

268251

RECORDING REQUESTED BY

2018-013909

Klamath County, Oregon

11/15/2018 02:09:01 PM

Fee: \$127.00

AND WHEN RECORDED MAIL TO

MORTGAGE LENDER SERVICES, INC.
11707 Fair Oaks Blvd., Ste 202
Fair Oaks, CA 95628

Space above this line for recorder's use only

Trustee Sale No: 130480-OR Loan No: 431-4195770 Title Order No: 268251AM
APN R520109

NOTICE OF DEFAULT AND FORECLOSURE SALE

WHEREAS, on 01/12/2006, a certain Deed of Trust was executed by JACK P. ZUPAN, as trustor in favor of ACTION MORTGAGE COMPANY as beneficiary and ASPEN TITLE & ESCROW, INC. as trustee, and was recorded on 01/18/2006 as Document No. M06-01034, and

WHEREAS, the Deed of Trust was insured by the United States Secretary of Housing and Urban Development (the Secretary) pursuant to the National Housing Act for the purpose of providing single family housing; and

WHEREAS the beneficial interest in the Deed of Trust is now owned by the Secretary, pursuant to an assignment recorded 06/09/2015 in document no. 2015-005965, of Official records in the office of the Recorder of Klamath County, OR, and

WHEREAS a default has been made in the covenants and conditions of the Deed of Trust PURSUANT TO SECTION 9 (A)(i), OF THE LOAN DOCUMENTS "AN IMMEDIATE PAYMENT IN FULL. AS DEFINED, THE LENDER WILL REQUIRE IMMEDIATE PAYMENT IN FULL OF ALL OUTSTANDING PRINCIPAL AND ACCRUED INTEREST IF; A BORROWER DIES AND THE PROPERTY IS NOT THE PRINCIPAL RESIDENCE OF AT LEAST ONE SURVIVING BORROWER." INCLUDING ALL FORECLOSURE FEES, ATTORNEY FEES AND ADVANCES TO SENIOR LIENS, INSURANCE, TAXES AND ASSESSMENTS.

WHEREAS, by virtue of this default, the Secretary has declared the entire amount of the indebtedness secured by the Deed of Trust to be immediately due and payable;

NOW THEREFORE, pursuant to powers vested in me by the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3751 et seq., by 24 CFR part 27, subpart B, and by the Secretary's designation of me as Foreclosure Commissioner, recording as attachment to this document, notice is hereby given that on 12/27/2018, at 10:00 AM

Return to:  AmeriTitle

Trustee Sale No.: 130480-OR Loan No.: 431-4195770 Title Order No. 268251AM

local time, all real and personal property at or used in connection with the following described premises ("Property") will be sold at public auction to the highest bidder: LOTS 30 AND 31, BLOCK 10, ST. FRANCIS PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Commonly known as: 4415 PECK DRIVE, KLAMATH FALLS, OR 97603

The sale will be held: Inside the main lobby of the Klamath County Courthouse, 316 Main St., Klamath Falls, OR 97601

The Secretary of Housing and Urban Development will bid \$124,774.29.

There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his pro rata share of any real estate taxes that have been paid by the Secretary to the date of the foreclosure sale.

When making their bids, all bidders except the Secretary must submit a deposit totaling \$12,477.43 [10% of the Secretary's bid] in the form of a certified check or cashier's check made out to the Secretary of HUD. A deposit need not accompany each oral bid. If the successful bid is oral, a deposit of \$12,477.43 must be presented before the bidding is closed. The deposit is nonrefundable. The remainder of the purchase price must be delivered within 30 days of the sale or at such other time as the Secretary may determine for good cause shown, time being of the essence. This amount, like the bid deposits, must be delivered in the form of a certified or cashier's check. If the Secretary is the highest bidder, he need not pay the bid amount in cash. The successful bidder will pay all conveying fees, all real estate and other taxes that are due on or after the delivery date of the remainder of the payment and all other costs associated with the transfer of title. At the conclusion of the sale, the deposits of the unsuccessful bidders will be returned to them.

