

Neal Buchanan

2017-011329

Klamath County, Oregon



00211144201700113290070072

10/06/2017 09:11:36 AM

Fee: \$72.00

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#17899 SALE

FILE 11-71 MCCLUNG /DERRY

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:

08/31/2017 09/07/2017 09/14/2017 09/21/2017

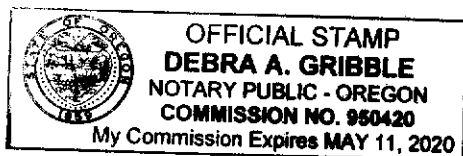
Total Cost: \$1067.72

Pat Bergstrom

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

Debra A. Gribble

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



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Devon Derry and Rachel Derry, as grantor, to AmeriTitle (Neal G. Buchanan, Attorney as Successor), as trustee, in favor of Kaybee Land & Livestock, LLC (Keith McClung as Assignee), as beneficiary, dated March 10, 2011, recorded on March 22, 2011, in the Records of Klamath County, Oregon, in volume No. 2011 at page 003897, covering the following described real property situated in that county and state, to-wit:

Lot 27 of FIRST ADDITION TO EVERGREEN MEADOWS - TRACT 1329, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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

1. Monthly payment in the sum of \$700.00 (plus collection fees) due January 14, 2013 with a like payment due the 14th day of each month thereafter. 2. Requirement for payment of real property taxes. 3. Requirement for maintenance of hazard insurance.

By reason of the default just described, 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: Principal and interest balance in the sum of \$121,044.50 together with interest thereon at the rate of 6.142% per annum from January 29, 2013 until paid. Real property taxes paid by the beneficiary. Insurance premiums paid by the beneficiary. All costs, fees and expenses of this trust deed including the cost of title search as well as the other costs and expenses of the trustee incurred in connection with or in enforcing this obligation and trustee's and attorney's fees actually incurred.

WHEREFORE, notice is hereby given that the undersigned trustee will on October 24, 2017, at the hour of 1:30 o'clock, P.M., in accord with the standard of time established by ORS 187.110, at Lobby of the Klamath County Court House 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 the real property described above which the grantor had or had power to convey at the time of the execution by grantor of the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee. 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) 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 those 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 and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED June 23, 2017.
/s/Neal G. Buchanan, Attorney as Successor, Trustee
435 Oak Avenue, Klamath Falls, Oregon 97601
(541) 882-6607
#17899 August 31, September 07, 14, 21, 2017.

BL

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS

**AFFIDAVIT OF MAILING TRUSTEE'S
NOTICE OF SALE**Devon Derry and Rachel Derry4871 Meadow Glen LoopKlamath Falls, OR 97603

Grantor's Name and Address*

AmeriTitle, Neal G. Buchanan, Attorneyas Successor, 435 Oak AvenueKlamath Falls, OR 97601

Trustee's Name and Address*

Kaybee Land & Livestock, KeithMcClung as Successor, P.O. Box 7659Klamath Falls, OR 97602

Beneficiary's Name and Address*

After recording, return to (Name and Address):

Neal G. Buchanan435 Oak AvenueKlamath Falls, OR 97601

*ORS 205 requires the first page of a recorded document to show the names and addresses of all parties. Use Stevens-Ness Form No. 1256, Cover Sheet for Instrument to be Recorded, if you need additional space.

SPACE RESERVED
FOR
RECORDER'S USESTATE OF OREGON, County of Klamath) ss.I, Brenda Miller

, being first duly sworn, depose, and say:

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 named in the attached original notice of sale given under the terms of that certain deed described in the notice of sale.

I gave notice of the sale of the real property described in the attached trustee's Notice of Sale by mailing copies 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:

Name

Address

See Exhibit A attached hereto and incorporated herein by reference as though fully set forth herein.

These 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, 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; (d) any person requesting notice as set forth in ORS 86.785; and (e) if the owner of the subject real property dies and the property is also subject to a transfer on death deed, the beneficiary or beneficiaries designated under the transfer on death deed.*

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Neal G. Buchanan, attorney for the trustee named in the notice. Each such copy was mailed 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 23, 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, with postage thereon in an amount sufficient to accomplish the same. Each such notice was mailed after the Notice of Default and Election to Sell described in the notice of sale was recorded.

