

**AFFIDAVIT OF MAILING TRUSTEE'S  
NOTICE OF SALE**

**2019-005682**

**Klamath County, Oregon**



00240842201900056820060067

**AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE RE:**  
Trust Deed from W. M. John Welch

05/21/2019 11:57:34 AM

Fee: \$107.00

TO

William J. Schuster and Diane M. Schuster, husband and wife, Beneficiary

After recording return to: Successor trustee  
Scott D. MacArthur,  
125 S. 6th Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, being first duly sworn, depose, and say and certify that:

At all times hereinafter mentioned I was and now am a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, together with Important Notice Regarding Alternatives to Foreclosure and Notice to Tenants where applicable, to-wit:

W. M. John Welch, P.O. Box 3523, Ashland, OR 97520

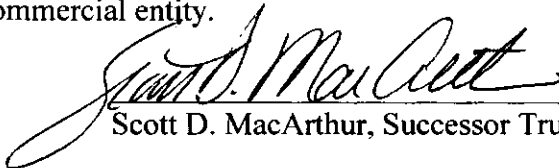
Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or 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.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Klamath Falls, Oregon, on January 4, 2019. 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 a proper form to request and obtain a return receipt and 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.

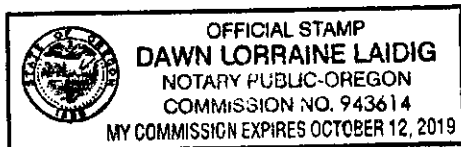
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes

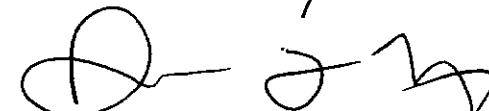
Returned at Counter

corporation and any other legal or commercial entity.

  
\_\_\_\_\_  
Scott D. MacArthur, Successor Trustee

Subscribed and sworn to before me this 21st day of May, 2019, by Scott D. MacArthur.



  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires 10/12/19

**AFFIDAVIT OF POSTING NOTICE OF SALE IN LIEU OF SERVICE**

W.M. John Welch, Grantor

William J. Schuster, and  
Diane M. Schuster, Beneficiary

After Recording return to:  
Scott D. MacArthur, P.C.,  
Successor Trustee  
125 S. 6th Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Greg Rote, being first duly sworn, depose and certify that:

At all times hereinafter mentioned, I was and now am, a resident of the State of Oregon, a competent person over the age of 18 years and not the beneficiary or his successor in interest name in the notice of sale given under the terms of that certain trust deed described in said notice.

I posted the Notice of Sale of the real property in the Notice of Sale posting said notice on the premises of:

**NAME:**

W.M. John Welch

**ADDRESS:**

NNA Toboggan Circle, Klamath Falls, Oregon, 97601

Together with Important Notice Regarding Alternatives To Foreclosure.

Each of the notices so posted was certified to be a true copy of the original notice of sale by Scott D. MacArthur, attorney for the trustee named in said notice; and was posted by me on 1-5-2019. Each of said notices was posted after the Notice of Default and Election to Sell by the trustee was recorded and at least 90 days before the day fixed in said notice by the trustee for the trustee's sale.

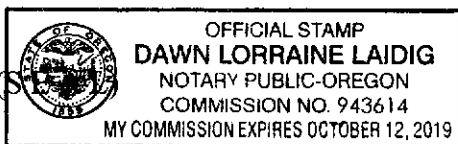
As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

Subscribed and sworn to before me this

7<sup>th</sup>

day of

January, 2019



[Signature]  
Notary Public for Oregon  
My Commission Expires 10/12/19

**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#18836 SALE

SCHUSTER / WELCH

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:

03/19/2019 03/26/2019 04/02/2019 04/09/2019

Total Cost: \$1738.52

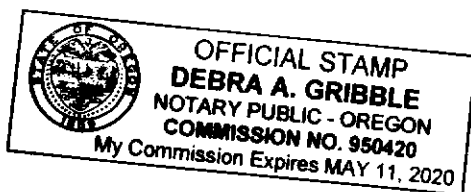
*Pat Bergstrom*

Subscribed and sworn by Pat Bergstrom before me on:  
9th day of April in the year of 2019

*Debra A. Gribble*

Notary Public of Oregon

My commission expires on May 11, 2020



**NOTICE OF DEFAULT AND ELECTION TO SELL**

KNOW ALL MEN BY THESE PRESENTS, that W.M. JOHN WELCH, is the grantor, and, AMERITITLE, an Oregon corporation, is the trustee, and WILLIAM J. SCHUSTER and DIANE M. SCHUSTER, husband and wife, or the survivor thereof, is the beneficiary under that certain trust deed January 28, 2013, and recorded on March 18, 2013, as instrument No. 2013 at page 002892 of the Mortgage (Microfilm) Records of Klamath County, Oregon.

