

2019-005597

Klamath County, Oregon

05/20/2019 09:56:01 AM

Fee: \$217.00

Recording Requested By:

When Recorded Mail to:

Nathan F. Smith, Esq., OSB #120112
c/o Trustee Corps
17100 Gillette Ave
Irvine, CA 92614

TS No. OR08000110-18-1

APN R412510

TO No. 180349003

AFFIDAVIT OF MAILING

GRANTEE:	BANK OF AMERICA, N.A.
GRANTOR:	ROBERT J MITCHELL, MARK HOFFMAN
CURRENT TRUSTEE:	Nathan F. Smith, Esq., OSB #120112

DECLARATION OF MAILING

Reference No: OR08000110-18

Mailing Number: 0119805-01

STATE OF CALIFORNIA }
 }SS
COUNTY OF SAN DIEGO }

I, Jacob Smith, declare as follows:

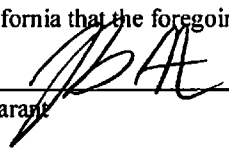
I am and at all times herein mentioned a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California:

That at the request of Trustee Corps on 4/25/2019, I deposited in the United States mail a copy of the attached document, in separate sealed envelopes, in accordance with the checked mailing classes defined below, postage prepaid, to the address list on exhibit A, attached hereto and made a part hereof.

<input checked="" type="checkbox"/> First Class	<input type="checkbox"/> Certified	<input checked="" type="checkbox"/> Certified Electronic Return Receipt
<input type="checkbox"/> Certified Return	<input type="checkbox"/> Registered	<input type="checkbox"/> Registered International

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

4/25/2019 San Diego, California
Date and Place


Declarant

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

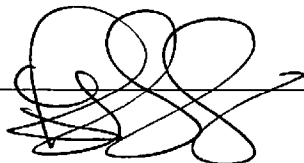
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On APR 26 2019 before me, the undersigned, a Notary Public in and for said State, personally appeared Jacob Smith, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose names is subscribed above and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on this instrument the person, or the entity upon behalf of which the person 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 _____



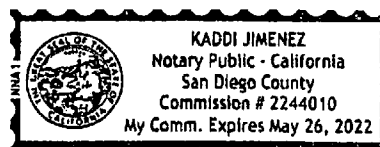


Exhibit A to Affidavit of Mailing

Sender:

Trustlee Corps
123
Irvine CA 92064

Postal Class: First Class

Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0119805-01 000 415352 Trustlee_000418

Postal Number Sequence Recipient Name

(11)9690024880367903
1 JOANNE CLARK

Address Line 1/3

7232 TEAL DR

Address Line 2/4

BONANZA, OR 97623

Exhibit A to Affidavit of Mailing

Sender:

Trustee Corps
123
Irvine CA 92064

Postal Class: Electronic - Rel

Type of Mailing: Courtesy 1st Class/CRR/Notary

Affidavit Attachment: 0119805-01 000 415352 Trustee_000418

Postal Number Sequence Recipient Name

71969002484056063718
1 JOANNE CLARK

Address Line 1/3

7232 TEAL DR

Address Line 2/4

BONANZA, OR 97623

DECLARATION OF MAILING

Reference No: OR08000110-18

Mailing Number: 0109058-01

STATE OF CALIFORNIA }
 }SS
COUNTY OF SAN DIEGO }

I, Jacob Smith, declare as follows:

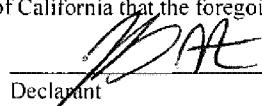
I am and at all times herein mentioned a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California:

That at the request of Trustee Corps on 2/14/2019, I deposited in the United States mail a copy of the attached document, in separate sealed envelopes, in accordance with the checked mailing classes defined below, postage prepaid, to the address list on exhibit A, attached hereto and made a part hereof.