As used herein, 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 the trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any, "person" includes a business or other entity, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

SIGNED AND SWORN TO before me on 6-23-17by Brenda MillerKeith MillerNotary Public for Oregon - My commission expires 4-20-19

* More than one form of affidavit may be used when the parties are numerous or when the mailing is done on more than one date. Pursuant to ORS 86.740(2), a notice served by mail in accordance with ORS 86.740(1) is effective when the notice is mailed.
PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing affidavit.

NAME AND LAST KNOWN ADDRESS

Devon Derry
3921 Bartlett Avenue
Klamath Falls, OR 97603

Rachel Derry
3950 Homedale Road #27
Klamath Falls, OR 97603

Rebecca Shaw
412A NW C Street
Grants Pass, OR 97526

State of Oregon Attorney
General
530 Center Street NE
Salem, OR 97301
Occupant or Party In Possession
4871 Meadow Glen Loop
Klamath Falls, OR 97603

**INSTRUCTIONS FOR SERVICE OF TRUSTEE'S
NOTICE OF SALE UPON OCCUPANT PURSUANT
TO ORS 86.750 (1) AND PROOF OF SERVICE
(120-Day Notice)**

RE: Trust Deed from

Devon Derry and Rachel Derry

4871 Meadow Glen Loop

Klamath Falls, OR 97603

To

Grantor

AmeriTitle, Neal G. Buchanan, Attorney

as Successor, 435 Oak Avenue

Klamath Falls, OR 97601

Trustee

After recording, return to (Name, Address, Zip):

Neal G. Buchanan

435 Oak Avenue

Klamath Falls, OR 97601

TRUSTEE'S INSTRUCTIONS to the person who serves the Trustee's Notice of Sale attached hereto:

STATE OF OREGON, Klamath

County of Klamath

ss.

I, the undersigned, being first duly sworn, depose and say:

I am the Trustee or attorney for the Trustee in the trust deed described in the attached Trustee's Notice of Sale.

You are hereby directed to serve the Trustee's Notice of Sale in the manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3) upon the occupant of the property described in the Notice of Sale.

The name of the person to be served, if known, and the property address of the property described in the trust deed are as follows:

Name of person to be served
(If unknown, so state)

Property Address

Occupant

4871 Meadow Glen Loop
Klamath Falls, OR 97603

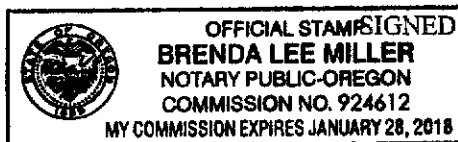
If the occupant is indicated as "unknown," or if you find the property at this address to be occupied by someone other than the person named, then you are to serve the person or persons whom you find to be occupying the property.

Service should be made by June 26, 2017, which is 120 days before the date fixed for the sale in the attached notice. If you have not made service by that date, and the property appears occupied, persist in attempting to make service until it has been accomplished.

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

Neal G. Buchanan

(ATTORNEY FOR) TRUSTEE



AND SWORN TO before me on

June 23, 2017

Brenda Miller

Notary Public for Oregon

My commission expires

1-28-18

PROOF OF SERVICE

STATE OF OREGON, County of Klamath ss.



I 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 where- in the service hereinafter set forth was made, and that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, nor a succes- sor to either, nor an officer, director, employee of, or attorney for, the beneficiary or trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale upon the individuals and other legal entities named below by delivering true copies of the Notice of Sale, certified to be such by the attorney for the trustee or successor trustee, as follows:

Personal Service Upon Individual(s)

Upon Occupant (Nicole Robinson) 4871 Meadow Glen Loop, Klamath Falls, Oregon, by delivering such true copy to him/her, personally and in person, at June 23, 2017, at o'clock M.

Substituted Service Upon Individual(s)

Upon, by delivering such true copy at his/her dwelling house or usual place of abode, to-wit: , who is a person 14 years of age or older and a member of the household of the person served on , at o'clock M.

