

RECORDING COVER PAGE

PER ORS 205.234

PLEASE FILL OUT
COMPLETE AND LEGIBLE

2018-013808

Klamath County, Oregon

11/14/2018 09:16:01 AM

Fee: \$162.00

THIS COVER PAGE HAS BEEN PREPARED BY THE PERSON
PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING.
ANY ERRORS IN THIS COVER PAGE **DO NOT** AFFECT THE
TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

AFTER RECORDING RETURN TO:

NAME AND ADDRESS OF THE PERSON AUTHORIZED TO RECEIVE THE
INSTRUMENT AFTER RECORDING AS REQUIRED BY ORS 205.180(4)
AND ORS 205.238.

Joseph E. Kellerman, Hornecker Cowling LLP
14 N. Central Ave., Suite 104
Medford, OR 97501

1. NAME OF THE TRANSACTION (S), DESCRIBED IN THE ATTACHED INSTRUMENT(S) AND REQUIRED BY ORS 205.234(A).

NOTE: Transaction as defined by ORS 205.010 "means any action required or permitted by state law or rule federal law or regulation to be recorded including, but not limited to, any transfer encumbrance or release affecting title to or an interest in real property".

Affidavit of Service and Mailing Trustee's Notice of Sale; Proof of Service;

Affidavit of Publication; Affidavit of Service Re: Non-Military Service

2. Grantor/Direct (s) as described in ORS 205.160.

Christopher Rodgers

3. Grantee/Indirect (s) as described in ORS 205.160.

Rogue Credit Union

4. TRUE AND ACTUAL CONSIDERATION PAID for instruments conveying or contracting to convey fee title to any real estate and all memoranda of such instruments, reference ORS 93.030.

5. UNTIL A CHANGE IS REQUESTED, All Tax Statements shall be sent to the following name and address: for instruments conveying or contracting to convey fee title to any real estate reference ORS 93.260

6. SATISFACTION OF ORDER OR WARRANT ORS 205.234 (1) (f).

FULL _____ PARTIAL _____

7. LIEN DOCUMENTS: ORS 205.234 (1) (f). Amount of Lien \$ _____

After Recording Return to:
Joseph E. Kellerman
Hornecker Cowling LLP
14 N. Central Ave., Suite 104
Medford, OR 97501

AFFIDAVIT OF SERVICE AND MAILING TRUSTEE'S NOTICE OF SALE

I, Joseph E. Kellerman, being first duly sworn, depose and say and certify that:

1. I am the successor trustee under that certain Trust Deed executed and delivered by Christopher Rodgers, as Grantor, to Rogue Credit Union, Beneficiary, recorded on May 16, 2008 as Instrument No. 2008-007242 of the official records of Klamath County, Oregon covering the following described real property, to wit:

LOT 1, BLOCK 3, SUNSET VILLAGE, ACCORDING TO THE
OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE
COUNTY CLERK OF KLAMATH COUNTY, OREGON.
EXCEPTING THEREFROM THE SOUTHERLY 20 FEET
THEREOF.

2. I gave notice of the sale (as required by ORS 86.764) of the real property described in the attached Trustee's Notice of Sale by mailing true copies thereof via both first-class on July 16, 2018 and certified mail with return receipt requested on July 17, 2018 to each of the following named persons or their legal representatives at their respective last known addresses, to wit:

Christopher Rodgers
All Occupants
5808 Harlan Drive
Klamath Falls, OR 97603

Portfolio Recovery Associates, LLC
c/o Dale R. Nordyke
4330 La Jolla Village Dr., Ste. 310
San Diego, CA 92122

JP Morgan Chase Bank, N.A.
c/o Casey Pence
Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201

Chase
Attn: Correspondence Mail
Mail Code LA4-5555
700 Kansas Lane
Monroe, LA 71203

3. Said persons include (a) the Grantor in the Trust Deed, (b) any successor-in-interest to the Grantor whose interest appears of record or of whose interest the Trustee or the Beneficiary has actual notice, (c) any person, including the Department of Revenue or any other State agency, having a lien or interest subsequent to the Trust Deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

4. Each of the notices so mailed was certified to be a true copy of the original by the undersigned, attorney and successor trustee named in said Notice; each such copy was contained in a sealed envelope, with postage thereon fully pre-paid, and was caused to be deposited by me in the United States Post Office at Medford, Oregon on the dates indicated above. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first-class delivery to the address indicated, and another such notice was mailed with the proper form to request and obtain a return receipt with postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the Notice of Default and Election to Sell described in said notice of sale was recorded.

