#### 2019-005916

Klamath County, Oregon 05/28/2019 03:52:01 PM

Fee: \$132.00

THIS SPACE RESERVED FOR USE BY THE COUNTY RECORDING OFFICE

## RECORDING COVER SHEET (Please Print or Type) This cover sheet was prepared by the person presenting the

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

# AFTER RECORDING RETURN TO: MORTGAGE LENDER SERVICES, INC. 11707 FAIR OAKS BLVD., STE. 202 FAIR OAKS, CA 95628

11707 FAIR OAKS BLVD., STE. 202	
FAIR OAKS, CA 95628	
1) TITLE(S) OF THE TRANSACTION(S) OR NOTICE OF DEFAULT AND FORECLOSURE S	* *
2) DIRECT PARTY / GRANTOR(S) ORS 205 MORTGAGE LENDER SERVICES, INC.	.125(1)(b) and 205.160
3) INDIRECT PARTY / GRANTEE(S) ORS 20 ALTA LORRAINE BOTHUM	05.125(1)(a) and 205.160
4) TRUE AND ACTUAL CONSIDERATION ORS 93.030(5) – Amount in dollars or other	5) SEND TAX STATEMENTS TO:
\$Other	
6) SATISFACTION of ORDER or WARRANT ORS 205.125(1)(e) CHECK ONE: [FULL   PARTIAL]	
8) If this instrument is being Re-Recorded, coaccordance with ORS 205.244: "RERECOR	omplete the following statement, in
PREVIOUSLY RECORDED IN BOOK"	AND PAGE, OR AS FEE

#### RECORDING REQUESTED BY

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: 130784-OR Loan No: 431-4270786 Title Order No: 299202AM

APN R589919

#### NOTICE OF DEFAULT AND FORECLOSURE SALE

WHEREAS, on <u>03/21/2007</u>, a certain Deed of Trust was executed by <u>ALTA LORRAINE BOTHUM</u>, as trustor in favor of SEATTLE MORTGAGE COMPANY as beneficiary and NORTHWEST TRUSTEE SERVICES, INC. as trustee, and was recorded on <u>03/26/2007 as Document No. 2007-005474</u>, 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 09/01/2017 in document no. 2017-009898, 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 <u>07/10/2019</u>, at <u>10:00 AM</u> 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:

Trustee Sale No.: 130784-OR Loan No.: 431-4270786 Title Order No. 299202AM

LOT 19, SKYLINE VIEW, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.

Commonly known as: 7754 DONEGAL AVENUE, 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 \$210,485.12.

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 \$21,048.51 [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 \$21,048.51 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 \$210,460.31 as of 07/09/2019, 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: May 22, 2019

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

Tara Campbell, Foreclosure Commissioner Officer

Trustee Sale No.: 130784-OR Loan No.: 431-4270786 Title Order No. 299202AM

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 May 22, 2019 before me, Marsha Townsend, Notary Public, personally appeared <u>Tara Campbell</u> 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.





Multnomah County Official Records R Weldon, Deputy Clerk

2017-008940

01/23/2017 12:19:17 PM

1R-AGMT Pgs=4 Stn=0 HENTGESB \$6.00 \$20.00 \$20.00 \$11.00 \$20.00

\$77.00

RE	CO	RDING	<b>COVER</b>	<b>PAGE</b>
DED	ADC	2005 004		

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 <u>DO NOT</u> AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

Mortgage Lender Services, Inc.

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.

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 limite 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 Redelegation 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

Date

Enclosures (2)

MONA FANDEL

REGIONAL COUNSEL

Certified Copy Page 2 of 4

### **ACKNOWLEDGMENT**

State of Washington )
County of King )

FRANCIS GEOFFREY NAVAJA NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES APRIL 29, 2020

This instrument was acknowledged before me on the 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

Certified Copy Page 3 of 4

## ACCEPTANCE OF DESIGNATION

I, Marsha Townsend	, hereby accept designation as a Foreclosure		
Commissioner and agree to abide by the puthe regulations, and the Instructions as pro	TOVISIONS of my appointment the Act referred to		
me regulations, and are morrocations as pro-	vided to me by HUD.		
1/18/2017 Date	Mortgage Lender Services, Inc.		
Date	Name of Firm		
	By: Marsh Jourse I		
	68-0066123		
	Tax I.D. or Social Security No.		
A CKN	OUR PROJECT		
AUKN	OWLEDGMENT		
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			
1/10/2017			
On 1/18/2017 before	e me, Tara S. Campbell, Notary Public (insert name and title of the officer)		
personally appeared Marsha To			
who proved to me on the basis of satisfact subscribed to the within instrument and ac his/her/their authorized capacity(ies), and	tory evidence to be the person(s) whose name(s) is/are cknowledged to me that he/she/they executed the same in that by his/her/their signature(s) on the instrument the ch the person(s) acted, executed the instrument.		
	nder the laws of the State of California that the foregoing		
WITNESS my hand and official seal.	TARA S. CAMPBELL COMM. # 2154718 NOTARY PUBLIC -CALIFORNIA OF SACRAMENTO COURTY MY COMM. EXP. JUNE 21, 2020 7		
Signature Vaca / Campbe	(Seal)		

STATE OF OREGON

County of Multnomah

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.

SS

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the office. on: 3/3/2017

Kitty Wunt - Deputy Division of Assessment