

Recording Requested By:

**2019-013032**

**Klamath County, Oregon**

11/07/2019 08:17:01 AM

Fee: \$187.00

When Recorded Mail to:

Nathan F. Smith, Esq.  
c/o Trustee Corps  
17100 Gillette Ave  
Irvine, CA 92614

TS No. OR08000155-17-4

APN R415759

TO No. 190835527-OR-MSO

## AFFIDAVIT OF MAILING

<b>GRANTEE:</b>	<b>BANK OF AMERICA, N.A.</b>
<b>GRANTOR:</b>	<b>JAMES R MURPHY, AND DANA M MURPHY</b>
<b>CURRENT TRUSTEE:</b>	<b>Nathan F. Smith, Esq.</b>

## DECLARATION OF MAILING

Reference No: OR08000155-17  
Mailing Number: 0130716-01

STATE OF CALIFORNIA                    }  
  }SS  
COUNTY OF SAN DIEGO                }

I, Jacob Smith, declare as follows:

I am and at all times herein mentioned a citizen of the United States, over the age of eighteen years and a resident of San Diego County, California:

That at the request of Trustee Corps on 7/17/2019, I deposited in the United States mail a copy of the attached document, in separate sealed envelopes, in accordance with the checked mailing classes defined below, postage prepaid, to the address list on exhibit A, attached hereto and made a part hereof.

<input checked="" type="checkbox"/> First Class	<input type="checkbox"/> Certified	<input checked="" type="checkbox"/> Certified Electronic Return Receipt
<input type="checkbox"/> Certified Return	<input type="checkbox"/> Registered	<input type="checkbox"/> Registered International

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7/17/2019 San Diego, California  
Date and Place

  
Declarant

A notary public or other officer completing this certificate verifies only the identity of the individual who signed this Declaration of Mailing, and not the truthfulness, accuracy, or validity of the document to which this form is attached.

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

On JUL 18 2019 before me, the undersigned, a Notary Public in and for said State, personally appeared Jacob Smith, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose names is subscribed above and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on this instrument the person, or the entity upon behalf of which the person 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





Sender: Trustee Corps  
123  
Irvine CA 92064

Postal Class: First Class

Type of Mailing: OR

File/Label Attachment: 0130716-01 000 452211 Trustee\_000418

Postal Number	Sequence	Recipient Name	Address Line 1/3	Address Line 2/4
(11)9690024883723461	1	BANK OF AMERICA NA	7105 CORPORATE DR BUILDING C	PLANO, TX 75024
(11)9690024883723485	2	BANK OF AMERICA NA	202 E MAIN ST	KLAMATH FALLS, OR 97601-3232
(11)9690024883723522	3	TIMOTHY A BOSTICK	430 N THIRD ST	KLAMATH FALLS, OR 97601
(11)9690024883723546	4	TIMOTHY A BOSTICK	202 EAST MAIN ST	KLAMATH FALLS, OR 97601
(11)9690024883723660	5	DANA M MURPHY	202 E MAIN ST	KLAMATH FALLS, OR 97601-3232
(11)9690024883723684	6	DANA M MURPHY	129 N 2ND ST	KLAMATH FALLS, OR 97601
(11)9690024883723607	7	DANA M MURPHY	430 N 3RD ST	KLAMATH FALLS, OR 97601-3119
(11)9690024883723621	8	DANA M MURPHY	430 N. THIRD STREET	KLAMATH FALLS, OR 97601
(11)9690024883723645	9	JAMES R MURPHY	202 E MAIN ST	KLAMATH FALLS, OR 97601-3232
(11)9690024883723669	10	JAMES R MURPHY	129 N 2ND ST	KLAMATH FALLS, OR 97601
(11)9690024883723683	11	JAMES R MURPHY	430 N 3RD ST	KLAMATH FALLS, OR 97601-3119
(11)9690024883723706	12	OCCUPANT	202 E MAIN ST	

