

**2019-000857**

**Klamath County, Oregon**

**01/30/2019 09:11:01 AM**

**Fee: \$107.00**

**NOTICE OF DEFAULT AND ELECTION TO SELL**

**Original Beneficiary Name:**

Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Bank of America, N.A.

**Current Beneficiary:**

HMC Assets, LLC solely in its capacity as Separate Trustee of CAM XVIII Trust

**Trustor Name:**

Clarence H. Young, and Virginia M. Young, Trustees of the Young Joint  
Trust dated 11/11/2010

**Original Trustee Name:**

Fidelity National Title Insurance Co.

**Original trust deed recorded:**

11/9/2009, as Document No.: 2009-014380

**TS NO.: CDS18-10069**

**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 Clarence H. Young, and Virginia M. Young, as Tenants by the Entirety as grantor, to Fidelity National Title Insurance Co. as successor trustee, in favor of Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Bank of America, N.A., as beneficiary, dated 10/21/2009, recorded 11/9/2009, in the Records of Klamath County, Oregon, as Instrument No. 2009-014380 with Tony Kullen, OSBA # 090218, 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 31, 32 and 33 in Block 3, Mountain Lakes Homesites, According to the Official Plat Thereof on File in the Office of the County Clerk of Klamath County, Oregon**

The street address or other common designation, if any for the real property described above is purported to be:  
**30828 Cascade Way, Klamath Falls, OR 97601**

The Tax Assessor's Account ID for the Real Property is purported to be: **R317918, R317909, R318640**

TS No: CDS18-10069

Loan No: 1404703805

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**

Payments Due Through 01/25/2019	\$86,037.44
Unpaid Late Charges	\$2,942.17
Unpaid Fees	\$18,319.31

**Beneficiary Advances**

\$107,298.92

**TOTAL FORECLOSURE COST:** \$4,508.12

**TOTAL REQUIRED TO REINSTATE:** \$111,807.04

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 \$163,826.50 together with interest thereon at the default rate of 5.375% per annum from 09/01/2012 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 **6/11/2019**, at the following place: **On the Main Street entrance steps to the Klamath County Circuit Court, 316 Main St, Klamath Falls, Oregon 97601**  
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  
 Tony Kullen, OSBA # 090218  
 4665 MacArthur Court, Suite 200  
 Newport Beach, California 92660  
 Phone: (949) 258-8960

**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: 1/29/2019

**Tony Kullen, OSBA 090218**

By: \_\_\_\_\_

**Tony Kullen**

Tony Kullen, Esq, Trustee

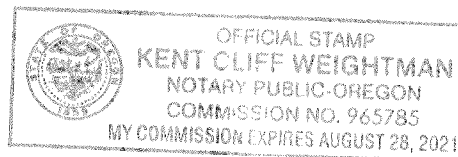
121 SW Morrison, Suite 1100, Portland, Oregon 97204

State of Oregon } ss.  
 County of Multnomah }

This record was acknowledged before me on January 29, 2019, by Tony Kullen, Esq (aka Vincent Anthony Kullen) as successor Trustee under the Deed of Trust described herein.

Signature \_\_\_\_\_

Notary Public - State of Oregon



I, Tony Kullen OSBA 090218, as successor Trustee, being first duly sworn, depose and say:

1. The attached Beneficiary Exemption Affidavit is a true and correct copy of the Beneficiary Exemption Affidavit that was filed with the Oregon Attorney General on January 16, 2019, on behalf of HMC Assets, LLC Solely in its Capacity as Separate Trustee pursuant to OAR 137-110-0300.



Tony Kullen, OSB 090218  
Successor Trustee

State of Oregon                    } ss.  
County of Multnomah         }

This record was signed and sworn to before me on January 29, 2019, by Tony Kullen, Esq (aka Vincent Anthony Kullen) as successor Trustee under the subject Deed of Trust.

Signature   
Notary Public – State of Oregon



**After recording, return to:**

HMC Assets, LLC  
2015 Manhattan Beach Blvd  
Suite 200  
Redondo Beach, CA 90278

**OREGON FORECLOSURE AVOIDANCE PROGRAM  
BENEFICIARY EXEMPTION AFFIDAVIT**

<b>Lender/Beneficiary:</b>	HMC Assets, LLC Solely In Its Capacity as Separate Trustee
<b>Jurisdiction*</b>	California

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

I, James Helfrich (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: 9 [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 authorized signor [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 CALIFORNIA )  
 ) ss.

County of \_\_\_\_\_ )

Signed and sworn to (or affirmed) before me this \_\_\_\_\_ day of JANUARY, 2019

by James Helfrich

Notary Public for \_\_\_\_\_

My commission expires: \_\_\_\_\_

*see attached*

**CALIFORNIA JURAT**

**Government Code § 8202**


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 **Los Angeles**



(Notary Seal)

Subscribed and sworn to (or affirmed) before me  
on this 16th January 2019 by James Helfrich,  
proved to me on the basis of satisfactory evidence to  
be ther person who appeared before me.

  
\_\_\_\_\_  
Lara Topjian, Notary Public