

Re: Trust Deed from  
Dominic E. Hayden  
**Grantors**

to  
Dean S. Kaufman  
**Trustee**

**After Recording Return To:**  
Bradley S. Copeland, Successor Trustee  
Arnold Gallagher P.C.  
800 Willamette Street, Suite 800  
Eugene, OR 97401

**2018-009756**

**Klamath County, Oregon**

08/17/2018 10:22:01 AM

Fee: \$147.00

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE,  
NOTICE TO RESIDENTIAL TENANTS, AND HOME LOSS DANGER NOTICE**

STATE OF OREGON            )  
  )       ss.  
County of Lane            )

I, Bradley S. Copeland, being first duly sworn, depose, 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 18 years and not the beneficiary or beneficiary's successor in interest named in the attached original Trustee's Notice of Sale, Notice to Residential Tenants, and Home Loss Danger Notice 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 notices 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, and by personal delivery to the occupants of said property at the address set forth below, to-wit:

Name	Address
Dominic Hayden	6720 Amber Avenue Klamath Falls, OR 97603
Dominic Hayden	207 N. Rogers Avenue Klamath Falls, OR 97603
Dominic Hayden	47600 Hwy 97 N Chiloquin, OR 97624

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, 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 86.764.


Each of the notices so mailed was certified to be a true copy of the original notice; each such copy was contained in a sealed envelope, with postage thereon fully prepared, and was deposited by me in the United States post office at Eugene, Oregon, on April 30, 2018. 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.

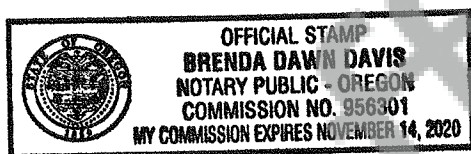
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

  
Bradley S. Copeland, Successor Trustee

STATE OF OREGON    )  
                                  ) ss.  
County of Lane        )

SIGNED AND SWORN to before me this 30<sup>th</sup> day of April, 2018, by Bradley S. Copeland, Successor Trustee.

  
Notary Public for Oregon  
My Commission Expires: 11-14-20



## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Dominic Hayden, as grantor, to Dean S. Kaufman, Attorney at Law, as trustee, in favor of PacWest Funding, Inc., an Oregon corporation, dba Precision Capital, as beneficiary, dated December 28, 2016, and recorded on January 2, 2017, as Instrument No. 2017-000026 of the Official Records of Klamath County, Oregon and that certain Assignment of Trust Deed by Beneficiary recorded on February 17, 2017 as Instrument No. 2017-001688 in the Official Records of Klamath County, Oregon wherein PC-1216-H Joint Venture is named as successor beneficiary under said trust deed covering the following described real property situated in said county and state, to-wit:

Block 19, RIVERSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Both the Beneficiary and the successor 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 Oregon Revised Statutes 86.752(3); the default for which the foreclosure is made is Grantors' failure to pay when due the following sums: interest only payments in an amount not less than \$749.38 per month beginning February 8, 2018 and continuing each month thereafter.

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: the principal balance of \$75,000.00, together with accrued interest through March 26, 2018 in the amount of \$1,973.35, with interest continuing to accrue thereafter at the rate of \$24.98 per diem until paid, late charges in the sum of \$74.94 and such other costs, charges and fees as are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned successor Trustee will, on **September 19, 2018**, at the hour of **10:00 A.M.**, in accord with the standard of time established by ORS 187.110, **Klamath County Courthouse front entrance, 316 Main Street, Klamath Falls, Oregon**, sell at public auction to the highest bidder for cash the interest in said described real property which the Grantor had or had power to convey at the time of the execution by them of the said Trust Deed, together with any interest which the Grantors or 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 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 rendering 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 ORS 86.778.

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 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 DEBT DESCRIBED IN THIS TRUSTEE'S NOTICE OF SALE WILL BE ASSUMED TO BE VALID UNLESS WITHIN 30 DAYS AFTER THE RECEIPT OF THIS NOTICE THE PERSON(S) OBLIGATED OR ALLEGEDLY OBLIGATED TO PAY THE DEBT DISPUTES IN WRITING THE VALIDITY OF THE DEBT OR SOME PORTION OF IT.

If the Successor Trustee is notified in writing within the 30 day period that the debt or some portion of it is disputed, the Successor Trustee will obtain verification of the debt. Then, a copy of the verification will be mailed by the Successor Trustee to the person(s) notifying him of the dispute.