71969002484057237118 13	STATE OF OREGON	316 MAIN STREET	KLAMATH FALLS, OR 97601
71969002484057237132 14	THE HEIRS AND DEVISEES OF THE ESTATE OF JAMES R MURPHY	202 E MAIN ST	KLAMATH FALLS, OR 97601
71969002484057237156 15	THE HEIRS AND DEVISEES OF THE ESTATE OF JAMES R MURPHY	129 N 2ND ST	KLAMATH FALLS, OR 97601
71969002484057237170 16	THE HEIRS AND DEVISEES OF THE ESTATE OF JAMES R MURPHY	430 N 3RD ST	KLAMATH FALLS, OR 97601

## TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, JAMES R MURPHY, AND DANA M MURPHY as Grantor to FIDELITY NATIONAL TITLE INSURANCE CO., AN ARIZONA CORPORATION as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for COUNTRYWIDE HOME LOANS, INC., Beneficiary of the security instrument, its successors and assigns, dated as of February 14, 2005 and recorded on February 22, 2005 in Book M05, on Page 11520 and the beneficial interest was assigned to **BANK OF AMERICA, N.A.** and recorded July 23, 2015 as Instrument Number 2015-008158 of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

APN: **R415759**

**Lots 45, 46 and 47, Block 11, INDUSTRIAL 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.**

Commonly known as: **202 E MAIN ST, KLAMATH FALLS, OR 97601-3232**

Both the Beneficiary, **BANK OF AMERICA, N.A.**, and the Trustee, Nathan F. Smith, Esq., OSB #120112, have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The default for which the foreclosure is made is the Grantor's failure to pay: **Failed to pay payments which became due**

**Monthly Payment(s):**

10 Monthly Payment(s) from 04/01/2017 to 01/01/2018 at **\$395.09**

17 Monthly Payment(s) from 02/01/2018 to 07/01/2019 at **\$385.64**

1 Monthly Payment(s) from 08/01/2019 to 08/01/2019 at **\$362.97**

**Total Late Charge(s):**

Total Late Charge(s) at **\$38.64**

By this reason of said default the Beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit: The sum of **\$33,115.90** together with interest thereon at the rate of **6.12500%** per annum from **March 1, 2017** until paid; plus all accrued late charges thereon; and all Trustee's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the terms of said Trust Deed.

Wherefore, notice is hereby given that, the undersigned Trustee will on **November 22, 2019** at the hour of **10:00 AM**, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, **on the Main Street entrance steps to the Klamath County Circuit Court, 316 Main St, Klamath Falls, OR 97601** County of Klamath, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the Grantor or his 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 to have the foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, Trustee's or attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or Trust Deed, at any time prior to five days before the date last set for sale.

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.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other persons owing an obligation, the performance of which is secured by said Trust Deed, the words "Trustee" and "Beneficiary" includes their respective successors in interest, if any.

Dated: July 15, 2019

By: Nathan F. Smith, Esq., OSB #120112  
Successor Trustee

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.

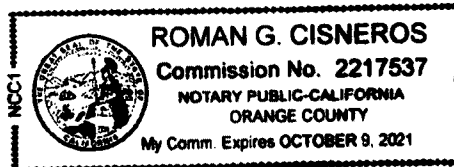
STATE OF CALIFORNIA  
COUNTY OF ORANGE

On July 15, 2019, before me, ROMAN G. CISNEROS, Notary Public, personally appeared NATHAN F. SMITH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.

  
Notary Public Signature



Malcolm & Cisneros, A Law Corporation  
Attention: Nathan F. Smith, Esq., OSB #120112  
c/o TRUSTEE CORPS  
17100 Gillette Ave, Irvine, CA 92614  
949-252-8300

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT.  
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its security instrument, including the right to foreclose its lien.