<input checked="" type="checkbox"/> First Class	<input type="checkbox"/> Certified	<input checked="" type="checkbox"/> Certified Electronic Return Receipt
<input type="checkbox"/> Certified Return	<input type="checkbox"/> Registered	<input type="checkbox"/> Registered International

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

2/14/2019 San Diego, California
Date and Place


Declarant

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

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On FEB 22 2019 before me, the undersigned, a Notary Public in and for said State, personally appeared Jacob Smith, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose names is subscribed above and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on this instrument the person, or the entity upon behalf of which the person 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



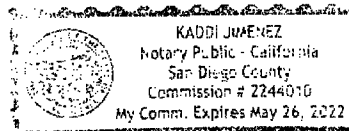


Exhibit A to Affidavit of Mailing

Sender:	Trustee Corps 123 Irvine CA 92064		
Postal Class:	First Class		
Type of Mailing:	OR		
Affidavit Attachment: 0109058-01 000 380954 Trustee_000418			
Postal Number	Sequence Recipient Name	Address Line 1/3	Address Line 2/4
(11)9690024877676643	1 DISCOVER BANK	C/O SUTTELL, HAMMER & WHITE, P.S.	PO BOX C-90006 BELLEVUE, WA 98009
(11)9690024877676650	2 MARK HOFFMAN	414 N 6TH STREET	KLAMATH FALLS, OR 97601
(11)9690024877676667	3 MARK HOFFMAN	7232 TEAL DRIVE	BONANZA, OR 97623
(11)9690024877676674	4 MIDLAND FUNDING, LLC	C/O GORDON, AYLWORTHY & TAMM, P.C. P.O. BOX 22338	4023 W 1ST AVE EUGENE, OR 97402
(11)9690024877676681	5 ROBERT J MITCHELL	414 N 6TH STREET	KLAMATH FALLS, OR 97601
(11)9690024877676698	6 ROBERT J MITCHELL	7232 TEAL DRIVE	BONANZA, OR 97623
(11)9690024877676704	7 ROBERT J MITCHELL	PO BOX 202	TULELAKE, CA 96134-0202
(11)9690024877676711	8 OCCUPANT	414 N 6TH STREET	KLAMATH FALLS, OR 97601

Exhibit A to Affidavit of Mailing

Sender:		Trustee Corps 123 Irvine CA 92064
Postal Class:	Electronic - Ret	
Type of Mailing:	OR	
Affidavit Attachment: 0109058-01 000 380954 Trustee_000418		
Postal Number	Sequence	Recipient Name
71969002484054997220	1	DISCOVER BANK
71969002484054997237	2	MARK HOFFMAN
71969002484054997244	3	MARK HOFFMAN
71969002484054997251	4	MIDLAND FUNDING, LLC
71969002484054997268	5	ROBERT J MITCHELL
71969002484054997275	6	ROBERT J MITCHELL
71969002484054997282	7	ROBERT J MITCHELL
71969002484054997299	8	OCCUPANT

Address Line 1/3	Address Line 2/4
C/O SUTTELL, HAMMER & WHITE, P.S.	PO BOX C-90006 BELLEVUE, WA 98009
414 N 6TH STREET	KLAMATH FALLS, OR 97601
7232 TEAL DRIVE	BONANZA, OR 97623
C/O GORDON, AYLWORTHY & TAMM, P.C. P.O. BOX 22338	4023 W 1ST AVE EUGENE, OR 97402
414 N 6TH STREET	KLAMATH FALLS, OR 97601
7232 TEAL DRIVE	BONANZA, OR 97623
PO BOX 202	TULELAKE, CA 96134-0202
414 N 6TH STREET	KLAMATH FALLS, OR 97601

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, ROBERT J MITCHELL, MARK HOFFMAN as Grantor to CHICAGO TITLE as Trustee, in favor of BANK OF AMERICA, NA as Beneficiary dated as of November 26, 2007 and recorded on December 7, 2007 as Instrument No. 2007-020569 and re-recorded on November 8, 2018 as Instrument No. 2018-013608 of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

