

**2019-002131**

**Klamath County, Oregon**

03/08/2019 11:27:00 AM

Fee: \$97.00

**When recorded mail document to:**

Clear Recon Corp  
111 SW Columbia Street #950  
Portland, OR 97201  
Phone: 866-931-0036

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## **NOTICE OF DEFAULT AND ELECTION TO SELL**

TS No.: 079110-OR

Loan No.: \*\*\*\*\*5743

Legal Authority: ORS 86.752, 86.771

Reference is made to that certain trust deed (the "Deed of Trust") executed by EDWARD P ROSE, III AND RAELEEN J ROSE, HUSBAND AND WIFE, as Grantor, to AMERITITLE, as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS DESIGNATED NOMINEE FOR LOANDEPOT.COM, LLC DBA IMORTGAGE, BENEFICIARY OF THE SECURITY INSTRUMENT, ITS SUCCESSORS AND ASSIGNS., as Beneficiary, dated 12/6/2013, recorded 12/10/2013, as Instrument No. 2013-013603, in the Official Records of Klamath County, Oregon, which covers the following described real property situated in Klamath County, Oregon:

**PARCEL 1:**

All that portion of TRACT 48 OF HOMEDALE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, described as follows:

Beginning at a point in the West right-of-way line of the County Road known as Homedale Road, which bears South 0° 20' West 258.4 feet from the Northeasterly corner of said TRACT NO. 48, and running thence North 43° 30' West parallel with First Avenue in Homedale; 201.8 feet; thence at right angles North 46° 30' East 60 feet; thence at right angles South 43° 30' East 139 feet, more or less to the Westerly right-of-way line of said Homedale Road; thence South 0 degrees 20' West 86.61 feet, more or less, to the place of beginning.

**PARCEL 2:**

All that portion of TRACT NO. 48 OF HOMEDALE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, described as follows:

Beginning at the most Southerly corner of said TRACT NO. 48; thence North 54° 30' West 194.5 feet; thence North 43° 30' West 65.9 feet; thence North 46° 30' East 121 feet; thence South 43° 30' East 168.4 feet, more or less, to the Westerly line of Homedale Road; thence South 0° 20' West along the Westerly line of Homedale Road 121.5 feet, more or less, to the point of beginning.

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**PARCEL 3:**

A parcel of land situated in TRACT NO. 48 OF HOMEDALE, a duly recorded subdivision, more particularly described as follows:

Beginning at a point which is South 00° 20' West 258.4 feet and North 43° 30' West 168.4 feet from the Northeast corner of said Tract 48; thence North 43° 30' West 33.4 feet; thence South 46° 30' West 121.0 feet to the Northeasterly line of Government Canal; thence South 43° 30' East 33.4 feet along said canal line to a point; thence North 46° 30' East 121.0 feet to the point of beginning.

APN: R549240 / R-3909-011AC-04000-000

Commonly known as:

3730 HOMEDALE ROAD  
KLAMATH FALLS, OR 97603

The current beneficiary is:

LoanDepot.com, LLC

The undersigned hereby certifies that no assignments of the Deed of Trust 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 Deed of Trust, or, if such action has been instituted, the action has been dismissed, except as permitted by ORS 86.752(7), 86.010.

There is a default by grantor or other person owing an obligation, or by their successor-in-interest, the performance of which is secured by the Deed of Trust 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:

*Delinquent Payments:*

<u>Dates:</u>	<u>No.</u>	<u>Amount</u>	<u>Total:</u>
10/01/18 thru 01/01/19	4	\$1,670.20	\$6,680.80
02/01/19 thru 03/01/19	2	\$1,708.81	\$3,417.62
<i>Late Charges:</i>			\$267.24
<i>Beneficiary Advances:</i>			\$1,207.50
<b>TOTAL REQUIRED TO REINSTATE:</b>			<b>\$11,573.16</b>

By reason of the default, the beneficiary has declared all obligations secured by the Deed of Trust immediately due and payable, those sums being the following: **\$214,934.11**

Notice hereby is given that the beneficiary and trustee, by reason of default, have elected and do hereby elect to foreclose the Deed of Trust 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 grantor executed the Deed of Trust, together with any interest grantor or grantor's successor in interest acquired after the execution of the Deed of Trust, to satisfy the obligations secured by the Deed of Trust 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 1:00 PM., standard time, as established by ORS 187.110, on 7/15/2019, at the following place:

**ON THE FRONT STEPS OF THE KLAMATH COUNTY CIRCUIT COURT, 316 MAIN STREET, KLAMATH FALLS, OR 97601**

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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 the foreclosure proceeding dismissed and the Deed of Trust 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 Deed of Trust, 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 Deed of Trust, together with trustee's and attorneys' fees not exceeding the amounts provided by ORS 86.778.

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.

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

Dated: 3/6/2019

CLEAR RECON CORP  
111 SW Columbia Street #950  
Portland, OR 97201  
Phone: 858-750-7600 or 866-931-0036



Hamsa Uchi, Authorized Signatory of 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.

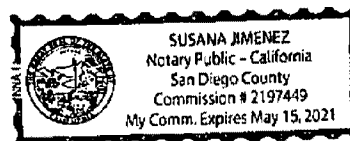
State of California           )  
                                          ) ss.  
County of San Diego        )

On MAR 06 2019 before me, Susana Jimenez, Notary Public, personally appeared Hamsa Uchi 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.

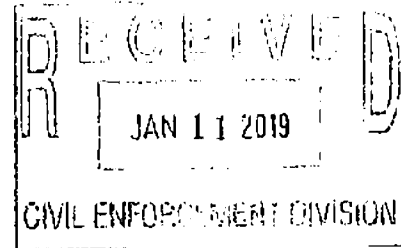
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Susana Jimenez (Seal)



After recording, return to:



OREGON FORECLOSURE AVOIDANCE PROGRAM  
BENEFICIARY EXEMPTION AFFIDAVIT

Lender/Beneficiary:	loanDepot.com. LLC
Jurisdiction*	California

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

I, Steven Roark (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).

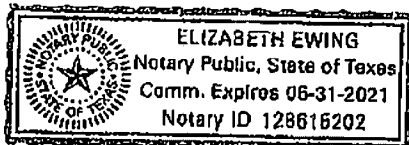
1. The above named individual or entity commenced or caused an affiliate or agent of the individual or entity to commence the following number of actions to foreclose a residential trust deed by advertisement and sale under ORS 86.752 or by suit under ORS 88.010 during the calendar year preceding the 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 Director [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]  
(Signature)

State of TEXAS )  
 ) ss.

County of Collin )

Signed and sworn to (or affirmed) before me this 9th day of January, 2019  
by Steve Roark



Elizabeth Ewing  
Notary Public for State of Texas  
My commission expires: 06/31/2021