

After recording return to:
Alan N. Stewart
Merrill O'Sullivan
805 SW Industrial Way, Ste. 5
Bend, OR 97702

2018-011048

Klamath County, Oregon

09/11/2018 03:14:01 PM

Fee: \$142.00

**AFFIDAVIT OF CERTIFIED MAILING TRUSTEE'S NOTICE OF SALE
AFFIDAVIT OF SERVICE, AFFIDAVIT OF PUBLICATION**

I, ALAN N. STEWART, being first duly sworn on oath, depose and say that:

1. I am an Oregon licensed attorney and am the Successor Trustee for that certain Deed of Trust made by JOSEPH C. MCFARLAN and KIMBERLY K. MCFARLAN, as Grantors, to the Rural Housing Service or its successor agency, as the Trustee, in favor of the United States of America acting through the Rural Housing Service or successor agency, United States Department of Agriculture, as Beneficiary, dated November 7, 2008, recorded November 14, 2008, as Document No: 2008-015422, Records of Klamath County Oregon, covering the following described real property situated in KLAMATH County, Oregon. The Deed of Trust encumbers the property described as follows:

Lot 9 in Block 20, TRACT 1113 – OREGON SHORES UNIT 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Commonly referred to as 34117 Oregon Shores Drive, Chiloquin, OR 97624.

Alan N. Stewart of Merrill O'Sullivan, 805 SW Industrial Way, Suite 5, Bend, OR 97702, was appointed Successor Trustee by the Beneficiary on February 1, 2018.

2. May 16, 2018, I caused to be filed with the Oregon Attorney General, Department of Justice, a true copy of the Foreclosure Avoidance Mediation Program Beneficiary Exemption Affidavit on behalf of the beneficiary, pursuant to OAR 137-110-0300.

3. A Notice of Default and Election to Sell, with attached Foreclosure Avoidance Program Beneficiary Exemption Affidavit, was recorded May 17, 2018 as 2018-006049, in the Official Records of Klamath County, Oregon.

4. May 21, 2018, I served a true copy of the Notice of Default and Election to Sell with attached Beneficiary Exemption Affidavit; a Notice Required by the Fair Debt Collection Practices Act, 15 USC Section 1692, with attached true copy of Trustee's Notice of Sale; Residential Foreclosure Notice; and Notice to Residential Tenants. The original Trustee's Notice of Sale is attached to this Affidavit. These documents were served by placing a true copy in an envelope which was then sealed and sent postage fully prepaid, by certified mail, return receipt requested and by regular U.S. Mail to the following:

GRANTOR(S)

Joseph C. McFarlan
Kimberly K. McFarlan
34117 Oregon Shores Drive,
Chiloquin, OR 97624

GRANTOR(S)

Joseph C. McFarlan
Kimberly K. McFarlan
34117 Oregon Shores Drive,
Chiloquin, OR 97624

I certify that the address set out above is the last known address for Grantor(s). Copies of the certified mail receipt and return card are attached to this Affidavit.

5. May 21, 2018, I served a true copy of the Notice of Default and Election to Sell with attached Beneficiary Exemption Affidavit and true copy of Trustee's Notice of Sale to interested parties whose interest appears of record, as required by ORS 86.764. These documents were served by placing a true copy in an envelope which was then sealed and sent postage fully prepaid, by certified mail, return receipt requested and by regular U.S. Mail on the dates indicated to the following:

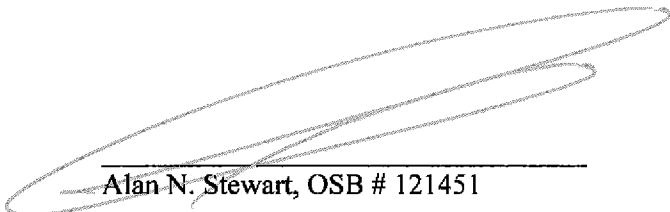
Oregon Shores Recreational Club
2019 Meadowview Dr.
Chiloquin, OR 97624

Copies of the certified mail receipts and return cards are attached to this Affidavit.

