

2018-011040

Klamath County, Oregon

09/11/2018 02:16:01 PM

Fee: \$117.00

**PROOF OF SERVICE
JEFFERSON STATE PROCESS SERVICE**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: **TRUSTEE'S NOTICE OF SALE; FAIR DEBT COLLECTION PRACTICES ACT AND DANGER NOTICE**

FOR THE WITHIN NAMED: All Occupants of 510 Miller Island Rd. Klamath Falls, OR 97603

☒ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to Kyrin Greenwood at the address below.

☒ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to Kyrin Greenwood, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for: Perry Greenwood

☐ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1st Attempt:

2nd Attempt:

3rd Attempt:

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on ___ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of August 29, 2018, I mailed a copy of the Trustee's Notice of Sale addressed to All Known Occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed

Chelsey Chambers

510 Miller Island Rd. Klamath Falls, OR 97603

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

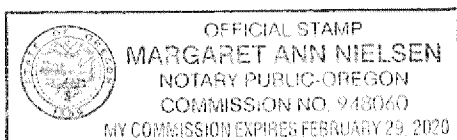
August 28, 2018
DATE OF SERVICE
☐ or non occupancy

2:05 PM
TIME OF SERVICE

By:

Robert W. Bolenbaugh
ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 7 day of September, 2018.



Margaret A. Nielsen

TRUSTEE'S NOTICE OF SALE

NOTICE is hereby given that the obligation secured by the trust deed described below is in default, and that the Beneficiary has elected to foreclose the trust deed pursuant to ORS 86.726 through ORS 86.815. The information required by ORS 86.771 is as follows:

1. **Grantor:** Kyrin R. Greenwood
Trustee: First American Title Company
Successor Trustee: Ben Freudenberg;
Beneficiary: Robert Burstein, an individual and as Trustee of the Robert Burstein Retirement Plan
2. The Property covered by the trust deed is that property in Klamath County, Oregon described as follows: .

A tract of land situated in Government Lot 1 in the NW1/4 of Section 29, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point 40 feet South of the Northwest corner of the NE1/4 NW1/4 of Section 29, Township 39 South, Range 9 East of the Willamette Meridian; thence South 1280 feet; thence East 659.4 feet; thence North 1280 feet to the South line of the Miller Island Road; thence West along the line of said road 659.4 feet to the point of beginning.

EXCEPTING THEREFROM a tract of land situated in Government Lot 1 in the NW1/4 of Section 29, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point 40 feet South of the Northwest corner of the NE1/4 NW1/4 of Section 29, Township 39 South, Range 9 East of the Willamette Meridian; thence South 1280 feet; thence East 281.22 feet; thence North 1280 feet to the South line of the Miller Island Road; thence West along the line of said road 282.99 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying within the right of way of Miller Island Road.

3. The trust deed is dated July 24, 2012, and was recorded on July 31, 2012 as Document No. 2012-008387 in the Official Records of Klamath County, Oregon.
4. The defaults for which foreclosure is made is failure to pay or perform the following:
 - 4.1. Grantor's failure to pay monthly payments; and
 - 4.2. Grantor's failure to pay late charges.
5. The sum owing on the obligation secured by the trust deed is \$107,219.39 together with interest thereon at the rate of ten percent (10 %) per annum from April 20, 2018, until paid, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the terms of said trust deed.
6. The Beneficiary has and does elect to sell the property to satisfy the obligation. An amended notice of default was recorded on August 23, 2018, as Document No. 2018-010166, Official Records of Klamath County, Oregon.
7. The property will be sold in the manner prescribed by law on **January 17, 2019**, at the hour of **11:00 a.m.** in accordance with the standard of time established by Section 187.110, Oregon

Revised Statutes on the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon.

8. Without limiting the trustee's disclaimer of representations or warranties, Oregon law requires the trustee to state in the 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.

9 Interested persons are notified of the right under ORS 86.778 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, other than such portion as would not then be due had no default occurred, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this notice, at any time prior to five (5) days before the date the Trustee conducts the sale.

