

Recording Requested By:

**2017-012583**

**Klamath County, Oregon**

**10/31/2017 03:12:51 PM**

**Fee: \$152.00**

When Recorded Mail to:

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

TS No. OR08000013-17-1

APN R873035/R-3909-007BC-00201-000

TO No. 170049424-OR-MSO

## AFFIDAVIT OF MAILING

**GRANTEE:**

**GRANTOR:**

**CURRENT TRUSTEE:**

**M&T Bank**

**DAVID W MILLER, MONICA L KLOEPPER**

**Nathan F. Smith, Esq., OSB #120112**

## DECLARATION OF MAILING

Reference No: OR08000013-17

Mailing Number: 0029003-01

STATE OF CALIFORNIA                    }  
  }  
COUNTY OF SAN DIEGO                }

I, Irving Carrillo 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 6/30/2017, 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.

<input checked="" type="checkbox"/> First Class	<input type="checkbox"/> Certified	<input checked="" type="checkbox"/> Certified Electronic Return Receipt
<input type="checkbox"/> Certified Return	<input type="checkbox"/> Registered	<input type="checkbox"/> Registered International

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

6/30/2017 San Diego, California  
Date and Place

Irving Carrillo  
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 07-13-2017 before me, the undersigned, a Notary Public in and for said State, personally appeared Irving Carrillo personally known to me (or proved to me on the basis of satisfactory evidence) to the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature D. Dutcher

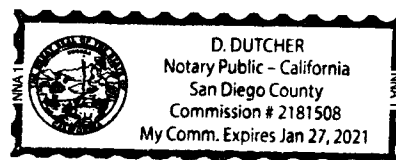


Exhibit A to Affidavit of Mailing

Sender: Trustee Corps  
17100 Gillette Ave.  
Irvine CA 95614

Postal Class: First Class

Type of Mailing: OR

Affidavit Attachment: 0029003-01 000 103138 Trustee\_000418

Postal Number	Sequence	Recipient Name	Address Line 1/3	Address Line 2/4
(11)9690024860826703	1	GREENPOINT MORTGAGE FUNDING, INC.	1100 LARKSPUR LANDING CIRCLE, SUITE 101	LARKSPUR, CA 94939
(11)9690024860826710	2	GREENPOINT MORTGAGE FUNDING, INC.	C/O MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.	P.O. BOX 2026 FLINT, MI 48501-2026
(11)9690024860826727	3	GREENPOINT MORTGAGE FUNDING, INC.	P.O. BOX 7566	SAN FRANCISCO, CA 00000
(11)9690024860826734	4	DAVID WAYNE MILLER	4441 CREGAN AVENUE	KLAMATH FALLS, OR 97601-5618
(11)9690024860826741	5	MONICA LYNN KLOEPPER AKA MONICA L. MILLER	4441 CREGAN AVENUE	KLAMATH FALLS, OR 97601-5618
(11)9690024860826758	6	MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.	P.O. BOX 2026	FLINT, MI 48501-2026
(11)9690024860826765	7	OCCUPANT	4441 CREGAN AVENUE	KLAMATH FALLS, OR 97601-5618

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: 0029003-01 000 103138 Trustee\_000418

Postal Number Sequence Recipient Name

Address Line 1/3

Address Line 2/4

71969002484047820030  
1

GREENPOINT MORTGAGE FUNDING, INC.

1100 LARKSPUR LANDING CIRCLE, SUITE 101

LARKSPUR, CA 94939

71969002484047820054  
2

GREENPOINT MORTGAGE FUNDING, INC.

C/O MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

P.O. BOX 2026  
FLINT, MI 48501-2026

71969002484047820078  
3

GREENPOINT MORTGAGE FUNDING, INC.

P.O. BOX 7566

SAN FRANCISCO, CA 00000

71969002484047820092  
4

DAVID WAYNE MILLER

4441 CREGAN AVENUE

KLAMATH FALLS, OR 97601-5618

71969002484047820108  
5

MONICA LYNN KLOEPPER AKA MONICA L. MILLER

4441 CREGAN AVENUE

KLAMATH FALLS, OR 97601-5618

71969002484047820122  
6

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

P.O. BOX 2026

FLINT, MI 48501-2026

71969002484047820139  
7

OCCUPANT

4441 CREGAN AVENUE

KLAMATH FALLS, OR 97601-5618

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, DAVID W MILLER, MONICA L KLOEPPER as Grantor to AMERITITLE as Trustee, in favor of FIRST INDIANA BANK as Beneficiary dated as of March 7, 2000 and recorded on March 9, 2000 in Book M00, on Page 7653 and that said Deed of Trust was modified by Modification Agreement and recorded August 13, 2015 as Instrument Number 2015-009002 and the beneficial interest was assigned to **M&T Bank** and recorded August 13, 2015 as Instrument Number 2015-009001 of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

