

**2019-009921**

**Klamath County, Oregon**

08/29/2019 10:30:02 AM

Fee: \$187.00

RECORDING COVER SHEET  
AFTER RECORDING RETURN TO:  
Hershner Hunter, LLP  
Attn: Lisa Summers  
PO Box 1475  
Eugene, OR 97440-1475

1. NAME OR TITLE OF THE TRANSACTION(S) -- ORS 205.234:

**Affidavit of Mailing of Danger Notice/Trustee's Notice of Sale**  
**Affidavit of Proof of Service/Notice of Substitute Service**  
**Affidavit of Publication**  
**Affidavit Nonmilitary/Military Status Report**  
**Affidavit of Compliance Re: Foreclosure Avoidance Measure Notice**

2. GRANTOR (ORIGINAL GRANTOR ON TRUST DEED):

VICTOR GARCIA  
2510 Garden Ave.  
Klamath Falls, OR 97601

3. SUCCESSOR TRUSTEE (NOD):

NANCY K. CARY  
PO Box 1475  
Eugene, OR 97440

4. BENEFICIARY:

UMPQUA BANK  
PO Box 230727  
Tigard, OR 97281

5. ORIGINAL TRUST DEED INFORMATION:

Date Recorded: February 24, 2015  
Recording No. 2015-001672  
Official Records of Klamath County, Oregon

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENTS FOR RECORDING, ANY ERRORS CONTAINED IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENTS THEMSELVES.



**AFFIDAVIT OF MAILING OF NOTICE OF SALE  
AND DEBTOR NOTICE REQUIRED BY ORS 86.756**

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described in the attached Debtor Notice/Trustee's Notice of Sale.

2. Pursuant to ORS 86.756, on May 9, 2019, I mailed the attached Debtor Notice to Grantors and Occupants of the real property by certified and first class mail at the following address(es):

Occupants  
2510 Garden Ave.  
Klamath Falls OR 97601

Victor Garcia  
2510 Garden Ave.  
Klamath Falls OR 97601

3. I served the attached Trustee's Notice of Sale upon the following parties by depositing true copies thereof in the United States Mail at Eugene, Oregon, on May 30, 2019:

Victor Garcia  
2510 Garden Ave.  
Klamath Falls OR 97601

Victor Garcia  
2200 Wantland Ave.  
Klamath Falls OR 97601

Victor Garcia  
13487 Algoma Rd.  
Klamath Falls OR 97601

Jessica Brennecke  
2510 Garden Ave.  
Klamath Falls OR 97601

Jessica Brennecke  
3333 Shasta Way, Spc. 70  
Klamath Falls OR 97603

United Finance Co.  
P.O. Box 1763  
Klamath Falls OR 97601

State of Oregon  
Division of Child Support  
4600 25th Ave. NE, Ste. 180  
Salem OR 97301

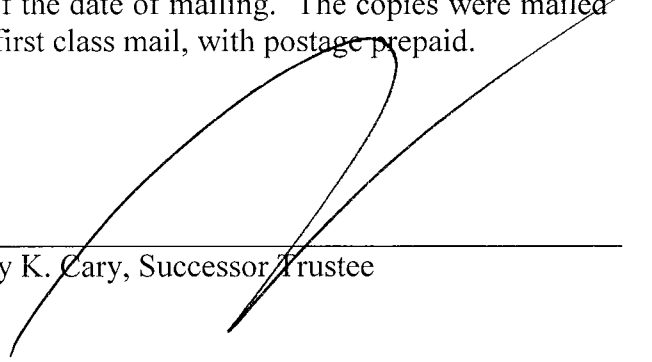
Attorney General  
Oregon Justice Department  
1162 Court Street, NE  
Salem OR 97301

United Finance Co.  
P.O. Box 4487  
Portland OR 97208

4. The above copies were enclosed in sealed envelopes addressed to the parties named above at the addresses set forth below their names which, to the best of my knowledge,

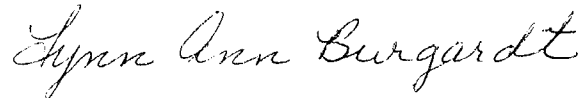


included all addresses on file with the trustee as of the date of mailing. The copies were mailed by certified mail, return receipt requested, and by first class mail, with postage prepaid.