Lot 27 in Block 1 of Tract 1077, LAKEWOODS SUB, UNIT NO. 3, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a Notice of Default has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The Default for which the foreclosure is made is grantor's failure to pay when due the following sums:

Failure to make payment in the full amount on or before March 28, 2018, plus interest.

Failure to pay the real property taxes owing for the tax year 2016-2017 in the amount of \$169.60, plus interest.

Failure to pay the real property taxes owing for the tax year 2017-2018 in the amount of \$169.15, plus interest.

Failure to pay the real property taxes owing for the tax year 2018-2019 in the amount of \$168.42, plus interest.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: \$32,256.98 as of April 3, 2018 plus interest and costs.

WHEREFORE, notice hereby is given that the undersigned trustee will on May 24, 2019 at the hour of 12:00 p.m. standard time, as established by Section 187.110, Oregon Revised Statutes, at 125 S. 6th Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in said described real property which the grantors had or had power to convey at the time of the execution by him of said trust deed, to satisfy the foregoing obligations thereby secured and the costs or their 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, at any time prior to five days before the trustee conducts 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 said 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's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

**NOTICE TO POTENTIAL PURCHASERS**

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.

#### NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed term lease, the purchaser may require you to move out after giving you a 30 day notice on or after the date of the sale. If you have a fixed term lease, you may be entitled to receive after the date of sale a 60 day notice of the purchaser's requirement that you move out. To be entitled to a 30 day or 60 day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. **The date that is 30 days before the date of the sale is April 24, 2019.** The name of the trustee and the trustee's mailing address are listed on this notice. Federal law may grant you additional rights including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law. You have the right to apply your security deposit and any prepaid rent toward your current obligations under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. The Oregon State Bar attorney referral service may be reached at (800) 452-7638. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Legal Aid may be reached at (800) 480-9160.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 the words "trustee" and "beneficiary" include their respective successors in interest, if any. The Fair Debt Collection Practices Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings, this shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

DATED: March 06, 2019.

/s/ Scott D. MacArthur, Successor Trustee  
125 S. 6th Street, Klamath Falls, OR 97601  
#18836 March 19, 26, April 02, 09, 2019.

**AFFIDAVIT OF NON-MILITARY SERVICE/COMPETENCY**

Trust Deed from W. M. John Welch

TO

William J. Schuster and Diane M. Schuster, husband and wife, Beneficiary

After recording return to: Successor trustee

Scott D. MacArthur,

125 S. 6th Street

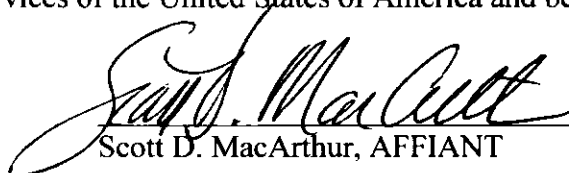
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss.

I, Scott D. MacArthur, being first duly sworn, depose, and say and certify that:

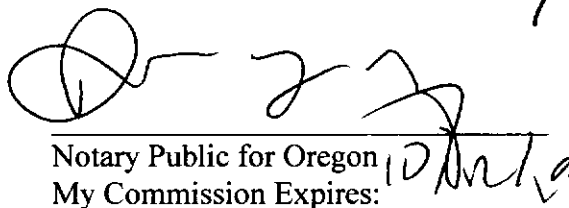
That the Grantor, W.M. John Welch, was served with the Notice of Default and Election to Sale by Certified Mail, Return Receipt requested on January 8, 2019. That W.M. John Welch signed the return receipt on that same date.

That to the best knowledge of Beneficiary and Beneficiary's counsel, W. M. John Welch was not at that time nor is he now in the Military Services of the United States of America and believed to be competent.

  
Scott D. MacArthur, AFFIANT

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of May, 2019, by Scott D. MacArthur.



  
Notary Public for Oregon  
My Commission Expires: 10/12/19