APN: **R873035/R-3909-007BC-00201-000**

**LOTS 189, 190 AND 191 OF CREGAN PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.**

Commonly known as: **4441 CREGAN AVENUE, KLAMATH FALLS, OR 97601**

Both the Beneficiary, **M&T Bank**, 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):**

3 Monthly Payment(s) from 10/01/2016 to 12/01/2016 at **\$605.93**

6 Monthly Payment(s) from 01/01/2017 to 06/01/2017 at **\$551.31**

**Total Late Charge(s):**

Total Late Charge(s) at **\$42.00**

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 **\$41,034.67** together with interest thereon at the rate of **9.59000%** per annum from **September 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 **November 8, 2017** at the hour of **10:00 AM**, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, **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.

TS No. OR08000013-17-1

APN R873035/R-3909-007BC-00201-000

TO No 170049424-OR-MSO

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: June 21, 2017

28 N

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 June 20, 2017 before me, LUCERO LOPEZ, 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:

In Source Logic at 702-659-7766

Website for Trustee's Sale Information: [www.insourcelogic.com](http://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:  
4441 CREGAN AVENUE, KLAMATH FALLS, Oregon 97601.

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 June 21, 2017 to bring your mortgage loan current was \$6,350.32. 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 800-724-2224 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: November 8, 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:**

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 M&T Bank at phone no 800-724-2224 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: \_\_\_\_\_

6/28/17

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 **November 8, 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)

**2017-007192**

**Klamath County, Oregon**

**06/30/2017 09:23:00 AM**

**Fee: \$62.00**

**NOTICE OF DEFAULT  
AND ELECTION TO SELL**

RE: Trust Deed from:  
DAVID W MILLER, MONICA L KLOEPPER,  
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. OR08000013-17-1

APN R873035/R-3909-007BC-00201-000

TO No 170049424-OR-MSO

Reference is made to that certain Trust Deed made by DAVID W MILLER, MONICA L KLOEPPER as Grantor, to AMERITITLE as Trustee, in favor of FIRST INDIANA BANK as original Beneficiary, dated as of March 7, 2000 and recorded March 9, 2000 in the records of Klamath County, Oregon in Book M00, on Page 7653 and that said Deed of Trust was modified by Modification Agreement and recorded August 13, 2015 as Instrument Number 2015-009002 and the beneficial interest was assigned to M&T Bank and recorded August 13, 2015 as Instrument Number 2015-009001 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: R873035/R-3909-007BC-00201-000

**LOTS 189, 190 AND 191 OF CREGAN PARK, 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, M&T Bank, 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 **\$5,125.65** beginning **October 1, 2016**, as follows:

\$1,817.79 = 3 monthly payment(s) at \$605.93

\$3,307.86 = 6 monthly payment(s) at \$551.31

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 **\$45,956.23**, said sums being the following:

1. Principal balance of **\$41,034.67** and accruing interest as of **June 21, 2017**, per annum, from **September 1, 2016** until paid.
2. **\$3,167.09** in interest
3. **\$42.00** in late charges
4. **\$830.85** in negative escrow balance
5. **\$820.62** in corporate advances
6. **\$47.00** in foreclosure fees and costs
7. 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 **November 8, 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:

DAVID WAYNE MILLER  
4441 CREGAN AVENUE, KLAMATH FALLS, OR 97601-5618

MONICA LYNN KLOEPPER AKA MONICA L. MILLER  
4441 CREGAN AVENUE, KLAMATH FALLS, OR 97601-5618

OCCUPANT  
4441 CREGAN AVENUE, KLAMATH FALLS, OR 97601-5618

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: June 21, 2017

28 NS

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 June 20, 2017 before me, LUCERO LOPEZ ~~JARED DEGENER~~, 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:  
In Source Logic at 702-659-7766  
Website for Trustee's Sale Information: [www.insourcelogic.com](http://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.

RECEIVED  
JAN 11 2017

DEPARTMENT OF JUSTICE  
PORTLAND LEGAL

<b>Lender/Beneficiary:</b>	M&T Bank
<b>Jurisdiction*</b>	New York

I, Christopher Zeis (printed name) being first duly sworn; depose, and state that:  
This affidavit is submitted for a claim of exemption to the Office of the Attorney General of Oregon under Oregon  
Laws 2013, chapter 304, §2(1)(b).