Office Service Upon Individual(s)

Upon, at the office which he/she maintains for the conduct of business at , by leaving such true copy with , the person who is apparently in charge, on , during normal working hours, at o'clock, M.

Service on Corporations, Limited Partnerships or Unincorporated Associations Subject to Suit Under a Common Name

Upon (NAME OF CORPORATION, LIMITED PARTNERSHIP, ETC.), by (a) delivering such true copy, personally and in person, to who is a/the (Specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof; OR (b) leaving such true copy with , the person who is apparently in charge of the office of , who is a/the (Specify registered agent, officer (by title), director, general partner, managing agent, etc.) thereof; at , on , at o'clock M.

EACH OF THE PERSONS, FIRMS AND CORPORATIONS SERVED BY ME IS THE IDENTICAL PERSON, FIRM OR CORPORATION NAMED IN THE TRUSTEE'S INSTRUCTIONS TO ME IN CONNECTION HEREWITH.

John Prosnik



SIGNED AND SWORN TO before me on June 23, 2017

Brenda Miller Notary Public for Oregon

My commission expires 1-28-18

BB

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TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Devon Derry and Rachel Derry

to AmeriTitle (Neal G. Buchanan, Attorney as Successor), as grantor,
 in favor of Kaybee Land & Livestock, LLC (Keith McClung as Assignee), as trustee,
 dated March 10, 2011, recorded on March 22, 2011, as beneficiary,
Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. 2011 at page 003897,
 and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. _____ (indicate which), covering the following
 described real property situated in that county and state, to-wit:

Lot 27 of FIRST ADDITION TO EVERGREEN MEADOWS - TRACT 1329, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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

1. Monthly payment in the sum of \$700.00 (plus collection fees) due 1-14-13 with a like payment due the 14th day of each month thereafter.
2. Requirement for payment of real property taxes.
3. Requirement for maintenance of hazard insurance.

By reason of the default just described, 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: **Principal & interest balance in the sum of \$121,044.50 together with interest thereon at the rate of 6.142% per annum from January 29, 2013 until paid. Real property taxes paid by the beneficiary. Insurance premiums paid by the beneficiary. All costs, fees & expenses of this trust deed including the cost of title search as well as the other costs & expenses of the trustee incurred in connection with or in enforcing this obligation & trustee's & attorney's fees actually incurred.**

WHEREFORE, notice is hereby given that the undersigned trustee will on October 24, 2017 at the hour of 1:30 o'clock, P. M., in accord with the standard of time established by ORS 187.110, at Lobby of Klamath County Court House

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 the real property described above which the grantor had or had power to convey at the time of the execution by grantor of the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee. 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) 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 those 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 and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED June 23, 2017

Neal G. Buchanan, Attorney as Successor, Trustee

435 Oak Avenue

ADDRESS

Klamath Falls, Oregon 97601 (541)882-6607

CITY

STATE

ZIP

PHONE

I certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

(CONTINUED)

Attorney for Trustee

NOTICE TO RESIDENTIAL TENANTS*

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for (date) October 24, 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:

- THE REMAINDER OF YOUR FIXED TERM LEASE, IF YOU HAVE A FIXED TERM LEASE; OR
- AT LEAST 90 DAYS FROM THE DATE YOU ARE GIVEN A WRITTEN TERMINATION NOTICE.

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 90 days, even though you have a fixed term lease with more than 90 days left.

You must be provided with at least 90 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 90 days or at the end of your fixed term lease. 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 90 days or before your fixed term lease expires. 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.

SERVE:** Occupants or Party In Possession

4871 Meadow Glen Loop

Klamath Falls, Oregon 97603

*ORS 86.750(2)(b) states, in relevant part: "The copy of the notice of sale required to be published *** does not need to include the notice to tenants required under ORS 86.745(9)."

**If the foregoing is a copy to be served pursuant to ORS 86.740 or ORS 86.750(1), fill in the name and address of party to be served. Pursuant to ORS 86.740(2), a notice served by mail in accordance with ORS 86.740(1) is effective when the notice is mailed. The effective date of a notice served on an occupant of the premises in accordance with ORS 86.750 is the date of personal service pursuant to ORS 86.750(1)(a) or the date of first posting pursuant to ORS 86.750(1)(b)(A).