6. Service was made on the occupants of the property, by delivering a true copy of the Notice of Default and Election to Sell and Beneficiary Exemption Affidavit; original Notice Required by the Fair Debt Collection Practices Act, 15 USC Section 1692, with attached true copy of Trustee's Notice of Sale; original Residential Foreclosure Notice; and original Notice to Residential Tenants upon the occupant(s) at the following property address: 34117 Oregon Shores Drive, Chiloquin, OR 97624, in the manner of: On May 29, 2018 at 4:13 p.m., personal service was attempted and at that time the above documents were posted conspicuously at the property address. Subsequent attempts were made and documents posted on the property on June 1 and June 5, 2018. On June 6, 2018, true copies of the Notice of Default and Election to Sell and Beneficiary Exemption Affidavit; original Notice Required by the Fair Debt Collection Practices Act, 15 USC Section 1692, with attached true copy of Trustee's Notice of Sale; original Residential Foreclosure Notice; and original Notice to Residential Tenants were mailed by First Class Mail, postage prepaid thereon, in a sealed envelope, addressed to "Occupants" at the address listed above, pursuant to ORS 86.774(1)(b)(C). The original Affidavit of Service is attached to this Affidavit and incorporated herein.

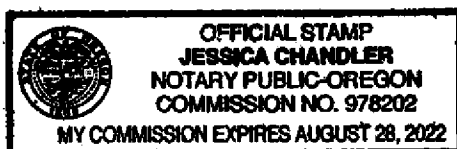
7. The Trustee's Notice of Sale attached was published in Herald and News, a newspaper of general circulation in Klamath County, Oregon, for four successive and consecutive weeks in the following issues: July 4, 11, 18, 25, 2018. The original Affidavit of Publication for the Trustee's Notice of Sale is attached to this Affidavit and incorporated herein.

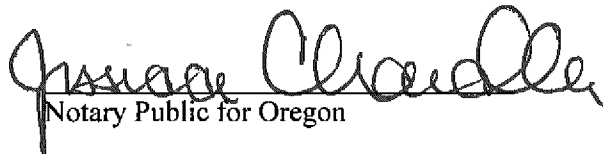
Dated this 11th day of September, 2018.


Alan N. Stewart, OSB # 121451

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on the 11th day of September, 2018 by Alan N. Stewart.




Notary Public for Oregon

After Recording Return to:
Alan N. Stewart
Merrill O'Sullivan, LLP
805 SW Industrial Way, Ste. 5
Bend, OR 97702

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Deed of Trust made by JOSEPH C. MCFARLAN and KIMBERLY K. MCFARLAN, as Grantors, to the Rural Housing Service or its successor agency, as the Trustee, in favor of the United States of America acting through the Rural Housing Service or successor agency, United States Department of Agriculture, as Beneficiary, dated November 7, 2008, recorded November 14, 2008, as Document No: 2008-015422, Records of Klamath County Oregon, covering the following described real property situated in KLAMATH County, OR, to-wit:

Lot 9 in Block 20, TRACT 1113 – OREGON SHORES UNIT 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Commonly referred to as 34117 Oregon Shores Drive, Chiloquin, OR 97624.

Alan N. Stewart of Merrill O'Sullivan LLP, 805 SW Industrial Way, Bend, OR 97702, was appointed Successor Trustee by the Beneficiary on February 1, 2018.

Both the Beneficiary and Trustee have elected to sell the said real property to satisfy the obligations secured by said Deed of Trust 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 Grantor's failure to pay when due the following sums:

As of February 7, 2018, pursuant to a Promissory Note dated November 14, 2008, the total amount of \$33,493.86, plus late charges in the amount of \$130.08 and fees due in the amount of \$1,987.32, for a total delinquency of \$35,611.26.

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Deed of Trust immediately due and payable, those sums being the following, to-wit:

As of February 7, 2018, unpaid principal in the amount of \$181,744.77, accrued interest in the amount of \$22,668.94, subsidy recapture in the amount of \$28,226.56, assessed fees in the amount of \$1,978.46, and interest on fees in the amount of \$100.53, for a total amount of \$234,719.26, plus interest continuing to accrue at the rate of \$26.7638 per day, including daily interest on fees at the rate of \$0.2913, until paid, plus any unpaid property taxes, attorney's fees, foreclosure costs, and sums advanced by the beneficiary pursuant to the terms of said Deed of Trust.