The Secretary may grant an extension of time within which to deliver the remainder of the payment. All extensions will be for a 15-day increments for a fee of \$500.00, paid in advance. The extension fee will be in the form of a certified or cashier's check made payable to the Secretary of HUD. If the high bidder closes the sale prior to the expiration of any extension period, the unused portion of the extension fee shall be applied toward the amount due.

If the high bidder is unable to close the sale within the required period, or within any extensions of time granted by the Secretary, the high bidder may be required to forfeit the cash deposit or, at the election of the foreclosure commissioner after consultation with the HUD representative, will be liable to HUD for any costs incurred as a result of such failure. The commissioner may, at the direction of the HUD representative, offer the property to the second highest bidder for an amount equal to the highest price offered by that bidder.

There is no right of redemption, or right of possession based upon a right of redemption, in the mortgagor or others subsequent to a foreclosure completed

pursuant to the Act. Therefore, the Foreclosure Commissioner will issue a Deed to the purchaser(s) upon receipt of the entire purchase price in accordance with the terms of the sale as provided herein. HUD does not guarantee that the property will be vacant.

The scheduled foreclosure sale shall be cancelled or adjourned if it is established, by documented written application of the mortgagor to the Foreclosure Commissioner not less than 3 days before the date of sale, or otherwise, that the default or defaults upon which the foreclosure is based did not exist at the time of service of this notice of default and foreclosure sale, or all amounts due under the mortgage agreement are tendered to the Foreclosure Commissioner, in the form of a certified or cashier's check payable to the Secretary of HUD, before public auction of the property is completed.

The amount that must be paid if the mortgage is to be reinstated prior to the scheduled sale is \$124,759.15 as of 12/26/2018, plus all other amounts that would be due under the mortgage agreement if payments under the mortgage had not been accelerated, advertising costs and postage expenses incurred in giving notice, mileage by the most reasonable road distance for posting notices and for the Foreclosure Commissioner's attendance at the sale, reasonable and customary costs incurred for title and lien record searches, the necessary out-of-pocket costs incurred by the Foreclosure Commissioner for recording documents, a commission for the Foreclosure Commissioner, and all other costs incurred in connection with the foreclosure prior to reinstatement.

Tender of payment by certified or cashier's check or application for cancellation of the foreclosure sale shall be submitted to the address of the Foreclosure Commissioner provided below.

DATE: November 12, 2018

FORECLOSURE COMMISSIONER:
MORTGAGE LENDER SERVICES, INC.
11707 Fair Oaks Blvd., Ste 202
Fair Oaks, CA 95628
(916) 962-3453
Fax: (916) 962-1334
Sale Information Line: 916-939-0772 or www.nationwideposting.com


Lauren Meyer, Vice President

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
County of Sacramento

On November 12, 2018 before me, Tara S. Campbell, Notary Public, personally appeared Lauren Meyer 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.

Tara S. Campbell



RECORDING COVER PAGE

PER ORS 205.234

PLEASE FILL OUT
COMPLETE AND
LEGIBLE

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON
PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING.
ANY ERRORS IN THIS COVER SHEET **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.

Mortgage Lender Services, Inc.

11707 Fair Oaks Blvd, Ste 202, Fair Oaks, CA 95628

**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".

Designation of Foreclosure Commissioner

2. Grantor(s) as described in ORS 205.160. Grantee (s) address (es) ORS 205.234 (1) b.

U.S. Department of Housing and Urban Development

3. Grantee(s) as described in ORS 205.160. Grantee(s) address (es) ORS 205.234 (1) b.

Mortgage Lender Services, Inc.

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.