APN: **R412510**

EXHIBIT "A" ATTACHED

Commonly known as: **414 N 6TH STREET, KLAMATH FALLS, OR 97601**

Both the Beneficiary, **BANK OF AMERICA, N.A.**, and the Trustee, Nathan F. Smith, Esq., OSB #120112, have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The default for which the foreclosure is made is the Grantor's failure to pay: **Failed to pay payments which became due**

Monthly Payment(s):

1 Monthly Payment(s) from 12/26/2017 to 12/26/2017 at **\$156.24**
1 Monthly Payment(s) from 01/26/2018 to 01/26/2018 at **\$468.25**
1 Monthly Payment(s) from 02/26/2018 to 02/26/2018 at **\$478.87**
1 Monthly Payment(s) from 03/26/2018 to 03/26/2018 at **\$459.28**
1 Monthly Payment(s) from 04/26/2018 to 04/26/2018 at **\$478.37**
1 Monthly Payment(s) from 05/26/2018 to 05/26/2018 at **\$482.15**
1 Monthly Payment(s) from 06/26/2018 to 06/26/2018 at **\$563.94**
1 Monthly Payment(s) from 07/26/2018 to 07/26/2018 at **\$400.35**
2 Monthly Payment(s) from 08/25/2018 to 09/25/2018 at **\$499.55**
1 Monthly Payment(s) from 10/25/2018 to 10/25/2018 at **\$492.39**
1 Monthly Payment(s) from 11/25/2018 to 11/25/2018 at **\$510.13**
1 Monthly Payment(s) from 12/25/2018 to 12/25/2018 at **\$502.63**
1 Monthly Payment(s) from 01/25/2019 to 01/25/2019 at **\$510.13**

By this reason of said default the Beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit: The sum of **\$49,857.63** together with interest thereon at the rate of **5.24000%** per annum from **November 26, 2017** 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 Trust Deed.

Wherefore, notice is hereby given that, the undersigned Trustee will on **July 1, 2019** at the hour of **01:00 PM**, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, **Front Steps, Klamath County Circuit Court, 316 Main Street, Klamath Falls, OR 97601** County of Klamath, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, Trustee's or attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or Trust Deed, at any time prior to five days before the date last set for sale.

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.

TS No. OR08000110-18-1

APN R412510

TO No 180349003

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other persons owing an obligation, the performance of which is secured by said Trust Deed, the words "Trustee" and "Beneficiary" includes their respective successors in interest, if any.

Dated: February 8, 2019

By: Nathan F. Smith, Esq., OSB #120112
Successor 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.

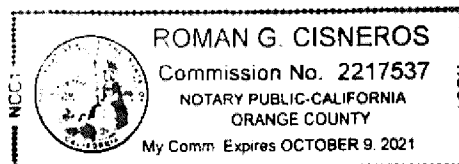
STATE OF CALIFORNIA
COUNTY OF ORANGE

On February 8, 2019 before me, ROMAN G. CISNEROS, Notary Public, personally appeared NATHAN F. SMITH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.


Notary Public Signature



Malcolm & Cisneros, A Law Corporation
Attention: Nathan F. Smith, Esq., OSB #120112
c/o TRUSTEE CORPS
17100 Gillette Ave, Irvine, CA 92614
949-252-8300

FOR SALE INFORMATION PLEASE CALL:
Auction.com at 800.280.2832
Website for Trustee's Sale Information: www.Auction.com

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its security instrument, including the right to foreclose its lien.

**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:
414 N 6TH STREET, KLAMATH FALLS, Oregon 97601.

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 January 25, 2019 to bring your mortgage loan current was \$15,674.28. 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 800-669-6650 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:

Malcolm & Cisneros, A Law Corporation
Attention: Nathan F. Smith, Esq., OSB #120112
c/o Trustee Corps
17100 Gillette Ave.
Irvine, CA 92614
949-252-8300

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

Date and Time: July 1, 2019 at 01:00 PM
Place: Front Steps, Klamath County Circuit Court, 316 Main
Street, Klamath Falls, OR 97601, County of Klamath

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 anytime before the sale.
3. You can call Bank of America, N.A. at phone no 800-669-6650 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 800-452-7636 or you can visit its website at <http://www.osbar.org>. Legal assistance may be available to you 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>.