5. Attached is a copy of the Proof of Service on Christopher Rodgers and All Occupants. Service of the Trustee's Notice of Sale was made on Christopher Rodgers and All Occupants by posting on July 17, 2018 with follow-up mailing on July 18, 2018 at 5808 Harlan Drive, Klamath Falls, OR 97603.

6. In the mailings noted in paragraph 2 above, and personal service noted in paragraph 5 above, a copy of House Bill 3630 and other required notices were attached to the Trustee's Notice of Sale in Grantor's envelope and in service upon the occupants.

7. The Beneficiary Exemption Affidavit is on file with the Oregon Foreclosure Avoidance Program.

8. Attached is Affidavit of Publication.

9. Attached is Affidavit of Service Re: Non-Military Service.

10. As used herein, the singular includes the plural, Trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

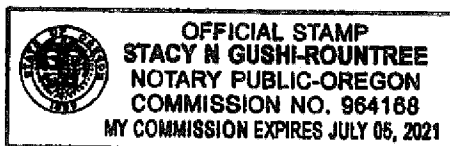
DATED this 14th day of November, 2018.

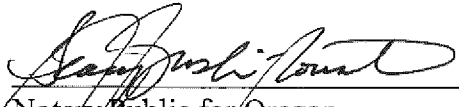


Joseph E. Kellerman

STATE OF OREGON)
) ss.
County of Jackson)

On this 14th day of November, 2018, Joseph E. Kellerman personally appeared in the above-named matter and acknowledged the foregoing instrument to be his voluntary act and deed.





Notary Public for Oregon
My Commission expires: July 5, 2021

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 86.705 to 86.815. No action is now pending to recover any part of the debt secured by the Trust Deed.

The Beneficiary Exemption Affidavit is on file with the Oregon Foreclosure Avoidance Program.

Information required by ORS 86.771 is as follows:

1. Grantor: Christopher Rodgers
 Trustee: First American Title Company
 Successor Trustee: Joseph E. Kellerman
 14 N. Central Ave., Suite 104
 Medford, OR 97501
 Beneficiary: Rogue Credit Union
2. Property covered by the Trust Deed:
 LOT 1, BLOCK 3, SUNSET VILLAGE, ACCORDING TO
 THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE
 OF THE COUNTY CLERK OF KLAMATH COUNTY,
 OREGON. EXCEPTING THEREFROM THE SOUTHERLY
 20 FEET THEREOF.
3. Trust Deed was recorded on May 16, 2008 as Instrument No. 2008-007242 of
 the official records of Klamath County, Oregon.
4. Default for which foreclosure is made is 1) failure of Grantor to make required
 payments under note secured by the trust deed; 2) failure to pay real property taxes
 assessed against the premises; and 3) failure to keep the premises insured as
 required under the trust deed.
5. The sums owing on the obligation secured by the Trust Deed are \$33,560.02
 plus accrued but unpaid interest as of June 29, 2018 in the amount of
 \$2,122.56.
6. The Beneficiary has and does elect to sell the property to satisfy the obligation.
7. The property will be sold in the manner prescribed by law on the 27th day of
 November, 2018, at 10:00 a.m. standard time as established by ORS 187.110,
 at the front steps of the Klamath County Courthouse, 316 Main Street,
 Klamath Falls, Oregon, 97601, Klamath County, Oregon.

8. 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 and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale.
9. 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.
10. In construing this notice and whenever the context hereof so requires, 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, and their successors in interest, the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the Trust Deed, and any collateral beneficiary, and their successors in interest.

DATED this 16th day of July, 2018.

~~HORNECKER COWLING LLP~~

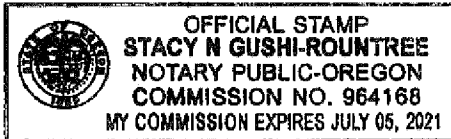
By: 

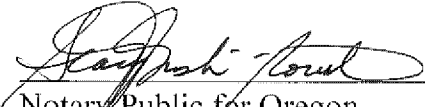
Joseph E. Kellerman, Successor Trustee

///

STATE OF OREGON)
) ss.
County of Jackson)

On this 16th day of July, 2018, personally appeared before me Joseph E. Kellerman,
as Successor Trustee, and acknowledged said instrument to be his voluntary act and deed.