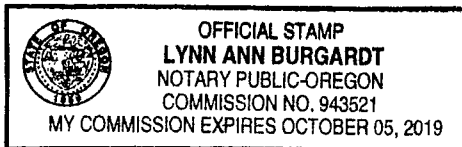
  
\_\_\_\_\_  
Nancy K. Cary, Successor Trustee

STATE OF OREGON       )  
                                  ) ss.  
COUNTY OF LANE       )

Signed and sworn to before me on May 30, 2019, by NANCY K. CARY, Successor Trustee.



\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 10/5/2019





**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:

2510 Garden Ave.  
Klamath Falls, OR 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 April 19, 2019, to bring your mortgage loan current was \$5,007.37. 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 1-866-743-4931 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: NANCY K. CARY, Successor Trustee, Hershner Hunter, LLP, P.O. Box 1475, Eugene, OR 97440.

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

Date and Time: October 3, 2019, 11:00 a.m.

Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

**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 Umpqua Bank at 1-866-743-4931 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 numbers at **800-SAFENET (1-800-723-3638) or 1-855-480-1950**. 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 **1-503-684-3763** or toll-free in Oregon at **1-800-452-7636** or you may visit its 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://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: May 9, 2019.

Trustee Name: NANCY K. CARY, Successor Trustee

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(TS #30057.31124) Telephone: (541) 686-0344

**FAIR DEBT COLLECTION PRACTICES ACT NOTICE**

We are attempting to collect a debt on behalf of the client named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information.



The following Trustee's Notice of Sale is served on you (if mailed, by certified mail, return receipt requested and first class mail) pursuant to ORS Chapter 86, requiring notice of the foreclosure to be given to the grantor of the trust deed, to certain successors in interest of the grantor and junior lien holders, and to the occupants of the property.

TO:

#### TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.771, the following information is provided:

1. **PARTIES:**

Grantor: VICTOR GARCIA  
Trustee: AMERITITLE  
Successor Trustee: NANCY K. CARY  
Beneficiary: UMPQUA BANK

2. **DESCRIPTION OF PROPERTY:** The real property is described as follows:

Lot 433, Block 126, MILLS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

3. **RECORDING.** The Trust Deed was recorded as follows:

Date Recorded: February 24, 2015  
Recording No. 2015-001672  
Official Records of Klamath County, Oregon

4. **DEFAULT.** The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$614.66 each, due the first of each month, for the months of September 2018 through January 2019, plus monthly payments at the new payment amount of \$627.49 each, due the first of each month, for the months of February 2019 through May 2019; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

5. **AMOUNT DUE.** The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$86,976.23; plus interest at the rate of 3.625% per annum from August 1, 2018; plus late charges of \$51.60; plus advances and foreclosure attorney fees and costs.

6. **SALE OF PROPERTY.** The Trustee hereby states that the property will be sold to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

7. **TIME OF SALE.**

Date: October 3, 2019  
Time: 11:00 a.m.  
Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

8. **RIGHT TO REINSTATE.** Any person named in ORS 86.778 has the right, at any time that is not later than five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.778.

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#### **NOTICE REGARDING POTENTIAL HAZARDS**

(This notice is required for notices of sale sent on or after January 1, 2015.)

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.

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#### **NOTICE TO RESIDENTIAL TENANTS**



The property in which you are living is in foreclosure. A foreclosure sale is scheduled for October 3, 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

UNDER APPLICABLE STATE LAW, 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.

IF FEDERAL LAW IS APPLICABLE, YOU MAY HAVE THE RIGHT TO CONTINUE LIVING IN THIS PROPERTY FOR THE REMAINDER OF A BONA FIDE FIXED-TERM LEASE OR, FOR A FIXED TERM TENANCY WHERE THE NEW OWNER WANTS TO MOVE IN AND FOR ALL OTHER BONA FIDE TENANCIES, AT LEAST 90 DAYS AFTER NOTICE OF TERMINATION.