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: February 8, 2019



By: Nathan F. Smith, Esq., OSB #120112
Successor Trustee

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **July 1, 2019**. 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.

Oregon Law Center
Portland: 503-473-8329
Coos Bay: 800-303-3638
Ontario: 888-250-9877
Salem: 503-485-0696
Grants Pass: 541-476-1058
Woodburn: 800-973-9003
Hillsboro: 877-726-4381
<http://www.oregonlawcenter.org/>

Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit the website at: <http://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://oregonlawhelp.org>

For the name and telephone number of an organization near you, please call the statewide telephone contact number at 800-SAFENET (800-723-3638)

2019-001338

Klamath County, Oregon

02/13/2019 08:45:01 AM

Fee: \$107.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from:
ROBERT J MITCHELL, MARK HOFFMAN,
Grantor

To:
Nathan F. Smith, Esq., OSB #120112

After recording return to:

Malcolm & Cisneros, A Law Corporation
Attention: Nathan F. Smith, Esq., OSB
#120112
c/o TRUSTEE CORPS
17100 Gillette Ave
Irvine, CA 92614

TS No. OR08000110-18-1

APN R412510

TO No 180349003

Reference is made to that certain Trust Deed made by ROBERT J MITCHELL, MARK HOFFMAN as Grantor, to CHICAGO TITLE as Trustee, in favor of BANK OF AMERICA, NA as original Beneficiary, dated as of November 26, 2007 and recorded December 7, 2007 in the records of Klamath County, Oregon as Instrument No. 2007-020569 and re-recorded November 8, 2018 as Instrument No. 2018-013608 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: R412510

EXHIBIT "A" ATTACHED

The undersigned hereby certifies that no assignments of the Trust Deed by the Trustee, Nathan F. Smith, Esq., OSB #120112, or by the Beneficiary, BANK OF AMERICA, N.A., 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 86.735(4).

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:

The total monthly payment(s) in the amount of \$6,501.83 beginning December 26, 2017, as follows:

\$156.24 = 1 monthly payment(s) at \$156.24
\$468.25 = 1 monthly payment(s) at \$468.25
\$478.87 = 1 monthly payment(s) at \$478.87
\$459.28 = 1 monthly payment(s) at \$459.28
\$478.37 = 1 monthly payment(s) at \$478.37
\$482.15 = 1 monthly payment(s) at \$482.15
\$563.94 = 1 monthly payment(s) at \$563.94
\$400.35 = 1 monthly payment(s) at \$400.35
\$999.10 = 2 monthly payment(s) at \$499.55
\$492.39 = 1 monthly payment(s) at \$492.39
\$510.13 = 1 monthly payment(s) at \$510.13
\$502.63 = 1 monthly payment(s) at \$502.63
\$510.13 = 1 monthly payment(s) at \$510.13

By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable totaling \$62,001.76, said sums being the following:

1. Principal balance of \$49,857.63 and accruing interest as of January 25, 2019, per annum, from November 26, 2017 until paid.
2. \$2,924.18 in interest
3. \$8,989.95 in Uncollected Fees Due
4. \$230.00 in foreclosure fees and costs
5. Together with title expenses, costs, Trustees fees and attorney fees incurred here in by reason of said default and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest there in.

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: Failed to pay payments which became due

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 01:00 PM, in accord with the standard of time established by ORS 187.110, on July 1, 2019 at the following place: Front Steps, Klamath County Circuit Court, 316 Main Street, Klamath Falls, OR 97601

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:

MARK HOFFMAN
414 N 6TH STREET, KLAMATH FALLS, OR 97601

ROBERT J MITCHELL
414 N 6TH STREET, KLAMATH FALLS, OR 97601

OCCUPANT
414 N 6TH STREET, KLAMATH FALLS, OR 97601

Notice is further given that any person named in ORS 86.753 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), together with costs, Trustee's and attorney's fees, 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, at any time prior to five days before the date last set for sale.

