest as of May 15, 2017, per annum, from April 13, 2015 until paid.
- 2. \$14,024.77 in interest
- 3. \$2,253.25 in escrow advance
- 4. \$1,116.96 in recoverable balance
- 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 10:00 AM, in accord with the standard of time established by ORS 187.110, on October 5, 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:

GORDON H LUND JR. 1745 RIVERSIDE DR, KLAMATH FALLS, OR 97601-5562

OCCUPANT 1745 RIVERSIDE DR, KLAMATH FALLS, OR 97601-5562

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 15, 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 15, 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.

VERONICA LEIGH ESOUIVEL

Commission # 2032786 Notary Public - California Grange County My Comm, Expires Sep 22, 2018

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

FOR SALE INFORMATION PLEASE CALL: In Source Logic at 702-659-7766 Website for Trustee's Sale Information: www.insourcelogic.com

949-252-8300

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.



#### 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

3/13/2017

Grantor:	Gordon Lund
Beneficiary:	U.S. Bank, National Association as Successor by Merger to U.S. Bank National Association, ND.
Property Address:	1745 Riverside Drive Klamath Falls, OR 97601
Instrument / Recording No. Date / County	Instrument Number: 2009-000199 Recording Number: 2009-000199 Loan Number: 1 1/8/2009 Klamath
Case Number	BJ-170119-5903
The grantor did not pa	Compliance Officer, Oregon Foreclosure Avoidance Program
The foregoing instrument was ackar as Compliance Officer of Mediation	nowledged before me on MARCH 13th . 2017. by APRIL CURTIS
OFFICIAL STAM NICOLE MILLI NOTARY PUBLIC-OR COMMISSION NO. 9 MY COMMISSION EXPIRES JU	EH My Commission Expires: U/14/1/01/9

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. OR08000148-16-1-FT

APN R533113 / R-3909-005CA-07300-000

TO No. 8686618

# AFFIDAVIT OF COMPLIANCE

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

Grantor(s):	GORDON H. LUND, JR. (WHO IS UNMARRIED)
Beneficiary:	U.S. Bank National Association as Successor by Merger to U.S. Bank National Association ND
Trustee:	Nathan F. Smith, Esq., OSB #120112
Property Address:	1745 RIVERSIDE DR, KLAMATH FALLS, OR 97601-5562
Instrument Recording Number:	2009-000199
I, the undersigned, being duly sworn, he	reby depose and say that:
1. I am the Assistant Vice Presid	ent of U.S. Bank National Association as
	lational Association ND, who is the Beneficiary of the above-referenced
2. The Beneficiary has determined that	the Grantor(s) of the above-referenced instrument:
[ ] Is not eligible for a foreclos	ure 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 forecl	osure avoidance measure
[ ] The Beneficiary/Servicer Beneficiary's determination to the making the determination as req	mailed written notice, in plain language, explaining the basis for the ne Grantor(s) and to the Oregon Department of Justice within 10 days after uired by ORS 86.748.
3. By reason of the above, the Beneficia	ary has complied with the requirements of ORS 86.748.
	U.S. Bank National Association as Successor by Merger to U.S. Bank National Association ND
	Signature Brittany L. Tatum, Assistant Vice President Print Name
State of Kentucky	T TAIN COMMITTEE OF THE PARTY O
County of <u>Daviess</u>	of the Contraction of the Contra
2017 by Brittany L. Tatu	d and sworn to before me this <u>September 1</u> , m <u>Assistant Vice President</u> of derally-chartered banking association, on behalf of U.S. Bank Nationa
Shavnam. Ma (Signature of notary)	Sahey
, ,	
State At Large (title or rank)	(seal)
	######################################

OFFICIAL SEAL
SHAWNA M. McGAHEY
NOTARY PUBLIC - KENTUCKY
STATE-AT-LARGE
My Comm. Expires 1/3/2021
D # 570829

TS No. OR08000148-16-1-FT

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. OR08000148-16-1-FT

APN R533113 / R-3909-005CA-07300-000

TO No. 8686618

# 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#17748 SALE

TS NO. OR08000148-16-1-FT a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

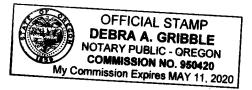
Insertion(s) in the following issues: 07/05/2017 07/12/2017 07/19/2017 07/26/2017

Total Cost: \$1271.00

Subscribed and sworn by Pat Bergstrom before me on: 26th day of July in the year of 2017

Notary Public of Oregon

My commision expires on May 11, 2020



#### TS No. OR08000148-16-1-FT APN R533113 / R-3909-005CA-07300-000 TO No 8686618 TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, GORDON H. LUND, JR. (WHO IS UNMARRIED) as Grantor to U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION as Trustee, in favor of U.S. BANK NATIONAL ASSOCIATION ND as Beneficiary dated as of December 12, 2008 and recorded on January 8, 2009 as Instrument No. 2009-000199 of official records in the Office of the Recorder of Klamath County, Oregon towit: APN: R533113 / R-3909-005CA-07300-000 THAT PORTION OF LOT 2, BLOCK 1, LYING WEST OF THE EAST LINE OF LOT 3, BLOCK 1, IF SAID LINE WERE EXTENDED NORTHERLY TO THE NORTH LINE OF LOT 2, AND ALL OF LOT 3, BLOCK 1, FAIRFIELD, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. Commonly known as: 1745 RIVERSIDE DR, KLAMATH FALLS, OR 97601-5562

Both the Beneficiary, U.S. Bank National Association as Successor by Merger to U.S. Bank National Association ND, 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 05/01/2015 to 11/01/2015 at \$750.53 6 Monthly Payment(s) from 12/01/2015 to 05/01/2016 at \$862.69 12 Monthly Payment(s) from 06/01/2016 to 05/01/2017 at \$750.53 Monthly Late Charge(s): 1 Monthly Late Charge(s)

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 \$112,004.70 together with interest thereon at the rate of 5.99000% per annum from April 13, 2015 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 5, 2017 at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statues, 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: 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: <a href="https://www.insourcelogic.com/SL">www.insourcelogic.com/SL</a> Number 31729, Pub Dates: 07/05/2017, 07/12/2017, 07/19/2017, 07/26/2017, HERALD & NEWS #17748 July 05, 12, 19, 26, 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. OR08000148-16-1-FT

APN R533113 / R-3909-005CA-07300-000

TO No. 8686618

# 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 a competent person over the age of 18 years of age or older. On June 16, 2017,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 1745 Riverside Drive Klamath Falls, OR 97601

This mailing completes service upon an occupant at the above address with an effective date of  $\underline{06/01/2017}$  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 2017

OFFICIAL STAMP
MARGARET ANN NIELSEN
NOTARY PUBLIC-OREGON
COMMISSION NO. 948060
MY COMMISSION EXPIRES FEBRUARY 29, 2020

by Robert Bolenbaugh.

Notary Public for Oregon

Røbert Bolenbaugh

Nationwide Process Service, Inc.

300 Century Tower

1201 SW 12th Avenue

Portland, OR 97205

(503) 241-0636



\*331908**\*** 

### AFFIDAVIT OF POSTING

STATE OF OREGON County of Klamath

SS.

I, Robert Bolenbaugh, 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":

#### 1745 Riverside Drive Klamath Falls, OR 97601

As follows:

On 06/01/2017 at 9:26 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 06/07/2017 at 12:49 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 06/13/2017 at 4:58 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 day of JUNE, 20/7

by Robert Bolenbaugh.

Robert Bolenbaugh

Nationwide Process Service, Inc.

300 Century Tower

1201 SW 12th Avenue Portland, OR 97205

(503) 241-0636