7. The above named Individual or entity commenced or caused an affiliate or agent of the Individual or entity to commence the following number of actions to foreclose a residential trust deed by advertisement and sale under ORS 86.752 or by suit under ORS 88.010 during the calendar year preceding the date of this affidavit: 7 [not to exceed 175];
2. The undersigned further certifies that she/he: [check only one of the following boxes]  
[ ] Is the Individual claiming exemption from requirements established under Or Laws 2013, ch 304, or  
[✓] Is the Administrative Vice President \_\_\_\_\_ [insert title] of the entity claiming exemption from requirements established under Or Laws 2013, ch 304, and is authorized by such entity to execute this affidavit on its behalf.

(Signature)

Signed and sworn to (or affirmed) before me this 10<sup>th</sup> day of January, 2017  
by Christopher Zels, Administrative Vice President.

Notary Public for State of New York, Erie County  
My commission expires: 12/12/2019

Form 300 V7/5/13

Recording Requested By:

When Recorded Mail to:

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

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TS No. OR08000013-17-1

APN R873035/R-3909-007BC-00201-000

TO No. 170049424-OR-MSO

## AFFIDAVIT OF COMPLIANCE

When Recorded Mail to:

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

**AFFIDAVIT OF COMPLIANCE**  
With ORS 86.748

<b>Grantor:</b>	DAVID W MILLER, MONICA L KLOEPPER
<b>Beneficiary:</b>	M&T Bank
<b>Trustee:</b>	Nathan F. Smith, Esq., OSB #120112
<b>Property Address:</b>	4441 CREGAN AVENUE, KLAMATH FALLS, OR 97601
<b>Instrument Recording No.:</b>	Book M00, Page 7653

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

(1) I am the Banking Officer of M&T Bank, who is the Beneficiary of the above-referenced residential trust deed:

☒ is exempt pursuant to Oregon Laws 2013, chapter 304, section 2(1)(b)(A) from participation in resolution conferences with grantors as required by Oregon Laws 2013, chapter 304, section 2(1)(a). A copy of the affidavit of exemption under Oregon Laws 2013, chapter 304, section 2(1)(b)(A) is on file with the Oregon Attorney General; or

☐ participated in the resolution conferences process referenced above.

(2) The beneficiary has determined that the grantor(s) of the residential trust deed is/are:

☒ not eligible for a foreclosure avoidance measure; or

☐ has not complied with the terms of a foreclosure avoidance measure to which the grantor(s) has/have agreed; or

☐ has not requested a foreclosure avoidance measure

(3)

☒ The beneficiary mailed written notice, in plain language explaining the basis for the beneficiary's determination above, to the grantor(s) and to the Oregon Department of Justice within 10 days after making the determination as required by Oregon Laws 2013, chapter 304, section 9(1)(a) and (b); or

☐ The borrower did not request a foreclosure avoidance measure



(4) By reason of the above, the beneficiary has complied with the requirements of Oregon Laws 2013, chapter 304, section 9.

Ashley M. Misener  
(Signature)

Ashley M. Misener

(Printed Name)

State of New York )

County of Erie ) ss.:

On the 23 day of October, in the year 2017, before me, the undersigned, personally appeared Ashley M. Misener, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he she executed the same in his her capacity, and that by his her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Brittany Koehler

BRITTANY KOEHLER  
NOTARY PUBLIC STATE OF NEW YORK  
NIAGARA  
LIC. #01KO6357895  
COMM. EXP. 05/01/2021

Recording Requested By:

When Recorded Mail to:

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

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TS No. OR08000013-17-1

APN R873035/R-3909-007BC-00201-000

TO No. 170049424-OR-MSO

## 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#17836 SALE

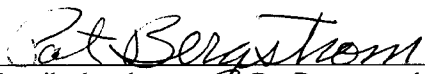
MILLER/KLOEPPER

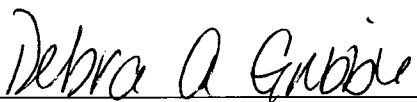
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

Insertion(s) in the following issues:

08/10/2017 08/17/2017 08/24/2017 08/31/2017

Total Cost: \$1267.64

  
Subscribed and sworn by Pat Bergstrom before me on:  
31st day of August in the year of 2017

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



**TS No. OR09000013-17-1 APN R873035/R-3909-007BC-00201-000 TO No 170049424-OR-MSO  
TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain Trust Deed made by: **DAVID W. MILLER, MONICA L. KLOEPPER as Grantor to AMERITITLE as Trustee**, in favor of **FIRST INDIANA BANK** as Beneficiary dated as of March 7, 2000 and recorded on March 9, 2000 in Book M00, on Page 7853 and that said Deed of Trust was modified by Modification Agreement and recorded August 13, 2015 as Instrument Number 2015-009002 and the beneficial interest was assigned to M&T Bank and recorded August 13, 2015 as Instrument Number 2015-009001 of official records in the Office of the Recorder of Klamath County, Oregon to-wit: APN: R873035/R-3909-007BC-00201-000 LOTS 189, 190 AND 191 OF CREGAN PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. Commonly known as: 4441 CREGAN AVENUE, KLAMATH FALLS, OR 97601