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 or a longer period if applicable under federal law. 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.

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You may reach the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at: [www.osbar.org](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://www.oregonlawhelp.org>.

Any questions regarding this matter should be directed to Lisa Summers, Paralegal, (541) 686-0344 (TS #30057.31124).

DATED: May 9, 2019. Nancy K. Cary, Successor Trustee, Hershner Hunter, LLP, P.O. Box 1475, Eugene, OR 97440.

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#### FAIR DEBT COLLECTION PRACTICES ACT NOTICE

We are attempting to collect a debt on behalf of the beneficiary named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information.



AFFIDAVIT OF PROOF OF SERVICE

I swear that I am competent person 18 years of age or older and a resident of the State of Oregon; that I am not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise, named in the attached Trustee's Notice of Sale; that I served a true copy of the attached Trustee's Notice of Sale on the following persons and that each person served is the identical one named in the trustee's instructions to me.

PERSONAL SERVICE

On 5/14/19, at 9:30 A.m., I delivered the attached original Trustee's Notice of Sale to Jessica Bienneke in person, at 2510 Garden Ave Klamath Falls, OR 97601

On \_\_\_\_\_, at \_\_\_\_\_ .m., I delivered the attached original Trustee's Notice of Sale to \_\_\_\_\_ in person, at \_\_\_\_\_.

On \_\_\_\_\_, at \_\_\_\_\_ .m., I delivered the attached original Trustee's Notice of Sale to \_\_\_\_\_ in person, at \_\_\_\_\_.

SUBSTITUTE SERVICE

On 5/14/19, at 9:30 A.m., I served the attached Trustee's Notice of Sale on Victor Garcia by delivering a original copy to Jessica Bienneke, a person over the age of 14 years residing in said party's dwelling house or usual place of abode at 2510 Garden Ave Klamath Falls, OR 97601

On \_\_\_\_\_, at \_\_\_\_\_ .m., I served the attached Trustee's Notice of Sale on \_\_\_\_\_ by delivering a original copy t to \_\_\_\_\_, a person over the age of 14 years residing in said party's dwelling house or usual place of abode at \_\_\_\_\_.

OFFICE SERVICE

On \_\_\_\_\_, at \_\_\_\_\_ .m., I left an original copy of the Trustee's Notice of Sale with \_\_\_\_\_, the person apparently in charge of the business office maintained by \_\_\_\_\_ at \_\_\_\_\_.

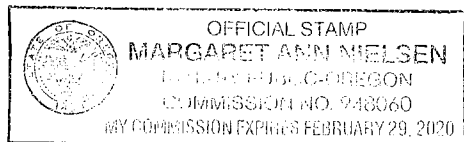
On \_\_\_\_\_, at \_\_\_\_\_ .m., I left an original copy of the Trustee's Notice of Sale with \_\_\_\_\_, the person apparently in charge of the business office maintained by \_\_\_\_\_ at \_\_\_\_\_.

Robert W. Bolenbaugh  
ROBERT W. BOLENBAUGH

STATE OF OREGON )  
COUNTY OF Klamath ) ss.

Signed and sworn to before me on May 16, 2019, by ROBERT W. BOLENBAUGH

Margaret A. Nielsen  
Notary Public for Oregon  
My Commission Expires: 2-29-20





NOTICE OF SUBSTITUTE SERVICE

TO: Victor Garcia  
2510 Garden Ave.  
Klamath Falls, OR 97601

You are hereby notified that you were served with a Trustee's Notice of Sale, a true copy of which is attached hereto, by delivery of an original copy of the Notice of Sale at your dwelling house or usual place of abode indicated above, as follows:

Date and Time of Service: May 14, 2019, at 9:36 a.m.