Upon written request within the 30 day period, the Successor Trustee will provide the name and address of the original creditor if different than the current creditor named above.

Written requests to the Successor Trustee should be delivered to: Bradley S. Copeland, Arnold Gallagher P.C., PO Box 1758, Eugene, OR 97440-1758.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

DATED: April 30, 2018



Bradley S. Copeland, Successor Trustee

STATE OF OREGON     )  
                                      : ss.  
County of Lane         )

On this 30th day of April, 2018, personally appeared before me the foregoing Bradley S. Copeland, as Successor Trustee, to me known to be the individual described in and who executed the foregoing instrument, and who acknowledged to me that he signed the same freely and voluntarily, for the uses and purposes therein mentioned.



Notary Public for OREGON

My Commission Expires: 11-14-20

**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 207 N. Rogers Avenue, Klamath Falls, OR 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 March 26, 2018 is the principal balance of \$75,000.00, together with accrued interest through March 26, 2018 in the amount of \$1,973.35, with interest continuing to accrue thereafter at the rate of \$24.98 per diem until paid, late charges in the sum of \$74.94, and such other costs, charges and fees as are due under the note or other instrument secured, and as are provided by statute. 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 Simon Thaler at Precision Capital (541) 485-2223 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: Bradley S. Copeland, Successor Trustee, 800 Willamette Street, Suite 800, Eugene, OR 97401.

**THIS IS WHEN AND WHERE  
YOUR PROPERTY WILL BE SOLD  
IF YOU DO NOT TAKE ACTION:**

**Date and time:** September 19, 2018 at 10:00 a.m.  
**Place:** Klamath County Courthouse Front Entrance  
316 Main Street, Klamath Falls, Oregon

**THIS IS WHAT YOU CAN DO TO STOP THE SALE:**

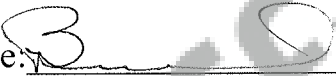
1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call Simon Thaler at Precision Capital, (541) 485-2223 to request that your lender give you more time or change 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 **1-855-480-1950**. 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 may visit its website at: **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://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.

Successor Trustee name: Bradley S. Copeland

telephone number: (541) 484-0188

Successor Trustee signature: 

Date: April 30, 2018



## **NOTICE TO RESIDENTIAL TENANTS**

**TO: Occupant(s)**  
**207 N. Rogers Avenue**  
**Klamath Falls, OR 97601**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **September 19, 2018**. 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:**

- 1) THE REMAINDER OF YOUR FIXED TERM LEASE, IF YOU HAVE A FIXED TERM LEASE; OR**
- 2) 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.

**HOW TO FIND 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 may visit its website at [www.osbar.org](http://www.osbar.org). Legal assistant 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 [www.oregonlawhelp.org](http://www.oregonlawhelp.org).

Dated: April 30, 2018



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Bradley S. Copeland, Successor Trustee  
Arnold Gallagher P.C.  
800 Willamette Street, Suite 800  
Eugene, OR 97401-2996  
Telephone: (541) 484-0188  
Fax: (541) 484-0536

Unofficial Copy

# AFFIDAVIT OF SERVICE

<b>Case:</b>	<b>Court:</b> IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF KLAMATH	<b>County:</b> Klamath Falls, OR	<b>Job:</b> 2247933
<b>Plaintiff / Petitioner:</b> Dominic E. Hayden		<b>Defendant / Respondent:</b> Occupants	
<b>Received by:</b> On Time Process Services		<b>For:</b> Arnold Gallagher Attorney at law	
<b>To be served upon:</b> Occupants			

I, Gary Clayton, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** Occupants , Home: 207 N Rogers St, Klamath Falls, OR 97601

**Manner of Service:** Posted, May 12, 2018, 11:18 am PDT Mailed from Klamath County on 5/12/2018

**Documents:** Trustee Notice of Sale (Received May 3, 2018 at 9:36am PDT), Notice to Residential Tenants (Received May 3, 2018 at 9:36am PDT), Home Loss Danger Notice (Received May 3, 2018 at 9:36am PDT)

## Additional Comments:

1) Successful Attempt: May 4, 2018, 4:34 pm PDT at Home: 207 N Rogers St, Klamath Falls, OR 97601 received by Occupants . Property appears to be vacant, it is also a Duplex with address 207 and 209. Paperwork posted to front door.

