

2018-011206

Klamath County, Oregon

09/14/2018 02:38:00 PM

Fee: \$92.00

NOTICE OF DEFAULT AND ELECTION TO SELL

Original Beneficiary Name:

SOUTH VALLEY BANK & TRUST

Current Beneficiary Name:

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust,
not individually but as trustee for Hilldale Trust

Trustor Name:

ALLEN N CHIURA

Original Trustee Name:

AMERITITLE

Original trust deed recorded:

4/20/2005, as Book M05 Page 27866

TS NO.: 15-33992

After recording return to:

Janaya L. Carter, Attorney at Law
c/o Zieve, Brodnax & Steele, LLP
One World Trade Center
121 Southwest Salmon Street, 11th Floor
Portland, OR 97204
Phone: (503) 946-6558

NOTICE OF DEFAULT AND ELECTION TO SELL

ALLEN N CHIURA was the grantor, to AMERITITLE was the trustee, and SOUTH VALLEY BANK & TRUST, was the beneficiary, of that certain deed of trust (hereafter referred to as the Trust Deed) dated 4/15/2005, recorded 4/20/2005, as Document No. N/A in Book M05 Page 27866 in the Mortgage Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to wit: **Parcel 1 of Land Partition 59-04, said Land Partition being a replat of Parcel 3 of Land Partition 39-97, Land Partition 39-97 being a portion of Parcel 2 of "Minor Land Partition 9-90", said Land Partition 59-04 being situated in the NE1/4 of the SE1/4 of Section 15, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.**

TOGETHER WITH an easement for ingress and egress over and across Parcel 2 of Land Partition 59-04 as created by Land Partition 39-97 and as delineated on the face of Land Partition 59-04.

The street address or other common designation, if any for the real property described above is purported to be:
3635 COUGAR BUTTE LANE, KLAMATH FALLS, Oregon 97601

The Tax Assessor's Account ID for the Real Property is purported to be: **R-3809-015D0-00104-000 / R883852**

The undersigned successor trustee, Janaya L. Carter, 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, Janaya L. Carter, Attorney at Law pursuant to the written instructions of the present beneficiary, that the beneficiary by reason of the grantor's default, and that Janaya L. Carter, 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 as of 8/29/2018:

Delinquent Payments:

<u>FROM</u>	<u>THRU</u>	<u>RATES</u>	<u>TOTAL</u>
6/1/2014	8/29/2018	2.75 - 4.875	\$127,226.67

Beneficiary Advances:

Corporate Advance	\$2,434.77
Suspense	(\$1,189.06)
TOTAL FORECLOSURE COST:	\$84.00

TOTAL REQUIRED TO CURE:

\$128,556.38

Please note the amounts stated herein are subject to confirmation and review and are likely to change during the next 30 days. Please contact Janaya L. Carter, 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 8/29/2018 is: \$469,733.17

The monthly installment of principal and interest which became due on 6/1/2014, 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 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 **1:00 PM**, in accord with the standard of time established by ORS 187.110 and pursuant to ORS 86.771(7) on **1/28/2019**, at the following designated place:

Front Steps of the Klamath County Circuit Court, 316 Main Street, 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: **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.

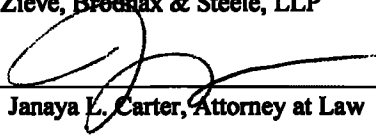
The mailing address of the trustee is
Janaya L. Carter, Attorney at Law
c/o Zieve, Brodnax & Steele, LLP
One World Trade Center
121 Southwest Salmon Street, 11th Floor
Portland, OR 97204
Phone: (503) 946-6558

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: 9/13/18

Janaya L. Carter, Attorney at Law
c/o Zieve, Brodnax & Steele, LLP

By: 

Janaya L. Carter, Attorney at Law

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Janaya L. Carter, Attorney at Law is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 9/13/2018


Edwin Febus
NOTARY PUBLIC in and for the State of
Washington, residing at Bothell
My commission expires 4/19/2019