Person to Whom the Notice Was Delivered: Jessica Bienneke

/s/Nancy K. Cary

Nancy K. Cary, Successor Trustee

AFFIDAVIT OF MAILING

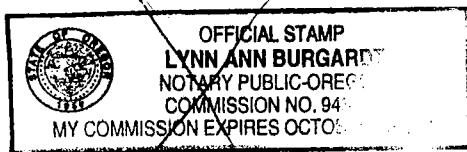
STATE OF OREGON       )  
                                  ) ss.  
COUNTY OF LANE       )

I, NANCY K. CARY, being first duly sworn, depose and say that:

I mailed an original Notice of Substitute Service, a true copy of which appears above, together with a true copy of the Notice of Sale referred to therein, by placing them in a sealed envelope, addressed as shown above and mailed by first class mail, with postage prepaid in the United States Mail at Eugene, Oregon, on May 30, 2019.

Nancy K. Cary, Successor Trustee

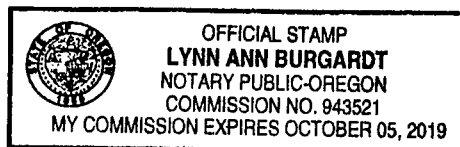
Signed and sworn to before me on May 30, 2019, by NANCY K. CARY.



Lynn Ann Burgardt

Notary Public for Oregon  
My Commission Expires: 10/5/2019

NOTICE OF SUBSTITUTE SERVICE



01810939.DOCX



The following Trustee's Notice of Sale is served on you (if mailed, by certified mail, return receipt requested and first class mail) pursuant to ORS Chapter 86, requiring notice of the foreclosure to be given to the grantor of the trust deed, to certain successors in interest of the grantor and junior lien holders, and to the occupants of the property.

TO:

Occupants  
2510 Garden Ave.  
Klamath Falls, OR 97601

#### TRUSTEE'S NOTICE OF SALE

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.771, the following information is provided:

1. PARTIES:

Grantor: VICTOR GARCIA  
Trustee: AMERITITLE  
Successor Trustee: NANCY K. CARY  
Beneficiary: UMPQUA BANK

2. DESCRIPTION OF PROPERTY: The real property is described as follows:

Lot 433, Block 126, MILLS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

3. RECORDING. The Trust Deed was recorded as follows:

Date Recorded: February 24, 2015  
Recording No. 2015-001672  
Official Records of Klamath County, Oregon

4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$614.66 each, due the first of each month, for the months of September 2018 through January 2019, plus monthly payments at the new payment amount of \$627.49 each, due the first of each month, for the months of February 2019 through May 2019; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$86,976.23; plus interest at the rate of 3.625% per annum from August 1, 2018; plus late charges of \$51.60; plus advances and foreclosure attorney fees and costs.

6. SALE OF PROPERTY. The Trustee hereby states that the property will be sold to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

7. TIME OF SALE.

Date: October 3, 2019  
Time: 11:00 a.m.  
Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

8. RIGHT TO REINSTATE. Any person named in ORS 86.778 has the right, at any time that is not later than five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.778.

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#### NOTICE REGARDING POTENTIAL HAZARDS

(This notice is required for notices of sale sent on or after January 1, 2015.)

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.

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## NOTICE TO RESIDENTIAL TENANTS

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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.

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- 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.

IF FEDERAL LAW IS APPLICABLE, YOU MAY HAVE THE RIGHT TO CONTINUE LIVING IN THIS PROPERTY FOR THE REMAINDER OF A BONA FIDE FIXED-TERM LEASE OR, FOR A FIXED TERM TENANCY WHERE THE NEW OWNER WANTS TO MOVE IN AND FOR ALL OTHER BONA FIDE TENANCIES, AT LEAST 90 DAYS AFTER NOTICE OF TERMINATION.

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 or a longer period if applicable under federal law. 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.

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You may reach the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at: [www.osbar.org](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://www.oregonlawhelp.org>.

Any questions regarding this matter should be directed to Lisa Summers, Paralegal, (541) 686-0344 (TS #30057.31124).

