

2018-001358

Klamath County, Oregon

02/02/2018 08:43:01 AM

Fee: \$52.00

NOTICE OF DEFAULT AND ELECTION TO SELL

Original Beneficiary Name:
CITIFINANCIAL, INC.

Current Beneficiary Name:
Bayview Loan Servicing, LLC, a Delaware Limited Liability Company

Trustor Name:
TONY M. KLOBUCAR AND CHRISTINE F. KLOBUCAR, AS TENANTS BY THE ENTIRETY

Original Trustee Name:
ASPEN TITLE AND ESCROW

Original trust deed recorded:
2/14/2002, as Document No.: 54476 Book M02 Page 9176

TS NO.: 17-47964

After recording return to:
Amy F. Harrington, Attorney at Law
c/o Zieve, Brodnax & Steele, LLP
One World Trade Center
121 Southwest Salmon Street, 11th Floor
Portland, OR 97204
Phone: (714) 848-7920

NOTICE OF DEFAULT AND ELECTION TO SELL

TONY M. KLOBUCAR AND CHRISTINE F. KLOBUCAR, AS TENANTS BY THE ENTIRETY was the grantor, to ASPEN TITLE AND ESCROW was the trustee, and CITIFINANCIAL, INC., was the beneficiary, of that certain deed of trust (hereafter referred to as the Trust Deed) dated 2/12/2002, recorded 2/14/2002, as Document No. 54476 in Book M02 Page 9176, in the Mortgage Records of Klamath County, Oregon, the loan was modified under Adjustment of Terms Agreement dated 7/3/2012, all covering the following described real property situated in the above-mentioned county and state, to wit:

THE W 1/2 NE 1/4 OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN SYCAN ROAD AND FIVE MILE CREEK ROAD.

The street address or other common designation, if any for the real property described above is purported to be:
48220 SYCAN RD, BEATTY, OREGON 97621

The Tax Assessor's Account ID for the Real Property is purported to be: **R-3513-03200-01100-000 / R296469**

The undersigned successor trustee, Amy F. Harrington, Attorney at Law c/o Zieve, Brodnax & Steele, LLP hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary 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 law.

Notice is hereby given by the present and successor trustee, Amy F. Harrington, Attorney at Law pursuant to the written instructions of the present beneficiary, that the beneficiary by reason of the grantor's default, and that Amy F. Harrington, Attorney at Law as Trustee by virtue of his powers under ORS 86.752(3) and by virtue of the grantors default, has/have elected and hereby elects to foreclose the above referenced Trust Deed by advertisement and sale pursuant to ORS 86.705 to 86.815 in order to satisfy the grantor's obligations secured by the Trust Deed. All right, title, and interest in the said described property which the grantors had, or had power to convey, at the time of execution of the Trust Deed, together with any interest the grantors or their successors in interest acquired after execution of the Trust Deed shall be sold at public auction to the highest bidder for cash to satisfy the obligations secured by the Trust Deed and the expenses of sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

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:

Delinquent Payments Thru 12/29/2017:

<u>FROM</u>	<u>THRU</u>	<u>NO. PMT</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>TOTAL</u>
12/1/2016	12/29/2017	13	5.0	\$703.27	\$9,142.51

Corporate Advance	\$636.00
TOTAL FORECLOSURE COST:	\$1,197.50
TOTAL REQUIRED TO CURE:	<u>\$10,976.01</u>

Please note the amounts stated herein are subject to confirmation and review and are likely to change during the next 30 days. Please contact Amy F. Harrington, Attorney at Law to obtain a "reinstatement" and or "payoff" quote prior to remitting funds.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the Trust Deed due and payable. The amount required to discharge this lien in its entirety as of 12/29/2017 was: \$146,242.53

The monthly installment of principal and interest which became due on 12/1/2016, late charges, and all subsequent monthly installments of principal and interest.

You are responsible to pay all payments and charges due under the terms and conditions of the loan documents which come due subsequent to the date of this notice, including, but not limited to, foreclosure trustee fees and costs, advances and late charges.

Furthermore, as a condition to bring your account in good standing, you must provide the undersigned with written proof that you are not in default on any senior encumbrance and provide proof of insurance.

Nothing in this notice of default should be construed as a waiver of any fees owing to the beneficiary under the deed of trust, pursuant to the terms and provisions of the loan documents.

Nothing in this Notice of Default should be construed as a waiver of any fees owing to the beneficiary under the Deed of Trust, pursuant to the terms and provisions of the loan documents.

The Sale will be held at the hour of **10:00 AM**, in accord with the standard of time established by ORS 187.110 and pursuant to ORS 86.771(7) on **6/20/2018**, at the following designated place:

On the front steps of the Circuit Court, 316 Main Street. in the City of Klamath Falls, County of Klamath, 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:

NONE

Notice is further given that any person named in ORS 86.778 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 of the Trust Deed, and in addition to paying the 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 fees not exceeding the amounts provided by ORS 86.778.

The mailing address of the trustee is
Amy F. Harrington, Attorney at Law
c/o Zieve, Brodnax & Steele, LLP
One World Trade Center
121 Southwest Salmon Street, 11th Floor
Portland, OR 97204
Phone: (714) 848-7920

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 the plural, the word "grantor" includes any successor in interest to this 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: 1-31-18

Amy F. Harrington, Attorney at Law
c/o Zieve, Brodnax & Steele, LLP

By: [Signature]
Amy F. Harrington

State of OREGON)ss.
County of MULTNOMAH)

I certify that this document was signed or attested before me on 1-31-18 by Amy F. Harrington, Attorney at Law.

[Signature]
NOTARY NAME: Zina Kraskoff
NOTARY PUBLIC - STATE OF OREGON
COMMISSION NO: 953062
MY COMMISSION EXPIRES: Aug 03, 2020