2) Successful Attempt: May 8, 2018, 3:31 pm PDT at Home: 207 N Rogers St, Klamath Falls, OR 97601 received by Occupants . Posted to front door

3) Successful Attempt: May 12, 2018, 11:18 am PDT at Home: 207 N Rogers St, Klamath Falls, OR 97601 received by Occupants . Posted to front door

Mailed from Klamath County on 5/12/2018



08/06/2018

Gary Clayton

Date


On Time Process Services  
533 Main St.  
Klamath Falls, OR 97601  
(541)810-3411

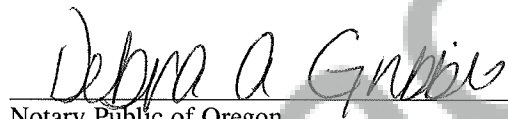
**AFFIDAVIT OF PUBLICATION  
STATE OF OREGON,  
COUNTY OF KLAMATH**

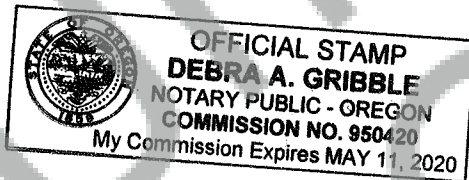
I, Pat Bergstrom, Legal Specialist, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#18484 SALE HAYDEN #2 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:  
07/10/2018 07/17/2018 07/24/2018 07/31/2018

Total Cost: \$1496.12

  
Subscribed and sworn by Pat Bergstrom before me on:  
31st day of July in the year of 2018

  
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 Dominic Hayden, as grantor, to Dean S. Kaufman, Attorney at Law, as trustee, in favor of PacWest Funding, Inc., an Oregon corporation, dba Precision Capital, as beneficiary, dated December 28, 2016, and recorded on January 2, 2017, as Instrument No. 2017-000026 of the Official Records of Klamath County, Oregon and that certain Assignment of Trust Deed by Beneficiary recorded on February 17, 2017 as Instrument No. 2017-001688 in the Official Records of Klamath County, Oregon wherein PC-1216-H Joint Venture is named as successor beneficiary under said trust deed covering the following described real property situated in said county and state, to-wit:

Block 19, RIVERSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Both the Beneficiary and the successor 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 Oregon Revised Statutes 86.752(3); the default for which the foreclosure is made is Grantors' failure to pay when due the following sums: interest only payments in an amount not less than \$749.38 per month beginning February 8, 2018 and continuing each month thereafter.

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: the principal balance of \$75,000.00, together with accrued interest through March 26, 2018 in the amount of \$1,973.35, with interest continuing to accrue thereafter at the rate of \$24.98 per diem until paid, late charges in the sum of \$74.94 and such other costs, charges and fees as are due under the note or other instrument secured, and as are provided by statute.

WHEREFORE, notice is hereby given that the undersigned successor Trustee will, on **September 19, 2018**, at the hour of **10:00 A.M.**, in accord with the standard of time established by ORS 187.110, **Klamath County Courthouse front entrance, 316 Main Street, Klamath Falls, Oregon**, sell at public auction to the highest bidder for cash the interest in said described real property which the Grantor had or had power to convey at the time of the execution by them of the said Trust Deed, together with any interest which the Grantors or 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 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 rendering 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 ORS 86.778.

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**THE DEBT DESCRIBED IN THIS TRUSTEE'S NOTICE OF SALE WILL BE ASSUMED TO BE VALID UNLESS WITHIN 30 DAYS AFTER THE RECEIPT OF THIS NOTICE THE PERSON(S) OBLIGATED OR ALLEGEDLY OBLIGATED TO PAY THE DEBT DISPUTES IN WRITING THE VALIDITY OF THE DEBT OR SOME PORTION OF IT.**

If the Successor Trustee is notified in writing within the 30 day period that the debt or some portion of it is disputed, the Successor Trustee will obtain verification of the debt. Then, a copy of the verification will be mailed by the Successor Trustee to the person(s) notifying him of the dispute.

Upon written request within the 30 day period, the Successor Trustee will provide the name and address of the original creditor if different than the current creditor named above.

Written requests to the Successor Trustee should be delivered to: Bradley S. Copeland, Arnold Gallagher P.C., PO Box 1758, Eugene, OR 97440-1758.

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

DATED: April 30, 2018

Bradley S. Copeland, Successor Trustee

541-484-0188

#18484 July 10, 17, 24, 31, 2018.