**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:  
202 E MAIN ST, KLAMATH FALLS, Oregon 97601-3232.

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 July 15, 2019 to bring your mortgage loan current was \$17,302.01. 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 800-669-6650 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:

Malcolm & Cisneros, A Law Corporation  
Attention: Nathan F. Smith, Esq., OSB #120112  
c/o Trustee Corps  
17100 Gillette Ave.  
Irvine, CA 92614  
949-252-8300

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

Date and Time: November 22, 2019 at 10:00 AM

Place: on the Main Street entrance steps to the Klamath County  
Circuit Court, 316 Main St, Klamath Falls, OR 97601,  
County of Klamath

**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 Bank of America, N.A. at phone no 800-669-6650 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 number at 800-SAFENET (800-723-3638). 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 503-684-3763 or toll-free in Oregon at 800-452-7636 or you can visit its website at <http://www.osbar.org>. Legal assistance may be available to you 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: July 15, 2019



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By: Nathan F. Smith, Esq., OSB #120112  
Successor Trustee



## **NOTICE TO RESIDENTIAL TENANTS**

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **November 22, 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**

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.

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. 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.

**Oregon Law Center  
Portland: 503-473-8329  
Coos Bay: 800-303-3638  
Ontario: 888-250-9877  
Salem: 503-485-0696  
Grants Pass: 541-476-1058  
Woodburn: 800-973-9003  
Hillsboro: 877-726-4381  
<http://www.oregonlawcenter.org/>**

**Oregon State Bar's Lawyer Referral Service** at 503-684-3763 or toll-free in Oregon at 800-452-7636 or you may visit the 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://oregonlawhelp.org>

For the name and telephone number of an organization near you, please call the statewide telephone contact number at 800-SAFENET (800-723-3638)

**2019-008006**

**Klamath County, Oregon**

**07/17/2019 08:19:01 AM**

**Fee: \$102.00**

**NOTICE OF DEFAULT  
AND ELECTION TO SELL**

RE: Trust Deed from:  
**JAMES R MURPHY, AND DANA M  
MURPHY, Grantor**  
To:  
**Nathan F. Smith, Esq., OSB #120112**

After recording return to:

**Malcolm & Cisneros, A Law Corporation**  
Attention: **Nathan F. Smith, Esq., OSB**  
**#120112**  
**c/o TRUSTEE CORPS**  
**17100 Gillette Ave**  
**Irvine, CA 92614**

TS No. OR08000155-17-4

APN R415759

TO No 190835527-OR-MSO

Reference is made to that certain Trust Deed made by JAMES R MURPHY, AND DANA M MURPHY as Grantor, to FIDELITY NATIONAL TITLE INSURANCE CO., AN ARIZONA CORPORATION as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for COUNTRYWIDE HOME LOANS, INC., Beneficiary of the security instrument, its successors and assigns, dated as of February 14, 2005 and recorded February 22, 2005 in the records of Klamath County, Oregon in Book M05, on Page 11520 and the beneficial interest was assigned to **BANK OF AMERICA, N.A.** and recorded July 23, 2015 as Instrument Number 2015-008158 covering the following described real property situated in the above-mentioned county and state, to wit:

**APN: R415759**

**Lots 45, 46 and 47, Block 11, INDUSTRIAL 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.**

The undersigned hereby certifies that no assignments of the Trust Deed by the Trustee, Nathan F. Smith, Esq., OSB #120112, or by the Beneficiary, **BANK OF AMERICA, N.A.**, and no appointments of a successor Trustee have been made, except as recorded in the records of the county or counties in which the above described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by Grantor or other person owing an obligation, performance of which is secured by the Trust Deed or by the successor in interest, with respect to provisions therein which authorize sale in the event of such provision. The default for which foreclosure is made is Grantor's failure to pay when due the following sums:

The total monthly payment(s) in the amount of **\$10,869.75** beginning **April 1, 2017**, as follows:

**\$3,950.90 = 10 monthly payment(s) at \$395.09**  
**\$6,555.88 = 17 monthly payment(s) at \$385.64**  
**\$362.97 = 1 monthly payment(s) at \$362.97**

By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable totaling **\$46,582.12**, said sums being the following:

1. Principal balance of **\$33,115.90** and accruing interest as of **July 15, 2019**, per annum, from **March 1, 2017** until paid.
2. **\$4,810.65** in interest
3. **\$38.64** in uncollected late charges
4. **\$2,141.31** in escrow balance due
5. **\$82.00** in county recording fee
6. **\$5,821.04** in other amounts due
7. **\$572.58** in additional fees and costs

8. Together with title expenses, costs, Trustees fees and attorney fees incurred here in by reason of said default and any further sums advanced by the Beneficiary for the protection of the above described real property and its interest there in.