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 gender 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 the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

Dated: February 8, 2019

By: Nathan F. Smith, Esq., OSB #120112
Successor 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.

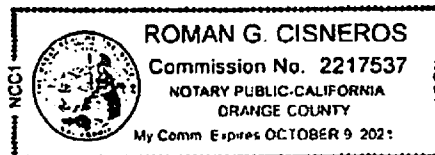
STATE OF CALIFORNIA
COUNTY OF ORANGE

On February 8, 2019 before me, ROMAN G. CISNEROS, Notary Public, personally appeared NATHAN F. SMITH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.


Notary Public Signature



Malcolm & Cisneros, A Law Corporation
Attention: Nathan F. Smith, Esq., OSB #120112
c/o TRUSTEE CORPS
17100 Gillette Ave, Irvine, CA 92614
949-252-8300

FOR SALE INFORMATION PLEASE CALL:
Auction.com at 800.280.2832
Website for Trustee's Sale Information: www.Auction.com

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its security instrument, including the right to foreclose its lien.



**CERTIFICATE OF COMPLIANCE
STATE OF OREGON
FORECLOSURE AVOIDANCE PROGRAM**

AFTER RECORDING RETURN TO:
Cheryl Dietz
For Malcolm & Cisneros, For Bank of America
2112 Business Center Drive
Irvine, CA 92612

10/22/2018

Grantor:	ROBERT J MITCHELL, MARK HOFFMAN
Beneficiary:	BANK OF AMERICA, N.A.
Property Address:	414 N 6TH STREET KLAMATH FALLS, OR 97601
Instrument / Recording No. Date / County	Instrument Number: 2007-020569 Recording Number: 2007-020569 Loan Number: [REDACTED] 12/7/2007 Klamath
Case Number	BI-180822-1150

1. The Service Provider hereby certifies that:

☐

The beneficiary and/or its agent complied with the requirements of Oregon Laws 2013, Chapter 304, sections 2, 3, and 4;
or

☒

The grantor did not pay the required fee by the deadline

2. On this date, I mailed the original certificate to the beneficiary and provided a copy to the grantor and the Attorney General electronically or by mail.

DATED this 22 day of October, 2018.

Compliance Officer, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
) ss
County of Multnomah)

The foregoing instrument was acknowledged before me on October 22nd, 2018, by April Curtis
as Compliance Officer of Mediation Case Manager. [Print Name]



Notary Public - State of Oregon
My Commission Expires: 09/03/2022

E. The land referred to in this Guarantee is described as follows:

PARCEL 1:

Beginning at the Northerly corner of Block 51, in First Addition to the City of Klamath Falls, Oregon; thence Southeasterly along the Easterly line of Block 51 and along the Westerly line of Sixth Street 36 feet; thence Southwesterly at right angles to Sixth Street 51 feet to the West line of said Block 51, thence Northwesterly parallel with Sixth Street 36 feet; thence Northeasterly at right angles to Sixth Street to the place of beginning, being a part of Block 51 in First Addition to the City of Klamath Falls, Oregon.

PARCEL 2:

Beginning at a point which lies Northwesterly along the Southwesterly line of Sixth Street a distance of 364 feet and Southwesterly at right angles to Sixth Street a distance of 51 feet from the most Easterly corner of Block 51, First Addition; thence Northwesterly parallel to Sixth Street 36 feet; thence Southwesterly at right angles to Sixth Street 20 feet; thence Southeasterly parallel to Sixth Street 36 feet; thence Northeasterly at right angles to Sixth Street 20 feet to the point of beginning.