This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

NOTICE TO RESIDENTIAL TENANTS.

The property in which you are living is in foreclosure. **A foreclosure sale is scheduled for January 17, 2019.** 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 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:

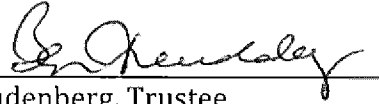
- You do not owe rent;
- The new owner is not your landlord and is not responsible for maintaining the property on your behalf; and
- You must move out by the date the new owner specifies in a notice to you.

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. The Oregon State Bar Lawyer Referral Service telephone number is 503-684-3763, or toll free in Oregon at 800-452-7626, or you may visit its website at: www.osbar.org. 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. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

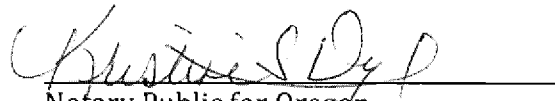
DATED: August 23, 2018.



Ben Freudenberg, Trustee
600 N.W. Fifth Street
Grants Pass OR 97526
(541) 476-6627 phone; (541) 476-7048 fax

STATE OF OREGON)
) ss.
County of Josephine)

The foregoing instrument was acknowledged before me on August 23, 2018, by Ben Freudenberg as Trustee.



Notary Public for Oregon
My Commission expires: June 19, 2022

I, the undersigned, certify that I am the successor trustee and that the foregoing is a complete and exact copy of the original trustee's notice of sale.

Ben Freudenberg, Trustee

**NOTICE REQUIRED BY THE
FAIR DEBT COLLECTION PRACTICES ACT, 15 USC SECTION 1692**

1. The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
2. The beneficiary named in the attached Trustee's Notice of Sale is the creditor to whom the debt is owed.
3. The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the trustee unless the debtor, within thirty (30) days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
4. If the debtor notifies the trustee in writing within thirty (30) days of receipt of this notice that the debt or any portion thereof is disputed, the trustee will provide verification of the debt, and a copy of the verification will be mailed to the debtor by the trustee.
5. If the creditor named as beneficiary in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the trustee within the thirty (30) days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
6. Written requests or objections should be addressed to:

Ben Freudenberg, Attorney at Law
Davis, Freudenberg, Day & Galli
600 NW Fifth Street
Grants Pass, Oregon 97526
541-476-6627
7. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

[ATTACHMENT to Trustee's Notice of Sale]

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 510 Miller Island Road, Klamath Falls, Oregon.

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 the July 30, 2018 to bring your Mortgage Loan current was \$2,829.00 (plus late fees) 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 (541) 476-6627 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 Ben Freudenberg at Davis, Freudenberg, Day & Galli, 600 NW 5th Street, Grants Pass, OR., 97526.

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

**DATE AND TIME OF SALE: January 17, 2019 AT 11:00 O'CLOCK A.M.
Pacific Daylight Time**

Place of Sale: on the front steps of the Klamath County Courthouse, 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 **Ben Freudenberg at 541-476-6627** to request your lender 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 foreclosures 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 1-800-SAFENET (1-800-723-3638). You may also wish to talk to a lawyer. If you need help finding a lawyer, you can call the Oregon State Bar Lawyer Referral Service at 503-684-3763 or toll free at 1-800-452-7636 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> or contact the following:

Legal Aid Services of Oregon
832 Klamath Ave.
Klamath Falls, Or. 97601
541-273-0533

Department of Consumer & Business Services
Division of Finance and Corporate Securities
350 Winter Street NE, Room. 410
Salem, OR 97301-3881
Phone: (503) 378-4140 or (503) 378-4387
TTY - Hearing impaired assistance: (503) 378-4100
E-mail: dcbs.dfcsmail@state.or.us

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: August 23, 2018.


Ben Freudenberg, Trustee
Davis Freudenberg Day & Galli
600 N W 5th Street, Grants Pass OR 97526
Phone: 541-476-6627; Fax 541-476-7048