By reason of the default, the Beneficiary has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the following, to- wit: **Failed to pay payments which became due**

Notice hereby is given that the Beneficiary and Trustee, by reason of default, have elected and do hereby elect to foreclose the Trust Deed by advertisement and sale pursuant to ORS 86.705 to 86.815, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by Grantor of the Trust Deed, together with any interest Grantor or Grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the Trust Deed and the expenses of the sale, including the compensations of the Trustee as provided by law, and the reasonable fees of Trustee's attorneys.

The Sale will be held at the hour of **10:00 AM**, in accord with the standard of time established by ORS 187.110, on **November 22, 2019** at the following place: **on the Main Street entrance steps to the Klamath County Circuit Court, 316 Main St, Klamath Falls, OR 97601**

Other than as shown of record, neither the Beneficiary nor the Trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the Trustee in the Trust Deed, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property except:

DANA M MURPHY  
202 E MAIN ST, KLAMATH FALLS, OR 97601-3232

JAMES R MURPHY  
202 E MAIN ST, KLAMATH FALLS, OR 97601-3232

OCCUPANT  
202 E MAIN ST, KLAMATH FALLS, OR 97601-3232

THE HEIRS AND DEVISEES OF THE ESTATE OF JAMES R MURPHY  
202 E MAIN ST, KLAMATH FALLS, OR 97601-3232

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five 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 of the principal as would not then be due had no default occurred), together with costs, Trustee's and attorney's fees, 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, at any time prior to five days before the date last set for sale.

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.

In construing this notice, the singular gender 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.

Dated: July 15, 2019

By: Nathan F. Smith, Esq., OSB #120112  
Successor Trustee

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 ORANGE

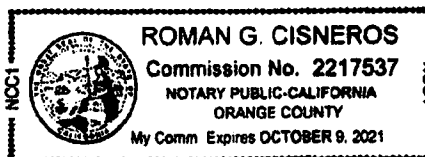
On July 15, 2019, before me, ROMAN G. CISNEROS, Notary Public, personally appeared NATHAN F. SMITH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.



Notary Public Signature



Malcolm & Cisneros, A Law Corporation  
Attention: Nathan F. Smith, Esq., OSB #120112  
c/o TRUSTEE CORPS  
17100 Gillette Ave, Irvine, CA 92614  
949-252-8300

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT.  
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its security instrument, including the right to foreclose its lien.



**CERTIFICATE OF COMPLIANCE  
STATE OF OREGON  
FORECLOSURE AVOIDANCE PROGRAM**

**AFTER RECORDING RETURN TO:**

Roman G Cisneros  
For Malcolm & Cisneros, For Bank of America  
2112 Business Center Drive  
Irvine, CA 92612

6/25/2019

<b>Grantor:</b>	JAMES R MURPHY AND DANA M MURPHY
<b>Beneficiary:</b>	BANK OF AMERICA, N.A.
<b>Property Address:</b>	202 E MAIN ST KLAMATH FALLS, OR 97601-3232
<b>Instrument / Recording No. Date / County</b>	Instrument Number: Book M05, Page 11520 Recording Number: Book M05, Page 11520 Loan Number: [REDACTED] 2/22/2005 Klamath
<b>Case Number</b>	BI-190506-2933

1. The Service Provider hereby certifies that:

☐

The beneficiary and/or its agent complied with the requirements of Oregon Laws 2013, Chapter 304, sections 2, 3, and 4;  
or

☒

The grantor did not pay the required fee by the deadline.