Recording Requested By:

When Recorded Mail to:

Nathan F. Smith, Esq., OSB #120112
c/o Trustee Corps
17100 Gillette Ave
Irvine, CA 92614

TS No. OR08000110-18-1

APN R412510

TO No. 180349003

AFFIDAVIT OF COMPLIANCE

AFFIDAVIT OF COMPLIANCE
With §ORS 86.748(1)

Grantor(s): ROBERT J MITCHELL, MARK HOFFMAN
Beneficiary: BANK OF AMERICA, N.A.
Mortgage Servicer: Bank of America, N.A.
Trustee: Nathan F. Smith, Esq., OSB #120112
Trustee Sale Number: OR08000110-18-1
Property Address: 414 N 6TH STREET, KLAMATH FALLS, OR 97601
DOT Rec.
Instrument/Book/Page: 2007-020569

I, the undersigned, under oath depose and say that:

- (1) I am an employee of Bank of America, N.A. ("BANA"), where I hold the office of Assistant Vice President. As an officer of BANA, I am authorized to execute this affidavit.
- (2) In the regular performance of my job functions, I am familiar with business records maintained by BANA for the purpose of servicing mortgage loans. These records (which include data compilations, electronically imaged documents, and others) are made at or near the time by, or from information provided by, persons with knowledge of the activity and transactions reflected in such records, and are kept in the course of business activity conducted regularly by BANA. It is the regular practice of BANA's mortgage servicing business to make these records. In connection with making this affidavit, I have acquired personal knowledge of the matters stated herein by examining these business records.
- (3) BANA is the beneficiary of the above referenced instrument.
- (4) I certify that the beneficiary and the trustee as of this date are the beneficiary and trustee named above.
- (5) ☒ The Grantor(s) did not request a foreclosure avoidance measure, and has/have not been evaluated for any foreclosure avoidance measure.
- [] The Grantor(s) has/have not submitted complete information for a foreclosure avoidance measure determination; therefore, Grantor(s) has/have not been evaluated for a foreclosure avoidance measure.

OR

[] In accordance with ORS 86.748, a written notice was sent to the Grantor(s) at all of the addresses for the grantor on file with the beneficiary, including post office boxes, within 10 days of a determination of ineligibility or non-compliance with an agreed upon foreclosure avoidance measure.

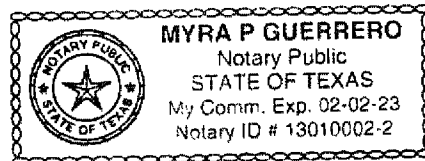
(6) By reason of the above, the beneficiary or beneficiary's agent has complied with the requirements of ORS 86.748(1).

Date: April 17, 2019 BANK OF AMERICA, N.A. 4-17-19
Signature Tramelle M. Thomas
Print Name TRAMELLE MARTISE THOMAS
Assistant Vice President

County of DALLAS
State of TEXAS

Subscribed and sworn to (or affirmed) before me this 17 day of APRIL,
2019, by TRAMELLE MARTISE THOMAS of BANK of AMERICA, N.A.

Myra P Guerrero 4-17-19
Notary Signature MYRA P GUERRERO



Recording Requested By:

When Recorded Mail to:

Nathan F. Smith, Esq., OSB #120112
c/o Trustee Corps
17100 Gillette Ave
Irvine, CA 92614

TS No. OR08000110-18-1

APN R412510

TO No. 180349003

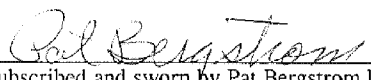
AFFIDAVIT OF PUBLICATION

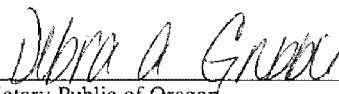
**AFFIDAVIT OF PUBLICATION
STATE OF OREGON,
COUNTY OF KLAMATH**

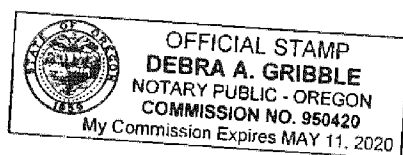
I, Pat Bergstrom, Legal Specialist, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#18795 SALE ISL56373 MITCHELL/HOFFMAN 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:
03/22/2019 03/29/2019 04/05/2019 04/12/2019

Total Cost: \$1621.40


Subscribed and sworn by Pat Bergstrom before me on:
12th day of April in the year of 2019