Both the Beneficiary, M&T Bank, 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): 3 Monthly Payment(s) from 10/01/2016 to 12/01/2016 at \$605.93 6 Monthly Payment(s) from 01/01/2017 to 06/01/2017 at \$551.31 Monthly Late Charge(s): 1 Monthly Late Charge(s) 06/28/2017

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 \$41,034.67 together with interest thereon at the rate of 9.59000% per annum from September 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 November 8, 2017 at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, 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: June 28, 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: In Source Logic at 702-659-7766 Website for Trustee's Sale Information: [www.insourcelogic.com](http://www.insourcelogic.com) Number 32691, Pub Dates: 08/10/2017, 08/17/2017, 08/24/2017, 08/31/2017, HERALD & NEWS #17836 August 10, 17, 24, 31, 2017.

Recording Requested By:

When Recorded Mail to:

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

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TS No. OR08000013-17-1

APN R873035/R-3909-007BC-00201-000

TO No. 170049424-OR-MSO

## AFFIDAVIT OF SERVICE

**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 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**":

**4441 Cregan Avenue  
Klamath Falls, OR 97601**

By delivering such copy, personally and in person to **ZACH KLOEPPER**, at the above Property Address on July 05, 2017 at 4:51 PM.

Upon **DAVID W MILLER**, by delivering such true copy at the dwelling house or usual place of abode of DAVID W MILLER, to-wit: 4441 Cregan Avenue, Klamath Falls, OR 97601, to ZACH KLOEPPER, 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 July 05, 2017 at 4:51 PM.

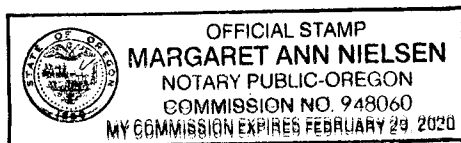
Upon **MONIC L KLOEPPER**, by delivering such true copy at the dwelling house or usual place of abode of MONIC L KLOEPPER, to-wit: 4441 Cregan Avenue, Klamath Falls, OR 97601, to ZACH KLOEPPER, who is a person 14 years of age or older residing in the dwelling house or usual place of abode of the person to be served on July 05, 2017 at 4:51 PM.

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

SUBSCRIBED AND SWORN BEFORE ME  
this 13<sup>th</sup> day of July, 20 17  
by Robert Bolenbaugh.

*Margaret A. Nielsen*  
Notary Public for Oregon

X *[Signature]*  
Robert Bolenbaugh  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*332577\*

OR08000013-17-1 / MILLER & KLOEPPER  
ISL# 32691

TCORPS

## 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 In-Source Logic On July 11, 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, to DAVID W MILLER, pursuant to ORCP 7D(2)(b).

The envelope was addressed as follows:

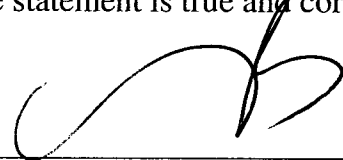
DAVID W MILLER  
4441 Cregan Avenue  
Klamath Falls, OR 97601

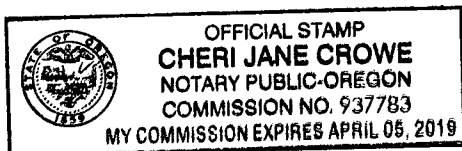
I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 11 day of July, 20 17  
by Mary Brodbeck.

Cheri Crowe  
Notary Public for Oregon

X

  
\_\_\_\_\_  
Mary Brodbeck  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*332577\*

OR08000013-17-1 / MILLER & KLOEPPER  
ISL# 32691

TCORPS

**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 In-Source Logic On July 11, 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, to MONIC L KLOEPPER, pursuant to ORCP 7D(2)(b).

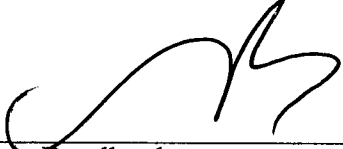
The envelope was addressed as follows:

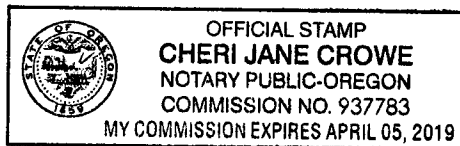
MONIC L KLOEPPER  
4441 Cregan Avenue  
Klamath Falls, OR 97601

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

SUBSCRIBED AND SWORN BEFORE ME  
this 11 day of July, 2017  
by Mary Brodbeck.

Cheri Crowe  
Notary Public for Oregon

X   
Mary Brodbeck  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*332577\*