2. On this date, I mailed the original certificate to the beneficiary and provided a copy to the grantor and the Attorney General electronically or by mail.

DATED this 25 day of June, 20 19.

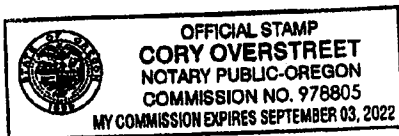
*[Signature]*  
Ann Curtis

Compliance Officer, Oregon Foreclosure Avoidance Program

STATE OF OREGON       )  
  ) ss.  
County of Multnomah    )

The foregoing instrument was acknowledged before me on June 25<sup>th</sup>, 20 19, by APRIL CURTIS  
[Print Name]

as Compliance Officer of Mediation Case Manager.



*[Signature]*  
Notary Public - State of Oregon  
My Commission Expires: 09/03/2022

Recording Requested By:

When Recorded Mail to:

Nathan F. Smith, Esq.  
c/o Trustee Corps  
17100 Gillette Ave  
Irvine, CA 92614

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TS No. OR08000155-17-4

APN R415759

TO No. 190835527-OR-MSO

## AFFIDAVIT OF COMPLIANCE

**AFFIDAVIT OF COMPLIANCE**  
**With §ORS 86.748(1)**

Grantor(s): JAMES R MURPHY, AND DANA M MURPHY  
Beneficiary: BANK OF AMERICA, N.A.  
Mortgage Servicer: Bank of America, N.A.  
Trustee: Nathan F. Smith, Esq. OSB #120112  
Trustee Sale Number: OR08000155-17-4  
Property Address: 202 E MAIN ST, KLAMATH FALLS, OR 97601-3232  
DOT Rec.  
Instrument/Book/Page: Book M05, Page 11520

I, the undersigned, under oath depose and say that:

- (1) I am an employee of Bank of America, N.A. ("BANA"), where I hold the office of Assistant Vice President. As an officer of BANA, I am authorized to execute this affidavit.
- (2) In the regular performance of my job functions, I am familiar with business records maintained by BANA for the purpose of servicing mortgage loans. These records (which include data compilations, electronically imaged documents, and others) are made at or near the time by, or from information provided by, persons with knowledge of the activity and transactions reflected in such records, and are kept in the course of business activity conducted regularly by BANA. It is the regular practice of BANA's mortgage servicing business to make these records. In connection with making this affidavit, I have acquired personal knowledge of the matters stated herein by examining these business records.
- (3) BANA is the beneficiary of the above referenced instrument.
- (4) I certify that the beneficiary and the trustee as of this date are the beneficiary and trustee named above.
- (5) ☐ The Grantor(s) did not request a foreclosure avoidance measure, and has/have not been evaluated for any foreclosure avoidance measure.
- ☒ The Grantor(s) has/have not submitted complete information for a foreclosure avoidance measure determination; therefore, Grantor(s) has/have not been evaluated for a foreclosure avoidance measure.

OR

☐ In accordance with ORS 86.748, a written notice was sent to the Grantor(s) at all of the addresses for the grantor on file with the beneficiary, including post office boxes, within 10 days of a determination of ineligibility or non-compliance with an agreed upon foreclosure avoidance measure.



(6) By reason of the above, the beneficiary or beneficiary's agent has complied with the requirements of ORS 86.748(1).

Date: October 31, 2019

BANK OF AMERICA, N.A.

Denise Wall Iskierski 10-31-19

Signature

Denise Wall Iskierski

Print Name Assistant Vice President (AVP)

County of Dallas

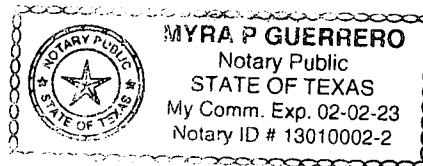
State of Texas

Subscribed and sworn to (or affirmed) before me this 31 day of October,  
2019, by Denise Wall Iskierski, AVP of Bank of America N.A.

