

2019-008523

Klamath County, Oregon



00244425201900085230040044

07/29/2019 09:32:49 AM

Fee: \$97.00

After Recording Return to:
Lee C. Nusich, Esq.
Lane Powell PC
601 S.W. Second Ave., Suite 2100
Portland, Oregon 97204

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON)
) ss.
COUNTY of Multnomah)

I, Lee C. Nusich, being first duly sworn, depose, say, and certify that:

At all times hereinafter mentioned, I was and am now a resident of Oregon, a competent person over the age of eighteen years and not the Beneficiary or its successor in interest named in the attached Trustee's Notice of Sale ("Notice") given under the terms of that certain Trust Deed made, executed, and delivered by MARVIN L. SCHENCK AND TINA L. SCHENCK, as Grantor, to ASPEN TITLE & ESCROW, INC., as Trustee, to secure certain obligations in favor of TOM PREWITT AND JILL PREWILL HUSBAND AND WIFE WITH FULL RIGHTS OF SURVIVORSHIP, as Beneficiary, dated December 9, 1997 and recorded December 12, 1997 in Volume M97, Page No. 40425 Records of Klamath County, Oregon.

I gave notice of the sale of the real property described in the attached Notice by mailing an original thereof by both first class and certified mail with return receipt requested to the following persons, to all addresses on file with the Successor Trustee for each of them, as follows:

Marvin L. Schenck
2814 Bisbee St.
Klamath Falls, OR 97603

Tina L. Schenck
2814 Bisbee St.
Klamath Falls, OR 97603

David Richard Prewitt, Sr.
12059 Lupine Lane
Klamath Falls, OR 97603

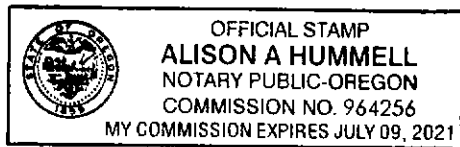
David Richard Prewitt, Jr.
12059 Lupine Lane
Klamath Falls, OR 97603

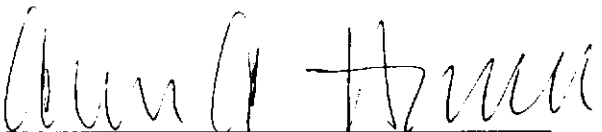
Each Notice so mailed was an original of the Notice; each original Notice was contained in a sealed envelope with postage thereon fully prepaid, and was deposited by our staff personnel in the United States Post Office at Portland, Oregon, on July 23, 2019.



Lee C. Nusich

SUBSCRIBED AND SWORN to before me this 23 day of July, 2019.





Notary Public for Oregon
My Commission Expires: 7-9-21

TRUSTEE'S NOTICE OF SALE

PLEASE TAKE NOTICE that the foregoing instrument shall constitute notice, pursuant to ORS 86.764, that the Grantor of the Trust Deed described below has defaulted on its obligations to Beneficiary, and that the Beneficiary and Successor Trustee under the Trust Deed have elected to sell the property secured by the Trust Deed.

TRUST DEED AND PROPERTY DESCRIPTION: This instrument makes reference to that certain Trust Deed dated December 9, 1997, and recorded on December 12, 1997, at Volume M97, Page 40425, in the real property records of Klamath County, Oregon, wherein MARVIN L. SCHENCK AND TINA L SCHENCK, is the Grantor, ASPEN TITLE & ESCROW, INC. is the original Trustee, and TOM PREWITT AND JILL PREWITT is the Beneficiary (the "Trust Deed").

The aforementioned Trust Deed covers property (the "Property") described as:

Lots 4A, 4B, 5A, 5B, 6A and 6B, Block 2, RAILROAD ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon.

The undersigned hereby certifies that he has no knowledge of any assignments of the Deed of Trust by the Trustee or by the Beneficiary or any appointments of a Successor Trustee other than the appointment of LEE C. NUSICH, as Successor Trustee as recorded in the property records of the county in which the Property described above is situated. Further, the undersigned certifies that 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, it has been dismissed.

The name and address of the Successor Trustee are as follows: Lee C. Nusch, Successor Trustee, Lane Powell PC, 601 SW Second Avenue, Suite 2100, Portland, OR 97204.

The Trust Deed is not a "Residential Trust Deed", as defined in ORS 86.705(6).

DEFAULT BY GRANTOR: There are continuing and uncured defaults by Grantor that, based on the provisions of the Trust Deed and the promissory note dated and effective as of December 9, 1997 (the "Note"), authorize the foreclosure of the Trust Deed and the sale of the Property described above, which uncured and continuing defaults include but are not necessarily limited to the following:

Grantor's failure to pay to Beneficiary, when and in the full amounts due, monthly installments as set forth on the Note secured by said Trust Deed. Monthly installments in the amount of \$1,000.56 include principal and interest. The last payment Beneficiary received was received on January 13, 2009. The Grantor has failed to make payments on this loan after February 5, 2009. Interest due as of (i.e., through and including) July 12, 2019 is in the amount of \$141,035.57 and continues to accrue at the rate of 12% per annum or \$31.23 per diem. The total past due amount of principal and interest as of July 12, 2019 is \$236,035.57.

ALL AMOUNTS are now due and payable along with all costs and fees associated with this foreclosure. TOTAL UNCURED MONETARY (PAYMENT) DEFAULT: By reason of said uncured and continuing defaults, the Beneficiary has accelerated and declared all sums owing on the obligation secured by the Deed of Trust and the Property immediately due and payable. The sums due and payable being the following: Unpaid principal amount owing: \$95,000.00. Unpaid interest owing as of July 12, 2019: \$141,035.57. TOTAL DUE: \$236,035.57. Accordingly, the sum owing on the obligation secured by the Trust Deed is \$236,035.57 as of July 12, 2019, together with interest accruing on the principal portion of that amount, plus additional costs and expenses incurred by Beneficiary and/or the Successor Trustee (including their respective attorney's fees, costs, and expenses).

ELECTION TO SELL: Notice is hereby given that the Beneficiary, by reason of the uncured and continuing defaults described above, has elected and does hereby elect to foreclose said Trust Deed by advertisement and sale pursuant to ORS 86.752 *et seq.*, and to cause to be sold at public auction to the highest bidder for cash, the Grantor's interest in the subject Property, which the Grantor had, or had the power to convey, at the time the Grantor executed the Trust Deed in favor of the Beneficiary, along with any interest the Grantor or the Grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by the Trust Deed as well as the expenses of the sale, including compensation of the Trustee as provided by law, and the reasonable fees of Trustee's attorneys.

PLEASE TAKE NOTICE that the sale will be held at the hour of 11:00 a.m., in accordance with the standard of time established by ORS 187.110, on December 2, 2019, at the steps of the front main entrance to the Klamath County Courthouse, at 316 Main Street, Klamath Falls, OR 97601.

RIGHT OF REINSTATEMENT: Notice is further given that any person named in ORS 86.778 has the right, at any time prior to five (5) 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 as would not then be due had no default occurred, together with the reasonable costs and expenses actually incurred in enforcing the terms of the obligation, as well as Successor Trustee and attorney fees as prescribed by ORS 86.778).

NOTICE REQUIRED UNDER ORS 86.771(9): Without limiting the Successor Trustee's disclaimer of representations or warranties, Oregon law requires the Successor 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.

DATED: July 23, 2019.

By: 

Lee C. Nusich, OSB# 772918 Successor Trustee
Lane Powell PC, 601 SW Second Avenue, Suite 2100, Portland, OR 97204.
Telephone: (503) 778-2119
Facsimile: (503) 778-2200; Email: nusichl@lanepowell.com.