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



**TS No. OR08000110-18-1 APN R412510 TO
No 180349003
TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain Trust Deed made by, ROBERT J MITCHELL, MARK HOFFMAN as Grantor to CHICAGO TITLE as Trustee, in favor of BANK OF AMERICA, NA as Beneficiary dated as of November 26, 2007 and recorded on December 7, 2007 as Instrument No. 2007-020569 and re-recorded on November 9, 2018 as Instrument No. 2018-013608 of official records in the Office of the Recorder of Klamath County, Oregon to-wit: APN: R412510 Parcel 1: Beginning at the Northerly corner of Block 51, in First Addition to the City of Klamath Falls, Oregon; thence Southeasterly along the Easterly line of Block 51 and along the Westerly line of Sixth Street 36 feet; thence Southwesterly at right angles to Sixth Street 51 feet to the West line of said Block 51; thence Northwesterly parallel with Sixth Street 36 feet; thence Northeasterly at right angles to Sixth Street to the place of beginning, being part of Block 51 in First Addition to the City of Klamath Falls, Oregon, Parcel 2: Beginning at a point which lies Northwesterly along the Southwesterly line of Sixth Street a distance of 364 feet and Southwesterly at right angles to Sixth Street a distance of 51 feet from the most Easterly corner of Block 51, First Addition; thence Northwesterly parallel to Sixth Street 36 feet; thence Southwesterly at right angles to Sixth Street 20 feet; thence Southeasterly parallel to Sixth Street 36 feet; thence Northeasterly at right angles to Sixth Street 20 feet to the point of beginning. Commonly known as: 414 N 6TH STREET, KLAMATH FALLS, OR 97601

Both the Beneficiary, BANK OF AMERICA, N.A., and the Trustee, Nathan F. Smith, Esq., OSB #120112, have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The default for which the foreclosure is made is the Grantor's failure to pay: Failed to pay payments which became due Monthly Payment(s): 1 Monthly Payment(s) from 12/26/2017 to 12/26/2017 at \$156.24 1 Monthly Payment(s) from 01/26/2018 to 01/26/2018 at \$468.25 1 Monthly Payment(s) from 02/26/2018 to 02/26/2018 at \$478.87 1 Monthly Payment(s) from 03/26/2018 to 03/26/2018 at \$459.28 1 Monthly Payment(s) from 04/26/2018 to 04/26/2018 at \$478.37 1 Monthly Payment(s) from 05/26/2018 to 05/26/2018 at \$482.15 1 Monthly Payment(s) from 06/26/2018 to 06/26/2018 at \$563.94 1 Monthly Payment(s) from 07/26/2018 to 07/26/2018 at \$400.35 2 Monthly Payment(s) from 08/25/2018 to 09/25/2018 at \$499.55 1 Monthly Payment(s) from 10/25/2018 to 10/25/2018 at \$492.39 1 Monthly Payment(s) from 11/25/2018 to 11/25/2018 at \$510.13 1 Monthly Payment(s) from 12/25/2018 to 12/25/2018 at \$502.63 1 Monthly Payment(s) from 01/25/2019 to 01/25/2019 at \$510.13 Monthly Late Charge(s): 2/8/2019

By this reason of said default the Beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit: The sum of \$49,857.63 together with interest thereon at the rate of 5.24000% per annum from November 26, 2017 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 Trust Deed.