WHEREFORE, notice is hereby given that the undersigned Trustee will on October 10, 2018, at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the following place: on the front steps of the Klamath County Courthouse, located at 316 Main St., in the City of Klamath, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor has or had power to convey at the time of the execution by Grantor of the said Deed of Trust, together with any interest which the 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 (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust reinstated by

payment to the Beneficiary of the entire amount then due (other than such portion of the principal and interest as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Deed of Trust, 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 Deed of Trust, together with Trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.778.

In accordance with the Fair Debt Collection Practices Act, this is an attempt to collect a debt, and any information obtained will be used for that purpose. This communication is from a debt collector.

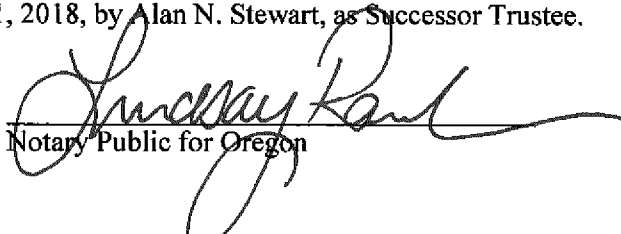
In construing this Notice, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by said Deed of Trust, and the words "Trustee" and "Beneficiary" include its respective successors in interest, if any.

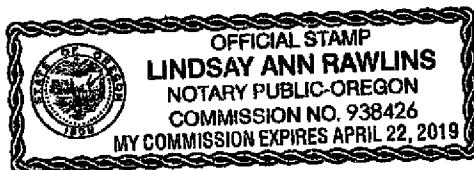
DATED: May 21, 2018.

ALAN N. STEWART, Successor Trustee
Merrill O'Sullivan LLP
805 SW Industrial Way, Bend, OR 97702
Telephone: 541-389-1770

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on May 21, 2018, by Alan N. Stewart, as Successor Trustee.


Notary Public for Oregon



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

Oregon Shores Recreational Club
2019 Meadowview Dr.
Chiloquin, OR 97624

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X McFarlan ☐ Agent ☐ Addressee

B. Received by (Printed Name)

Stan Jensen

C. Date of Delivery

5-23-18

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

Oregon Shores Recreational Club, Inc.
2019 Meadow View Drive
Chiloquin, OR 97624-9797

9590 9402 3780 8032 7747 13



2. Article Number (Transfer from outside label)

7017 1078 0000 5678 9794

(over 7500)

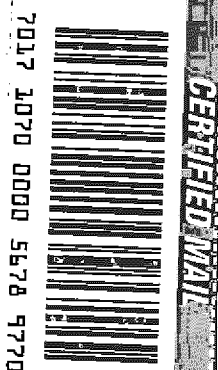
PS Form 3811, July 2015 PSN 7530-02-000-9053

McFarlan

Domestic Return Receipt

3. Service Type	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail (over \$500)	
<input type="checkbox"/> Insured Mail Restricted Delivery	

MERRILL O'SULLIVAN, LLP
ATTORNEYS AT LAW
805 SW INDUSTRIAL WAY, SUITE 5
BEND, OR 97702
(541) 389-1770
Fax (541) 389-1777



neopost
05/21/2018
US POSTAGE \$00
ZI 0417

PS Form 3811, July 2015 PSN 7530-02-000-9053

2. Article Number (Transfer from service label)
7017 1070 0000 5678 9770

3. Service Type
☐ Insured Mail
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Certified Mail
☐ Certified Mail Restricted Delivery
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Registered Mail
☐ Registered Mail Restricted Delivery
☐ Priority Mail Express®
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Restricted Delivery

4. Address Addressed Here
 Joseph C. McFarlan
 Kimberly K. McFarlan
 34117 Oregon Shores Drive,
 Chiloquin, OR 97624

5. Complete items 1, 2, and 3.
☐ Print your name and address on the reverse so that we can return the card to you.
☐ Attach this card to the back of the mailpiece, or on the front if space permits.

