

2018-011480

Klamath County, Oregon



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09/20/2018 01:34:28 PM

Fee: \$97.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed  
From : Genaro Alvarez, Grantor

To AmeriTitle, Inc., Trustee

For the benefit of Robert D. Burnett  
and Shirley M. Burnett, Beneficiary

AFTER RECORDING RETURN TO:  
Scott D. MacArthur, Successor Trustee  
125 S. 6th Street  
Klamath Falls, OR 97601

*AMENDED*

NOTICE OF DEFAULT AND ELECTION TO SELL

KNOW ALL MEN BY THESE PRESENTS, that GENARO ALVAREZ is the grantor, and AMERITITLE, INC., Is the trustee, and ROBERT D. BURNETT and SHIRLEY M. BURNETT, Trustees under the Burnett Family Trust dated February 26, 2010, are the beneficiary under that certain trust deed dated April 1, 2013, and recorded on April 15, 2013, as Instrument No. 2013-003967 of the Mortgage (Microfilm) Records of Klamath County, Oregon. The property is described as:

The North 80 feet of Lots 678 and 679, Block 107, MILLS 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.

The undersigned 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 mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed.

There is a default by the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

Failure to make monthly payments in the amount of \$629.15 per month for February 2014, September 2014, November 2014, January 2015, February 2015, May 2015, and from July 2015 through September 2015, November 2015, December 2015, February 2016, August 2016, February 2017, April 2017, May 2017, July 2017, September 2017, October 2017, January 2018, April 2018, May 2018 and July 2018 to the present.

Returned at Counter

Failure to pay real property taxes for the 2015-2016 tax year in the amount of \$1,224.04 plus interest.

Failure to pay real property taxes for the 2016-2017 tax year in the amount of \$1,100.86 plus interest.

Failure to pay real property taxes for the 2017-2018 tax year in the amount of \$1,156.85 plus interest.

Failure to pay real property taxes for the 2013-2014 tax year in the amount of \$475.35 plus interest.

Failure to pay real property taxes for the 2014-2015 tax year in the amount of \$458.35 plus interest.

Failure to pay real property taxes for the 2015-2016 tax year in the amount of \$471.02 plus interest.

Failure to pay real property taxes for the 2016-2017 tax year in the amount of \$458.64 plus interest.

Failure to pay real property taxes for the 2017-2018 tax year in the amount of \$445.55 plus interest.

Fee imposed by Klamath County Tax Collector \$124.00.

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: \$68,199.20 as of June 13, 2018, plus interest and costs.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for case the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed, together with any interest the grantor or his successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trust deed and the expenses of the sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney.

Said sale will be held at the hour of 12:00 o'clock, P.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on January 18, 2019, at the following place: 125 S. 6th Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or the said 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 the grantor or of any lessee or other person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN OR INTEREST

Genaro Alvarez  
909 East Main Street  
Klamath Falls, OR 97601

Default

Klamath County , State of Oregon,  
305 Main Street  
Klamath Falls, OR 97601

Personal Property Tax Warrant, #2013040  
Recorded April 30, 2014  
Instrument No. 2014-004169

Klamath County , State of Oregon,  
305 Main Street  
Klamath Falls, OR 97601

Personal Property Tax Warrant, #2018-386  
Recorded March 23, 2018  
Instrument No. 2018-003523

Jefferson Capital Systems, LLC  
16 McLeland Road  
St. Cloud, MN 56303

Judgment dated July 1, 2014  
Klamath County Case 1401388CV  
As assigned by Liberty Acquisitions Systems.  
LLC, January 20, 2015.

Carter-Jones Collections, LLC  
1143 Pine Street  
Klamath Falls, OR, 97601

Judgment dated June 15, 2017  
Klamath County Case 17SC23249

LVNV Funding, LLC  
C/O JOHNSON MARK, LL  
901 N. Brutscher Street, D PMB 401  
Newberg, OR, 97132

Judgment dated August 21, 2018  
Klamath County Case 18CV23868

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 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 said Section 86.753 of Oregon Revised Statutes.

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,

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and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

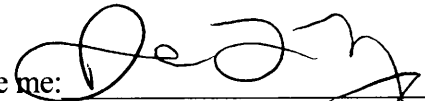
DATED: September 20, 2018.

  
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Scott D. MacArthur  
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of September,  
2018, by Scott D. MacArthur.



Before me:   
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Notary Public for Oregon  
My Commissioner Expires: 10/12/19