Notary Public for Oregon
My Commission expires: July 5, 2021

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 5808 Harlan Drive, Klamath, OR 97603.

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 June 29, 2018 to bring your mortgage loan current was \$35,682.58. 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 **541-779-8900** 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: **14 N. Central Ave., Suite 104, Medford, Oregon 97501.**

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

Date and time: November 27, 2018 at 10:00 a.m.

Place: 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 any time before the sale.
3. You can call **Joseph E. Kellerman** at **541-779-8900** to find out if your lender is willing 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 foreclosure 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

800-SAFENET (800-723-3638). You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll free in Oregon 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 directly of legal aid programs, to go: <http://www.oregonlawhelp.org>.

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: July 16, 2018

Successor Trustee name: Joseph E. Kellerman

Successor Trustee signature: _____

Successor Trustee telephone number: 541-779-8900

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **November 27, 2018**. 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 30 or 60 days. 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 30 or 60 days. You should speak with a lawyer to fully understand your rights before making any decisions regarding your tenancy.

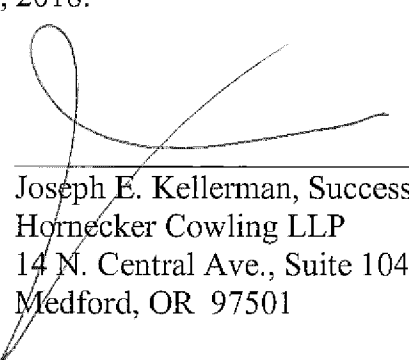
IT IS UNLAWFUL FOR ANY PERSON TO TRY TO FORCE YOU TO LEAVE YOUR DWELLING UNIT WITHOUT FIRST GIVING YOU WRITTEN NOTICE AND GOING TO COURT TO EVICT YOU. FOR MORE INFORMATION ABOUT YOUR RIGHTS, YOU SHOULD CONSULT A LAWYER.

If you believe you need legal assistance, contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. 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. Information about whom to contact for free legal assistance is included with this notice.

You may reach the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 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>.

Any questions regarding this matter should be directed to Joseph E. Kellerman, 541-779-8900.

Dated this 16th day of July, 2018.



Joseph E. Kellerman, Successor Trustee
Hornecker Cowling LLP
14 N. Central Ave., Suite 104
Medford, OR 97501

PROOF OF SERVICE

Client Info:

Hornecker Cowling LLP
14 N. Central Avenue #104
Medford, OR 97501

Case Info:

PLAINTIFF:
ROGUE CREDIT UNION,
-versus-
DEFENDANT:
CHRISTOPHER RODGERS AND ALL OCCUPANTS,

N/A

County of Klamath, Oregon
Court Case # **N/A**

Service Info:

I hereby certify that on **7/17/2018 at 05:53 PM**

Service: I Served **CHRISTOPHER RODGERS AND ALL OCCUPANTS** at **5808 HARLAN DRIVE KLAMATH FALLS, OR 97603**
by

Manner of Service: **Posting**

A certified/true copy of:

COVER LETTER, TRUSTEE'S NOTICE OF SALE, NOTICE: YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY AND NOTICE TO RESIDENTIAL TENANTS

I hereby certify that I enclosed a copy of **COVER LETTER, TRUSTEE'S NOTICE OF SALE, NOTICE: YOU ARE IN DANGER OF LOSING YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY AND NOTICE TO RESIDENTIAL TENANTS** in a
postpaid sealed wrapper properly addressed to:

CHRISTOPHER RODGERS AND ALL OCCUPANTS the above intended recipient at **5808 HARLAN DRIVE KLAMATH FALLS, OR 97603** and deposited said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within the State of Oregon on **7/18/2018**.

I, Gary Clayton am a competent person over the age of eighteen, a resident of the State of Oregon, not a party to nor an officer, director or employee of, nor an attorney for any party, corporate or otherwise and knew that the person, firm or corporation served is the identical one named in the above entitled action.

