

RECORDING REQUESTED BY

**2019-009274**

Klamath County, Oregon

08/15/2019 08:12:01 AM

Fee: \$97.00

And When Recorded Mail To

**SECRETARY OF HOUSING AND URBAN DEVELOPMENT  
C/O NOVAD MANAGEMENT CONSULTING  
2401 NW 23rd Street Suite 1A1  
Oklahoma City, OK 73107**

APN 219196

TS No. NR-51520-OR

Space above this line for recorder's purposes

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
NOTICE OF DEFAULT AND FORECLOSURE SALE**

Recorded in accordance with 12 USCA 3764 (c)

WHEREAS, on 8/25/2009, a certain Deed of Trust was executed by JOHNNY MILLARD and DONNA MILLARD, AS TENANTS BY THE ENTIRETY as trustor in favor of WELLS FARGO BANK, N.A. as beneficiary, and FIDELITY NATIONAL TITLE INSURA as trustee, and was recorded on 8/31/2009, as Instrument No. 2009-011635, in Book XX, Page XX, in the Office of the County Recorder of Klamath County, Oregon; 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 of Deed of Trust dated 2/18/2015, recorded on 3/16/2015, as instrument number 2015-002270, book XX, page XX, in the Office of the County Recorder, Klamath County, Oregon; and

WHEREAS, a default has been made in the covenants and conditions of the Deed of Trust in that the payment due on 6/4/2019, was not made and remains wholly unpaid as of the date of this notice, and no payment has been made sufficient to restore the loan to currency; and

WHEREAS, the entire amount delinquent as of 8/8/2019 is **\$283,222.30**; and

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 Law Offices of Jason C Tatman APC as Foreclosure Commissioner, recorded on 8/6/2019 as instrument number 2019-008864, book XX, page XX notice is hereby given that on **9/12/2019 at 1:00 PM** local time, all real and personal property at or used in connection with the following described property will be sold at public auction to the highest bidder:

**Legal Description:**

All that portion of Government Lot 10 in Section 8, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying Southwesterly of State Highway No. 62.

**Commonly known as: 36440 HWY 62, CHILOQUIN, OR 97624**

The sale will be held at AT THE MAIN STREET ENTRANCE TO KLAMATH COUNTY COURTHOUSE 316 MAIN STREET, KLAMATH FALLS, OREGON. The Secretary of Housing and Urban Development will bid an estimate of **\$283,222.30**.

There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his prorata 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 \$28,322.23 [10% of the Secretary's bid] in the form of a certified check or cashier's check made out to the Secretary of HUD. Each oral bid need not be accompanied by a deposit. If the successful bid is oral, a deposit of \$28,322.23 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 high bidder, he need not pay the bid amount in cash. The successful bidder will pay all conveyancing fees, all real estate and other taxes that are due on or after the delivery 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 15-day increments for a fee of \$500.00, paid in advance. The extension fee shall 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 Field Office 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 field office 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 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 amount that must be paid if the Mortgage is to be reinstated prior to the scheduled sale is \$283,222.30, as of 9/11/2019, 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.

Date: 8/9/19

Law Offices of Jason C Tatman APC  
U.S. Dept. of HUD Foreclosure Commissioner

BY:

  
Rhonda Rorie

5677 Oberlin Dr., Ste 210, San Diego, CA  
92121  
(858) 201-3590 Fax (858) 348-4976

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 San Diego

On 8/9/19 before me, Cynthia L. Russell, a Notary Public, personally appeared Rhonda Rorie 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