6. Signature
 X
 A. Signature
 B. Received by (Printed Name)
 C. Date of Delivery
☐ Addressee
☐ Agent

7. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

8. Return to Sender
☐ Return to Sender
☐ Return to Forward
☐ Return to Sender

9. Domestic Return Receipt

Joseph C. McFarlan
Kimberly K. McFarlan
34117 Oregon Shores Drive,
Chiloquin, OR 97624

NIXIE 976245042-1N 05/25/18

RETURN TO SENDER
UNABLE TO FORWARD
RETURN TO SENDER

**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

FOR THE WITHIN NAMED: Occupants of **34117 Oregon Shores Dr. Chiloquin, OR 97624**

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

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

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

1st Attempt: **May 29, 2018**

4:13 PM POSTED

2nd Attempt: **June 1, 2018**

2:14 PM POSTED

3rd Attempt: **June 5, 2018**

6:04 PM POSTED

☐ **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 June 6 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

Chelsea Chambers

34117 Oregon Shores Dr. Chiloquin, OR 97624
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.

May 29, 2018 4:13 PM
DATE OF SERVICE TIME OF SERVICE

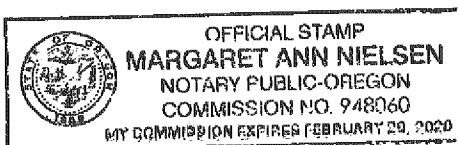
☐ or non occupancy

By: 

ROBERT W. BOLENBAUGH

Subscribed and sworn to before on this 6 day of June, 2018.

Margaret A. Nielsen
Notary Public for Oregon



**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#18481 SALE

MC FARLAN

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:

07/04/2018 07/11/2018 07/18/2018 07/25/2018

Total Cost: \$1353.32

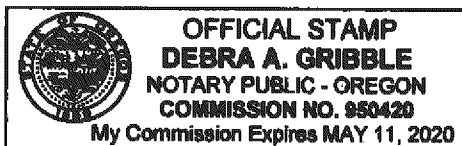
Pat Bergstrom

Subscribed and sworn by Pat Bergstrom before me on:
25th day of July in the year of 2018

Debra A Gribble

Notary Public of Oregon

My commission expires on May 11, 2020



After Recording Return to:
Alan N. Stewart
Merrill O'Sullivan, LLP
805 SW Industrial Way, Ste. 5
Bend, OR 97702

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Deed of Trust made by JOSEPH C. MCFARLAN and KIMBERLY K. MCFARLAN, as Grantors, to the Rural Housing Service or its successor agency, as the Trustee, in favor of the United States of America acting through the Rural Housing Service or successor agency, United States Department of Agriculture, as Beneficiary, dated November 7, 2008, recorded November 14, 2008, as Document No: 2008-015422, Records of Klamath County Oregon, covering the following described real property situated in KLAMATH County, OR, to-wit:

Lot 9 in Block 20, TRACT 1113 OREGON SHORES UNIT 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Commonly referred to as
34117 Oregon Shores Drive, Chiloquin, OR 97624.
Alan N. Stewart of Merrill O'Sullivan LLP, 805 SW Industrial Way, Bend, OR 97702, was appointed Successor Trustee by the Beneficiary on February 1, 2018.

Both the Beneficiary and Trustee have elected to sell the said real property to satisfy the obligations secured by said Deed of Trust 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 Grantor's failure to pay when due the following sums:
As of February 7, 2018, pursuant to a Promissory Note dated November 14, 2008, the total amount of \$33,493.86, plus late charges in the amount of \$130.08 and fees due in the amount of \$1,987.32, for a total delinquency of \$35,611.26.

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WHEREFORE, notice is hereby given that the undersigned Trustee will on October 10, 2018, at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the following place: on the front steps of the Klamath County Courthouse, located at 316 Main St., in the City of Klamath, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor has or had power to convey at the time of the execution by Grantor of the said Deed of Trust, together with any interest which the 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 (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal and interest as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Deed of Trust, 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 Deed of Trust, together with Trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.778.

In accordance with the Fair Debt Collection Practices Act, this is an attempt to collect a debt, and any information obtained will be used for that purpose. This communication is from a debt collector.

In construing this Notice, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by said Deed of Trust, and the words "Trustee" and "Beneficiary" include its respective successors in interest, if any.

DATED: May 21, 2018.

ALAN N. STEWART, Successor Trustee

Merrill O'Sullivan LLP

805 SW Industrial Way, Bend, OR 97702

Telephone: 541-389-1770

#18481 July 04, 11, 18, 25, 2018.