

2017-011125

Klamath County, Oregon



00210903201700111250050053

10/02/2017 10:20:28 AM

Fee: \$62.00

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

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE:  
Trust Deed from Tyra Justice

TO

Carl R. Faith, Beneficiary

After recording return to: Successor trustee  
Scott D. MacArthur,  
125 S. 6th Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, being first duly sworn, depose, and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, together with Important Notice Regarding Alternatives to Foreclosure and Notice to Tenants where applicable, to-wit:

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

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

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

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

Robert S. Stockton &      1024 Alandale Street, Klamath Falls, OR 97603  
Elizabeth A. Stockton

Discover Bank      C/O Bishop, White et al, 720 Olive Way, Ste 1201, Seattle, WA 98101

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

Midland Funding      C/O Daniel N. Goldberg, P.O. Box 22338, Eugene, OR 97402


Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person,

Returned at Counter

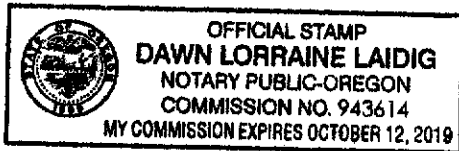
including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

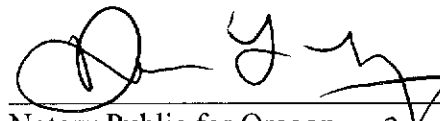
Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on June 20, 2017. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

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

Subscribed and sworn to before me this 2nd day of October, 2017, by Scott D. MacArthur.



  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires 10/12/19

**AFFIDAVIT OF POSTING NOTICE OF SALE IN LIEU OF SERVICE**

Dennis L. Justice,  
Tyra L. Justice, Grantor

Carl R. Faith and Debra L. Faith,  
Trustees, Beneficiary

After Recording return to:  
Scott D. MacArthur, P.C.,  
Successor Trustee  
125 S. 6th Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Gary Rote, being first duly sworn, depose and certify that:

At all times hereinafter mentioned, I was and now am, a resident of the State of Oregon, a competent person over the age of 18 years and not the beneficiary or his successor in interest name in the notice of sale given under the terms of that certain trust deed described in said notice.

I posted the Notice of Sale of the real property in the Notice of Sale posting said notice on the premises of:

**NAME:**

Dennis L. Justice  
Tyra L. Justice

**ADDRESS:**

3026 Altamont Drive  
Klamath Falls, Oregon 97603

Together with Important Notice Regarding Alternatives To Foreclosure.

Each of the notices so posted was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; and was posted by me on 6-21-2017. Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded and at least 90 days before the day fixed in said notice by the trustee for the trustee's sale.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Subscribed and sworn to before me this 21<sup>st</sup> day of June 2017.

Gary Rote

Dr. S. J. P.  
Notary Public for Oregon  
My Commission Expires: 10/12/19



**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#17808 SALE

FAITH / JUSTICE

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:

06/30/2017 07/07/2017 07/14/2017 07/21/2017

Total Cost: \$1953.08

*Pat Bergstrom*

Subscribed and sworn by Pat Bergstrom before me on:  
21st day of July in the year of 2017

*Debra A. Gribble*

Notary Public of Oregon

My commission expires on May 11, 2020



**OFFICIAL STAMP  
DEBRA A. GRIBBLE  
NOTARY PUBLIC - OREGON  
COMMISSION NO. 950420**

My Commission Expires MAY 11, 2020

**NOTICE OF DEFAULT AND ELECTION TO SELL**

KNOW ALL MEN BY THESE PRESENTS, that DENNIS L. JUSTICE and TYRA L. JUSTICE, as tenants by the entirety, is the grantor, and, AMERITITLE, an Oregon Corporation, is the trustee, and CARL R. FAITH and DEBRA L. FAITH, Trustees, are the beneficiary under that certain trust deed February 20, 2003, and recorded on February 26, 2003, in Volume No. M03 at page 011805 of the Mortgage (Microfilm) Records of Klamath County, Oregon.

A tract of land situated in Lot 2, Block 1, THIRD ADDITION TO ALTAMONT ACRES, in the County Clerk of Klamath, State of Oregon, I more particularly described as follows: Beginning at the Northeast corner of said Lot 2; thence South 00 degrees 13' 00" East, along the East line of said Lot 2, 66.75 feet; thence North 80 degrees 12' 17" West 150 feet; thence North 00 degrees 13' 00" West 66.75 feet to a point on the North line of said Lot 2; thence South 89 degrees 12' 17" East 150 feet to the point of beginning.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a Notice of Default has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Failure to pay the Real Property Taxes for the fiscal year 2010-2011, delinquent in the sum of \$297.79 plus interest.

Failure to pay the Real Property Taxes for the fiscal year 2011-2012, delinquent in the sum of \$595.56 plus interest.

Failure to pay the Real Property Taxes for the fiscal year 2012-2013, delinquent in the sum of \$945.90 plus interest.

Failure to pay the Real Property Taxes for the fiscal year 2013-2014, delinquent in the sum of \$1,008.41 plus interest.

Failure to pay the Real Property Taxes for the fiscal year 2014-2015, delinquent in the sum of \$1,052.63 plus interest.

Failure to pay the Real Property Taxes for the fiscal year 2015-2016, delinquent in the sum of \$1,065.95 plus interest.

Failure to pay the Real Property Taxes for the fiscal year 2016-2017, delinquent in the sum of \$1,125.47 plus interest.

Foreclosure redemption fees paid to Klamath County in the amount of \$286.24

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following; to-wit: \$29,089.837 as of March 8, 2017 plus interest, taxes and costs.

WHEREFORE, notice hereby is given that the undersigned trustee will on October 27, 2017 at the hour of 11:00 a.m. Standard time, as established by Section 187.110, Oregon Revised Statutes, at 125 S. 6th Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and their 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, at any time prior to five days before the trustee conducts the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

#### NOTICE TO POTENTIAL PURCHASERS

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.

#### NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed term lease, the purchaser may require you to move out after giving you a 30 day notice on or after the date of the sale. If you have a fixed term lease, you may be entitled to receive after the date of sale a 60 day notice of the purchaser's requirement that you move out. To be entitled to a 30 day or 60 day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is September 27, 2017. The name of the trustee and the trustee's mailing address are listed on this notice. Federal law may grant you additional rights including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law. You have the right to apply your security deposit and any prepaid rent toward your current obligations under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. The Oregon State Bar attorney referral service may be reached at (800) 452-7636. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Legal Aid may be reached at (800) 480-9160.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word, "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. The Fair Debt Collection Practices Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings, this shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

DATED: June 21, 2017.

/s/Scott D. MacArthur, Successor Trustee  
125 S. 6th Street, Klamath Falls, OR 97601  
#17808 June 30, July 07, 14, 21, 2017.