Myra P Guerrero 10-31-19

Notary Signature MYRA P GUERRERO

My commission expires: 2-2-2023



Recording Requested By:

When Recorded Mail to:

Nathan F. Smith, Esq.  
c/o Trustee Corps  
17100 Gillette Ave  
Irvine, CA 92614

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TS No. OR08000155-17-4

APN R415759

TO No. 190835527-OR-MSO

## AFFIDAVIT OF PUBLICATION

**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#19095 SALE

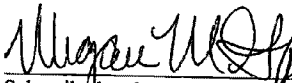
ISL# 61915

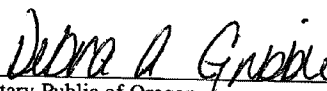
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

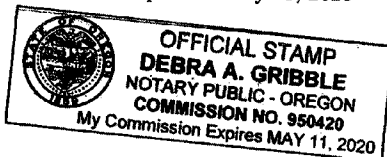
Insertion(s) in the following issues:

08/22/2019 08/29/2019 09/05/2019 09/12/2019

Total Cost: \$1299.32

  
Subscribed and sworn by Megan McGuffee before me on:  
16th day of September in the year of 2019

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



**TS No. OR08000155-17-4 APN R415759  
TO No 190835527-OR-MSO  
TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain Trust Deed made by, JAMES R MURPHY, AND DANA M MURPHY as Grantor to FIDELITY NATIONAL TITLE INSURANCE CO., AN ARIZONA CORPORATION as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for COUNTRYWIDE HOME LOANS, INC., Beneficiary of the security instrument, its successors and assigns, dated as of February 14, 2005 and recorded on February 22, 2005 in Book M05, on Page 11520 and the beneficial interest was assigned to BANK OF AMERICA, N.A. and recorded July 23, 2015 as Instrument Number 2015-008159 of official records in the Office of the Recorder of Klamath County, Oregon, to-wit: APN: R415759 Lots 45, 46 and 47, Block 11, INDUSTRIAL 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. Commonly known as: 202 E MAIN ST, KLAMATH FALLS, OR 97601-3232.

Both the Beneficiary, BANK OF AMERICA, N.A., and the Trustee, Nathan F. Smith, Esq., OSB #120112, have elected to sell the said real property to satisfy the obligations secured by said Trust Deed and notice has been recorded pursuant to Section 86.735(3) of Oregon Revised Statutes. The default for which the foreclosure is made is the Grantor's failure to pay: Failed to pay payments which became due Monthly Payment(s): 10 Monthly Payment(s) from 04/01/2017 to 01/01/2018 at \$395.09 17 Monthly Payment(s) from 02/01/2018 to 07/01/2019 at \$385.64 1 Monthly Payment(s) from 08/01/2019 to 08/01/2019 at \$362.97 Monthly Late Charge(s): 1 Monthly Late Charge(s) 07/15/2019.

By this reason of said default the Beneficiary has declared all obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit: The sum of \$33,115.90 together with interest thereon at the rate of 6.12500% per annum from March 1, 2017 until paid; plus all accrued late charges thereon; and all Trustee's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the terms of said Trust Deed.

Wherefore, notice is hereby given that, the undersigned Trustee will on November 22, 2019 at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, on the Main Street entrance steps to the Klamath County Circuit Court, 316 Main St, Klamath Falls, OR 97601 County of Klamath, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantor had or had power to convey at the time of the execution by him of the said Trust Deed, together with any interest which the Grantor or his 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 to have the foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, Trustee's or attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or Trust Deed, at any time prior to five days before the date last set for sale. 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.