DATED: May 9, 2019. Nancy K. Cary, Successor Trustee, Hershner Hunter, LLP, P.O. Box 1475, Eugene, OR 97440.

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#### FAIR DEBT COLLECTION PRACTICES ACT NOTICE

We are attempting to collect a debt on behalf of the beneficiary named above (also referred to as the "creditor") and any information obtained will be used for that purpose. This debt is owed to the creditor in the amount described above. Under some circumstances, you may receive more than one copy of this notice. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after your first receipt of the original or a copy of this notice, we will assume the debt to be valid. If you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or (if applicable) a copy of a judgment against you and a copy of the verification or (if applicable) the judgment will be mailed to you. We will provide you with the name and address of the original creditor, if different from the creditor named above, if you notify us in writing within 30 days after your first receipt of the original or a copy of this notice that you request such information.



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

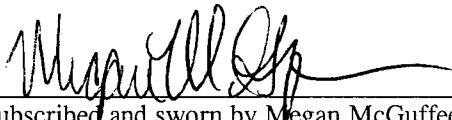
I, Megan McGuffee, Legal Specialist, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#19098 SALE

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:

08/02/2019 08/09/2019 08/16/2019 08/23/2019

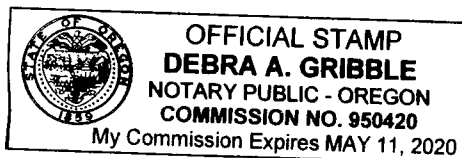
Total Cost: \$1211.48



Subscribed and sworn by Megan McGuffee before me on:  
26th day of August in the year of 2019



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



**TRUSTEE'S NOTICE OF SALE**

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.771, the following information is provided:

**1. PARTIES:**

**Grantor:** VICTOR GARCIA

**Trustee:** AMERITITLE

**Successor Trustee:** NANCY K. CARY

**Beneficiary:** UMPQUA BANK

**2. DESCRIPTION OF PROPERTY:** The real property is described as follows:

Lot 433, Block 126, MILLS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

**3. RECORDING.** The Trust Deed was recorded as follows:

Date Recorded: February 24, 2015

Recording No. 2015-001672

Official Records of Klamath County, Oregon

**4. DEFAULT.** The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$614.66 each, due the first of each month, for the months of September 2018 through January 2019, plus monthly payments at the new payment amount of \$627.49 each, due the first of each month, for the months of February 2019 through May 2019; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

**5. AMOUNT DUE.** The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$86,976.23; plus interest at the rate of 3.625% per annum from August 1, 2018; plus late charges of \$51.60; plus advances and foreclosure attorney fees and costs.

**6. SALE OF PROPERTY.** The Trustee hereby states that the property will be sold to satisfy the obligations secured by the Trust Deed. A Trustee's Notice of Default and Election to Sell Under Terms of Trust Deed has been recorded in the Official Records of Klamath County, Oregon.

**7. TIME OF SALE.**

Date: October 3, 2019

Time: 11:00 a.m.

Place: Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

**8. RIGHT TO REINSTATE.** Any person named in ORS 86.778 has the right, at any time that is not later than five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.778.

**NOTICE REGARDING POTENTIAL HAZARDS**

(This notice is required for notices of sale sent on or after January 1, 2015.)

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.

You may reach the Oregon State Bar's Lawyer Referral Service at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit its website at:

[www.osbar.org](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://www.oregonlawhelp.org>.

Any questions regarding this matter should be directed to Lisa Summers, Paralegal, (541) 686-0344 (TS #30057.31124).

**DATED:** May 9, 2019. Nancy K. Cary, Successor Trustee, Hershner Hunter, LLP, P.O. Box 1475, Eugene, OR 97440.  
#19098 July 26, August 2, 9, 16, 2019.