Signature of Server: _____
Gary Clayton

Conner Process Service

PO Box 1405
Medford, OR 97501
Our Job # 25622 Client Ref # **24457-047**
Service Fee: \$90.00



**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#18585 SALE

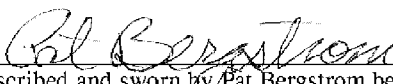
(24457-047) RODGERS

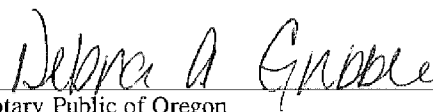
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

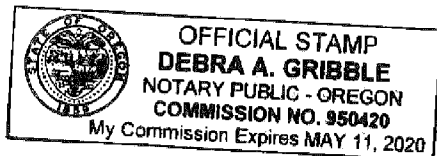
Insertion(s) in the following issues:

09/20/2018 09/27/2018 10/04/2018 10/11/2018

Total Cost: \$867.80


Subscribed and sworn by Pat Bergstrom before me on:
11th day of October in the year of 2018


Notary Public of Oregon
My commission expires on May 11, 2020



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 86.705 to 86.815. No action is now pending to recover any part of the debt secured by the Trust Deed. The Beneficiary Exemption Affidavit is on file with the Oregon Foreclosure Avoidance Program. Information required by ORS 86.771 is as follows: 1. Grantor: Christopher Rodgers, Trustee: First American Title Company, Successor Trustee: Joseph E. Kellerman, 14 N. Central Ave., Suite 104, Medford, OR 97501, Beneficiary: Rogue Credit Union, 2. Property covered by the Trust Deed: LOT 1, BLOCK 3, SUNSET VILLAGE, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. EXCEPTING THEREFROM THE SOUTHERLY 20 FEET THEREOF. 3. Trust Deed was recorded on May 16, 2008 as Instrument No. 2008-007242 of the official records of Klamath County, Oregon. 4. Default for which foreclosure is made is 1) failure of Grantor to make required payments under note secured by the trust deed; 2) failure to pay real property taxes assessed against the premises; and 3) failure to keep the premises insured as required under the trust deed. 5. The sums owing on the obligation secured by the Trust Deed are \$33,560.02 plus accrued but unpaid interest as of June 29, 2018 in the amount of \$2,122.56. 6. The Beneficiary has and does elect to sell the property to satisfy the obligation. 7. The property will be sold in the manner prescribed by law on the 27th day of November, 2018, at 10:00 a.m. standard time as established by ORS 187.110, at the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, 97601, Klamath County, Oregon. 8. 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 and attorney's fees, and by curing any other default complained of in this Notice, at any time prior to five days before the date last set for sale. 9. 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. 10. In construing this notice and whenever the context hereof so requires, 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, and their successors in interest, the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the Trust Deed, and any collateral beneficiary, and their successors in interest. DATED this 16th day of July, 2018. HORNECKER COWLING LLP, By: /s/ Joseph E. Kellerman, Successor Trustee #18585 September 20, 27, October 04, 11, 2018.

AFFIDAVIT OF SERVICE RE: NON-MILITARY SERVICE

STATE OF OREGON)
) ss.
County of Jackson)

THIS IS TO CERTIFY that I am the Trustee on that certain trust deed described as follows:

Grantor:	Christopher Rodgers
Trustee:	First American Title Company
Successor Trustee:	Joseph E. Kellerman
	14 N. Central Ave., Suite 104
	Medford, OR 97501
Beneficiary:	Rogue Credit Union
Recording Date:	May 16, 2008
Recording No:	2008-007242
County of Recording:	Klamath County

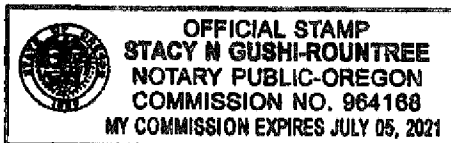
A notice of default with respect to the trust deed was recorded July 16, 2018 as instrument no. 2018-008430 in the official records of Klamath County, Oregon. To the best of my knowledge and belief Grantor under said trust deed is not on active military duty.

In construing this certificate, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any, named in the trust deed.

Joseph E. Kellerman

STATE OF OREGON)
) ss.
County of Jackson)

On this 14th day of November, 2018, Joseph E. Kellerman personally appeared in the above-named matter and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon
My commission expires: July 5, 2021