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other persons owing an obligation, the performance of which is secured by said Trust Deed, the words "Trustee" and "Beneficiary" includes their respective successors in interest, if any. Dated: 07/15/2019 By: Nathan F. Smith, Esq., OSB #120112 Successor Trustee Malcolm & Cisneros, A Law Corporation Attention: Nathan F. Smith, Esq., OSB #120112 c/o TRUSTEE CORPS 17100 Gillette Ave, Irvine, CA 92614 949-252-8300 Order Number 61915, Pub Dates: 08/22/2019, 08/29/2019, 09/05/2019, 09/12/2019, HERALD & NEWS #19095 August 22, 29, September 5, 12, 2019

Recording Requested By:

When Recorded Mail to:

Nathan F. Smith, Esq.  
c/o Trustee Corps  
17100 Gillette Ave  
Irvine, CA 92614

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TS No. OR08000155-17-4

APN R415759

TO No. 190835527-OR-MSO

## AFFIDAVIT OF SERVICE

**AFFIDAVIT OF POSTING**

STATE OF OREGON  
County of Klamath

ss.

I, Robert Bolenbaugh, hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original trustee's Notice of Sale attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the Trustee's Notice of Sale; Notice: You are in Danger of Losing Your Property if You Do Not Take Action Immediately; Notice to Residential Tenants; Notice of Default and Election to Sell; Certificate of Compliance State of Oregon Foreclosure Avoidance Program upon the individuals and/or entities named below, by delivering a copy of the aforementioned documents, upon an **OCCUPANT** at the following "**Property Address**":

**202 E Main St  
Klamath Falls, OR 97601-3232**

As follows:

On 07/18/2019 at 3:14 PM, I attempted personal service at the Property Address. A locked gate exists at the entrance to the Property Address effectively preventing lawful access to the Property. At that time, I POSTED such true copy conspicuously and securely on the locked gate, pursuant to ORS 86.744 (1)(b)(A).

On 07/22/2019 at 1:22 PM, I returned to the Property Address. A locked gate continues to exist at the entrance to the Property Address effectively preventing lawful access to the Property. At that time, I POSTED such true copy conspicuously and securely on the locked gate, pursuant to ORS 86.744 (1)(b)(B).

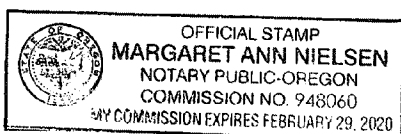
On 07/29/2019 at 6:21 PM, I returned to the Property Address. A locked gate continues to exist at the entrance to the Property Address effectively preventing lawful access to the Property. This attempt in person at the Property Address satisfies the third attempt requirement pursuant to ORS 86.744 (1)(b)(C).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 6th day of August, 2019  
by Robert Bolenbaugh.

*Margaret A. Nielsen*  
Notary Public for Oregon

X *[Signature]*  
Robert Bolenbaugh  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*345687\*

OR08000155-17-4 / MURPHY  
ISL# 61915

TCORPS

**AFFIDAVIT OF MAILING**

STATE OF OREGON  
County of Klamath

ss.

I, Robert Bolenbaugh, being first duly sworn, depose and say that I am a professional process server, 18 years of age or older and not the beneficiary or trustee named in the original trustee's Notice of Sale, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise. On July 31, 2019, I mailed a copy of the Trustee's Notice of Sale; Notice: You are in Danger of Losing Your Property if You Do Not Take Action Immediately; Notice to Residential Tenants; Notice of Default and Election to Sell; Certificate of Compliance State of Oregon Foreclosure Avoidance Program, by First Class Mail, postage pre-paid, to occupant, pursuant to ORS 86.744(1)(b)(C).

The envelope was addressed as follows:

**OCCUPANT  
202 E Main St  
Klamath Falls, OR 97601-3232**

This mailing completes service upon an occupant at the above address with an effective date of **07/18/2019** as calculated pursuant to ORS 86.744 (1)(c).

I declare under the penalty of perjury that the above statement is true and correct.

SUBSCRIBED AND SWORN BEFORE ME  
this 18th day of August, 2019  
by Robert Bolenbaugh.

*Margaret A. Nielsen*  
Notary Public for Oregon

X

*[Signature]*  
Robert Bolenbaugh  
Nationwide Process Service, Inc.  
300 Century Tower  
1201 SW 12th Avenue  
Portland, OR 97205  
(503) 241-0636



\*345687\*