**NONMILITARY AFFIDAVIT**

STATE OF OREGON            )  
                                      ) ss.  
COUNTY OF LANE            )

I, NANCY K. CARY, being first duly sworn, depose and say:

1. I am the Successor Trustee of the Trust Deed described below:

Parties:

Grantor: VICTOR GARCIA  
Trustee: AMERITITLE  
Beneficiary: UMPQUA BANK

Recorded:

Date: February 24, 2015  
Recording No. 2015-001672  
Klamath County Oregon Records

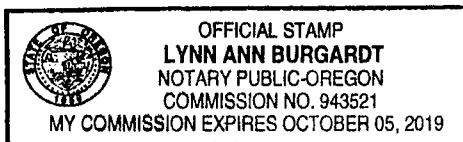
To the best of my knowledge and belief the Grantors of the above Trust Deed are not in the military service, or a dependent of a service member in military service based on the following facts made known to me by the Beneficiary or based on inquiry made by this office: (1) Grantor(s) address(es) are not part of a military installation; (2) the Beneficiary has not been provided with any information that indicated that Grantor(s) are members of any branch of military service, whether active or reserve, and a search of the Department of Defense Manpower Data Center ("DMDC") did not indicate Grantors are on active duty (See DMDC printouts attached); and (3) our office personally served Grantor(s) at an address that is not part of a military installation.

\_\_\_\_\_  
Nancy K. Cary, Successor Trustee

Signed and sworn to before me on May 30, 2019, by NANCY K. CARY, Successor Trustee.

*Lynn Ann Burgardt*  
\_\_\_\_\_

Notary Public for Oregon  
My Commission Expires: 10/5/2019







## Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-3592  
Birth Date:  
Last Name: GARCIA  
First Name: VICTOR  
Middle Name:  
Status As Of: May-29-2019  
Certificate ID: L3TWWMGHRYR8Y13

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director  
Department of Defense - Manpower Data Center  
400 Gigling Rd.  
Seaside, CA 93955



The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. ? 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. ? 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC ? 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC ? 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC ? 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.



**AFFIDAVIT OF COMPLIANCE RE:  
FORECLOSURE AVOIDANCE MEASURE NOTICE**

I, Dannine Consoli, being first duly sworn, depose and say that I am the beneficiary or an authorized agent for the beneficiary of the Trust Deed described as follows and have personal knowledge of the following facts:

Parties:

Grantor(s): VICTOR GARCIA  
Trustee: AMERITITLE  
Beneficiary: UMPQUA BANK

Recorded:

Date: February 24, 2015  
Recording No. 2015-001672  
Klamath County Oregon Records

PROPERTY ADDRESS: 2510 Garden Ave., Klamath Falls, OR 97601.

The beneficiary has complied with ORS 86.748 as follows (check one):

☐

On \_\_\_\_\_, the beneficiary determined that the grantor(s) was not eligible for a foreclosure avoidance measure, and within 10 days thereafter, the beneficiary mailed notice to grantor(s) by certified and first class mail to all addresses on file with the beneficiary.

☐

On \_\_\_\_\_, the beneficiary determined that the grantor(s) did not comply with a foreclosure avoidance measure to which the grantor(s) had agreed, and within 10 days thereafter, the beneficiary mailed notice to grantor(s) by certified and first class mail to all addresses on file with the beneficiary.

☒

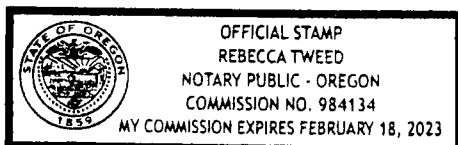
The Beneficiary did not make a determination regarding the eligibility of grantor(s) for a foreclosure avoidance measure.

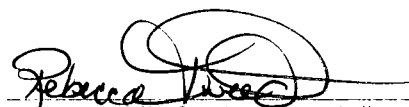


By: Dannine Consoli

STATE OF OREGON                     )  
  ) ss.  
COUNTY OF WASHINGTON )

This instrument was acknowledged before me on 07/22, 2019, by Dannine Consoli as Default Litigation Officer of UMPQUA BANK.



  
Notary Public for Oregon (TS #30057.31124)  
My Commission Expires: 02/18/2023