Wherefore, notice is hereby given that, the undersigned Trustee will on July 1, 2019 at the hour of 01:00 PM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, Front Steps, Klamath County Circuit Court, 316 Main Street, Klamath Falls, OR 97601 County of Klamath, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the Grantor or his successors in interest acquired after the execution of said Trust Deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the Trustee. Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, Trustee's or attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or Trust Deed, at any time prior to five days before the date last set for sale. 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 methamphetamine, 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 masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other persons owing an obligation, the performance of which is secured by said Trust Deed, the words "Trustee" and "Beneficiary" includes their respective successors in interest, if any. Dated: 2/8/2019 By: Nathan F. Smith, Esq., OSB #120112 Successor Trustee Malcolm & Cisneros, A Law Corporation Attention: Nathan F. Smith, Esq., OSB #120112 c/o TRUSTEE CORPS 17100 Gillette Ave. Irvine, CA 92614 949-252-8300 FOR SALE INFORMATION PLEASE CALL: Auction.com at 800.280.2832 Website for Trustee's Sale Information: www.Auction.com SL Number 56373, Pub Dates: 03/22/2019, 03/29/2019, 04/05/2019, 04/12/2019, HERALD & NEWS #18795 March 22, 29, April 05, 12, 2019.

Recording Requested By:

When Recorded Mail to:

Nathan F. Smith, Esq., OSB #120112
c/o Trustee Corps
17100 Gillette Ave
Irvine, CA 92614

TS No. OR08000110-18-1

APN R412510

TO No. 180349003

AFFIDAVIT OF SERVICE

AFFIDAVIT OF POSTING

STATE OF OREGON
County of Klamath

ss.

I, Robert Bolenbaugh, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the Trustee's Notice of Sale; Notice: You are in Danger of Losing Your Property if You Do Not Take Action Immediately; Notice to Residential Tenants; Notice of Default and Election to Sell; Certificate of Compliance State of Oregon Foreclosure Avoidance Program upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "**Property Address**":

**414 N 6th Street
Klamath Falls, OR 97601**

As follows:

On 02/19/2019 at 9:30 AM, I attempted personal service at the Property Address. I received no answer at the front door and no one appeared to be home. At that time, I POSTED such true copy conspicuously on the front door, pursuant to ORS 86.774 (1)(b)(A).

On 02/25/2019 at 1:31 PM, I returned to the Property Address and, again, received no answer at the front door. At that time, I POSTED another such copy conspicuously on the front door, pursuant to ORS 86.774 (1)(b)(B).

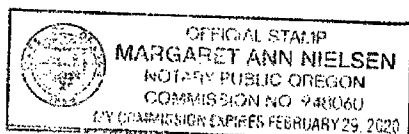
On 03/01/2019 at 9:54 AM, I returned to the Property Address and, again, received no answer at the front door. This attempt in person at the Property Address satisfies the third attempt requirement under ORS 86.774 (1)(b)(C).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 7th day of March, 2019
by Robert Bolenbaugh.

Margaret A. Nielsen
Notary Public for Oregon

X *[Signature]*
Robert Bolenbaugh
Nationwide Process Service, Inc.
300 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



342624

OR08000110-18-1 / MITCHELL/HOFFMAN
ISL# 56373

TCORPS

AFFIDAVIT OF MAILING

STATE OF OREGON
County of Klamath

ss.

I, Robert Bolenbaugh, being first duly sworn, depose and say that I am a competent person over the age of 18 years of age or older. On March 04, 2019, I mailed a copy of the Trustee's Notice of Sale; Notice: You are in Danger of Losing Your Property if You Do Not Take Action Immediately; Notice to Residential Tenants; Notice of Default and Election to Sell; Certificate of Compliance State of Oregon Foreclosure Avoidance Program, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.774(1)(b)(C).

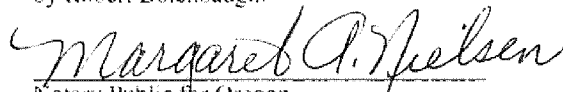
The envelope was addressed as follows:

**OCCUPANT
414 N 6th Street
Klamath Falls, OR 97601**


This mailing completes service upon an occupant at the above address with an effective date of **02/19/2019** as calculated pursuant to ORS 86.774 (1)(c).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME
this 2nd day of MARCH, 2019
by Robert Bolenbaugh.


Notary Public for Oregon

X


Robert Bolenbaugh
Nationwide Process Service, Inc.
300 Century Tower
1201 SW 12th Avenue
Portland, OR 97205
(503) 241-0636



342624

