

2018-012562

Klamath County, Oregon

10/15/2018 09:42:00 AM

Fee: \$97.00

30.69NOTICE OF DEFAULT AND ELECTION TO SELL

Original Beneficiary Name:

Loandepot.com, LLC

Trustor Name:

Judy G. Hull

Original Trustee Name:

Fidelity National Title Company of Oregon

Original trust deed recorded:

3/22/2016, as Document No.: 2016-002981

TS NO.: CDS18-10106

After recording return to:

Commercial Default Services, LLC

4665 MacArthur Court, Suite 200

Newport Beach, California 92660

Phone: (949) 258-8960

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Judy G. Hull as grantor, to Fidelity National Title Company of Oregon as successor trustee, in favor of Loandepot.com, LLC, as beneficiary, dated 3/16/2016, recorded 3/22/2016, in the Records of Klamath County, Oregon, as Instrument No. 2016-002981 with Darren J. Devlin, Esq. OSBA# 971211, having been appointed by the beneficiary as successor trustee, covering the following described real property situated in the above-mentioned county and state, to wit:

Lots 19 and 20, Block 18, Hot Springs Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon

The street address or other common designation, if any for the real property described above is purported to be:

1675 Portland Street, Klamath Falls, OR 97601

The Tax Assessor's Account ID for the Real Property is purported to be: **R303638**

The undersigned trustee disclaims any liability for any incorrectness of the above street or other common designations.

The undersigned trustee hereby certifies that, upon information and belief after reasonable inquiry, 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 by ORS 86.752(7).

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:

Delinquent Payments

<u>FROM</u>	<u>THRU</u>	<u>NO. PMT</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>TOTAL</u>
5/1/2018		6	0	\$962.18	\$5,773.08

TS No: CDS18-10106

Loan No: XXXXXX2863

Beneficiary Advances

Accrued Late Charges	\$184.15
Inspection Report	\$65.00
NSF/Other Fees	\$25.00

\$6,047.23

TOTAL FORECLOSURE COST: \$3,737.88

TOTAL REQUIRED TO REINSTATE: \$9,785.11

Together with any default in payments of recurring obligations as they become due.

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

The sum of \$146,651.49 together with interest thereon at the rate of 4.1250 % per annum from 4/1/2018 until paid; plus all accrued late charges thereon; and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Notice hereby is given that the beneficiary and trustee, by reason of default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.815, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The Sale will be held at the hour of **10:00 AM**, in accord with the standard of time established by ORS 187.110 and pursuant to ORS 86.771(7) on **2/20/2019**, at the following place: **On the front steps of the Klamath Falls County Circuit Court, 316 Main Street, Klamath Falls** County of Klamath, State of Oregon, which is the hour, date and place last set for sale.

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:

Name and Last Known Address

Nature of Right, Lien or Interest

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 or 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
Darren J. Devlin, Esq. OSBA# 971211
4665 MacArthur Court, Suite 200
Newport Beach, California 92660
Phone: (949) 258-8960

TS No: CDS18-10106

Loan No: XXXXXX2863

Without limiting the trustee's disclaimer of representation 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 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.

The Beneficiary may be attempting to collect a debt and any information obtained may be used for that purpose.

Dated:

10/10/18

Darren J. Devlin, Esq. OSBA# 971211

By:

Darren J. Devlin

Darren J. Devlin, Esq, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California } ss.
County of San Diego }

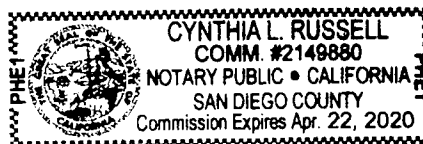
On 10/10/18 before me Cynthia L Russell, a notary public personally appeared **Darren J. Devlin** who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(~~ies~~), and that by his/~~her~~/their signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Cynthia L Russell



After recording, return to:

**OREGON FORECLOSURE AVOIDANCE PROGRAM
BENEFICIARY EXEMPTION AFFIDAVIT**

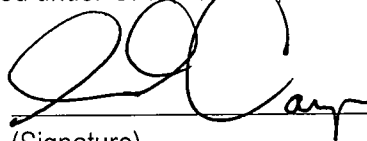
Lender/Beneficiary:	Arvest Central Mortgage Company
Jurisdiction*	Arkansas

*If Lender/Beneficiary is not a natural person, provide the state or other jurisdiction in which the Lender/Beneficiary is organized.

I, Slade Camp (printed name) being first duly sworn, depose, and state that:

This affidavit is submitted for a claim of exemption to the Office of the Attorney General of Oregon under Oregon Laws 2013, chapter 304, §2(1)(b).

1. The above named individual or entity commenced or caused an affiliate or agent of the individual or entity to commence the following number of actions to foreclose a residential trust deed by advertisement and sale under ORS 86.752 or by suit under ORS 88.010 during the calendar year preceding the date of this affidavit: 2 [not to exceed 175];
2. The undersigned further certifies that she/he: [check only one of the following boxes]
☐ is the individual claiming exemption from requirements established under Or Laws 2013, ch 304, or
☒ is the Vice President [insert title] of the entity claiming exemption from requirements established under Or Laws 2013, ch 304, and is authorized by such entity to execute this affidavit on its behalf.


(Signature)

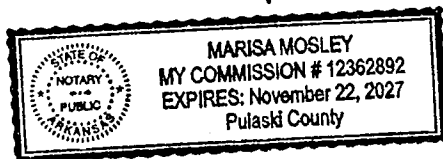
State of Arkansas)

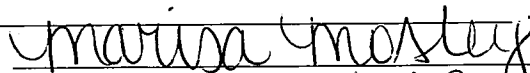
) ss.

County of Pulaski)

Signed and sworn to (or affirmed) before me this 1 day of September, 2018

by Slade Camp





Notary Public for Pulaski AR

My commission expires: 11-22-27