NA

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

NA

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

FULL _____ PARTIAL _____

NA

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

NA

Effective 01/01/2012



U.S. Department of Housing and Urban Development
Office of the Regional Counsel
Seattle Regional Office - Region X
909 First Avenue, Suite 260
Seattle, Washington 98104-1000
www.hud.gov
espanol.hud.gov

FORECLOSURE COMMISSIONER DESIGNATION

TO: Mortgage Lender Services, Inc.
11707 Fair Oaks Blvd, Ste 202
Fair Oaks, CA 95628

Pursuant to Section 805 of the Single Family Mortgage Foreclosure Act of 1994 ("Act"), codified at 12 U.S.C. § 3754, and Section B(11) of the Consolidated Redesignation of Authority to the Office of General Counsel, 76 Fed. Reg. 42463, published on July 18, 2011, you are hereby designated as a single family foreclosure commissioner to act on behalf of the Secretary of Housing and Urban Development to conduct non-judicial foreclosures in the state of Oregon of the mortgages that may be referred to you by the Department of Housing and Urban Development. A copy of the Act, as codified at 12 U.S.C. §§ 3751-3768, is enclosed, along with the Final Rule and Appendix published in the *Federal Register* at 61 Fed. Reg. 48546 on September 13, 1996, codified at 24 C.F.R. part 27, subpart B. Foreclosures that are referred to you are to be conducted pursuant to the Act, the regulations, and the letter and instructions that will be given to you at the time of referral of a case.

As foreclosure commissioner, you are a fiduciary and not an employee of the Department of Housing and Urban Development or of the Federal government. You will be responsible for your actions as any other fiduciary.

The commission that will be paid to you upon completion of a foreclosure in Oregon is \$1,425 for a non-judicial foreclosure. A percentage of that amount will be paid for cases that are withdrawn by HUD, based on the following schedule: 20% for work completed up to "service" of the Notice of Foreclosure and Sale; and 80% when the Notice of Foreclosure and Sale has been "served," including the start of publication, or posting if required.

This Designation is effective immediately and can be revoked with or without cause pursuant to the Act. An original and two copies of this Designation are enclosed. Please sign and date them, providing your Tax Identification or Social Security Number, and return one copy to Mona Fandel at 909 First Avenue, Suite 260, Seattle, WA 98104-1000.

JULIAN CASTRO
SECRETARY, U.S. DEPT. OF HUD

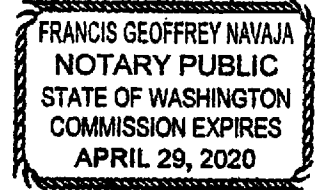
1/9/17
Date

By: Mona Fandel
MONA FANDEL
REGIONAL COUNSEL

Enclosures (2)

ACKNOWLEDGMENT

State of Washington)
County of King)



This instrument was acknowledged before me on the 9 day of January, 2017,
by Mona Fandel as Regional Counsel for Region X of the U.S. Department of Housing and Urban
Development.



Notary Public

ACCEPTANCE OF DESIGNATION

I, Marsha Townsend, hereby accept designation as a Foreclosure Commissioner and agree to abide by the provisions of my appointment, the Act referred to above, the regulations, and the Instructions as provided to me by HUD.

1/18/2017
Date

Mortgage Lender Services, Inc.
Name of Firm

By: Marsha Townsend

68-0066123

Tax I.D. or Social Security No.

ACKNOWLEDGMENT

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
County of Sacramento

On 1/18/2017 before me, Tara S. Campbell, Notary Public
(insert name and title of the officer)

personally appeared Marsha Townsend
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 Tara S. Campbell (Seal)





STATE OF OREGON }
County of Multnomah } SS

The foregoing copy has been compared and is
certified by me as a full, true and correct copy of
the original on file in my office and in my
custody.

In Testimony Whereof, I have hereunto set my
hand and affixed the seal of the office.

on: 3/3/2017

by: 

Kitty Hunt - Deputy
Division of Assessment, Recording & Taxation