

After recording return to:

Alan N. Stewart
Merrill O'Sullivan, LLP
805 SW Industrial Way, Suite 5
Bend, OR 97702

2019-015003

Klamath County, Oregon

12/27/2019 08:45:01 AM

Fee: \$142.00

**AFFIDAVIT OF CERTIFIED MAILING, TRUSTEE'S NOTICE OF SALE,
AFFIDAVIT OF SERVICE, and AFFIDAVIT OF PUBLICATION**

STATE OF OREGON)
) ss.
County of Deschutes)

I, ALAN N. STEWART, being first duly sworn on oath, depose and say that:

1. I am an Oregon licensed attorney and am the Successor Trustee for that certain Deed of Trust made by RICHARD J. MORALES and BERTHA O. MORALES, as Grantors, to First American Title, as Trustee, in favor of Richard E. Dankert, as Beneficiary, dated April 16, 2004, recorded April 21, 2004, as Document No. Volume M04, Page 23790, Records of Klamath County Oregon, covering the following described real property situated in Klamath County, OR, to-wit:

**The N1/2 S1/2 NW1/4 NE1/4 of Section 15, Township 41 South, Range 10 East of the
Willamette Meridian, Klamath County, Oregon.**

Commonly referred to as 24011 Merrill Pit Road, Merrill OR 97633.

Beneficiary granted, assigned, and transferred all beneficial interest in and under said trust deed to Creative Real Estate Solutions, LLC as shown by Assignment of Trust Deed by Beneficiary or Beneficiary's Successor in Interest dated August 20, 2019, recorded August 30, 2019, as Document No. 2019-009958. Alan N. Stewart of Merrill O'Sullivan, LLP, 805 SW Industrial Way, Suite 5, Bend OR 97702, was appointed Successor Trustee by Beneficiary on September 19, 2019.

2. On September 24, 2019, I caused to be filed with the Oregon Attorney General, Department of Justice, a true copy of the Foreclosure Avoidance Mediation Program Beneficiary Exemption Affidavit on behalf of the beneficiary, pursuant to OAR 137-110-0300.

3. A Notice of Default and Election to Sell, with the attached Foreclosure Avoidance Program Beneficiary Exemption Affidavit, was recorded September 24, 2019, as Document No. 2019-011121, in the Official Records of Klamath County, Oregon.

4. On September 24, 2019, I served a true copy of the Notice of Default and Election to Sell with attached Beneficiary Exemption Affidavit; a Notice Required by the Fair Debt Collection Practices Act, 15 USC Section 1692, with attached true copy of Trustee's Notice of Sale; Residential Foreclosure Notice; and Notice to Residential Tenants. The original Trustee's Notice of Sale is attached to this Affidavit and incorporated herein. These documents were served by placing a true copy in an envelope which was then sealed and sent postage fully prepaid, by certified mail, return receipt requested, and by regular U.S. Mail to: Richard J. Morales and Bertha O. Morales, 24011 Merrill Pit Road, Merrill OR 97633.

I certify that the address set out above is the last known address for Grantors. Copies of the certified mail receipt and return card are attached to this Affidavit.

5. On September 24, 2019, I served a true copy of the Notice of Default and Election to Sell with attached Beneficiary Exemption Affidavit and a true copy of the Trustee's Notice of Sale to interested parties whose interest appears of record, as required by ORS 86.764. These documents were served by placing a true copy in an envelope which was then sealed and sent postage fully prepaid, by certified mail, return receipt requested, and by regular U.S. Mail to the following:

Palisades Collection LLC
c/o Gordon, Aylworth & Tami, P.C.
PO Box 22338
Eugene, OR 97402

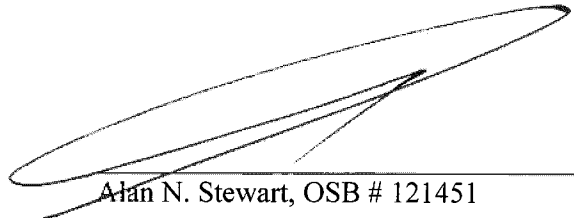
Property Tax Division, Deferral Unit
Oregon Department of Revenue
PO Box 14380
Salem, OR 97309-5075

Copies of the certified mail receipts and return cards are attached to this Affidavit.

6. Service was made on the occupants of the property, by delivering a true copy of the Notice of Default and Election to Sell and Beneficiary Exemption Affidavit; original Notice Required by the Fair Debt Collection Practices Act, 15 USC Section 1692, with attached true copy of Trustee's Notice of Sale; original Residential Foreclosure Notice; and original Notice to Residential Tenants upon the occupant(s) at the following property address: 24011 Merrill Pit Road, Merrill OR 97633, in the manner of: On September 27, 2019 at 12:51 p.m., personal service was attempted and at that time the above documents were posted conspicuously at the property address. Subsequent attempts were made and documents posted on the property on September 30 and October 4, 2019. On October 7, 2019, true copies of the Notice of Default and Election to Sell and Beneficiary Exemption Affidavit; original Notice Required by the Fair Debt Collection Practices Act, 15 USC Section 1692, with attached true copy of Trustee's Notice of Sale; original Residential Foreclosure Notice; and original Notice to Residential Tenants were mailed by First Class Mail, postage prepaid thereon, in a sealed envelope, addressed to "Occupants" at the address listed above, pursuant to ORS 86.774(1)(b)(C). The original Affidavit of Service is attached to this Affidavit and incorporated herein.

7. The Trustee's Notice of Sale was published in the Klamath Herald and News, a newspaper of general circulation in Klamath County, Oregon, for four successive and consecutive weeks in the following issues: November 7, 14, 21, and 28, 2019. The original Affidavit of Publication for the Trustee's Notice of Sale is attached to this Affidavit and incorporated herein.

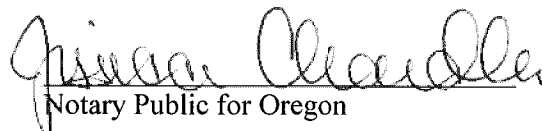
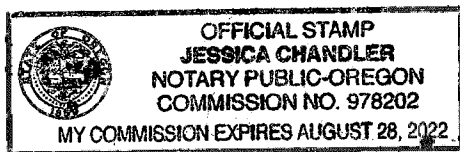
Dated this 27th day of December, 2019.



Alan N. Stewart, OSB # 121451

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on the 27th day of December, 2019, by Alan N. Stewart.



Notary Public for Oregon

After recording return to:

Alan N. Stewart
Merrill O'Sullivan, LLP
805 SW Industrial Way, Suite 5
Bend, OR 97702

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Deed of Trust made by RICHARD J. MORALES and BERTHA O. MORALES, as Grantors, to First American Title, as Trustee, in favor of Richard E. Dankert, as Beneficiary, dated April 16, 2004, recorded April 21, 2004, as Document No. Volume M04, Page 23790, Records of Klamath County Oregon, covering the following described real property situated in Klamath County, OR, to-wit:

The N1/2 S1/2 NW1/4 NE1/4 of Section 15, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Commonly referred to as 24011 Merrill Pit Road, Merrill OR 97633.

Alan N. Stewart of Merrill O'Sullivan, LLP, 805 SW Industrial Way, Suite 5, Bend OR 97702, was appointed Successor Trustee by the Beneficiary on September 19, 2019.

Both the Beneficiary and Trustee have elected to sell the said real property to satisfy the obligations secured by said Deed of Trust and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.752(3); the default for which the foreclosure is made is Grantors' failure to pay when due the following sums:

As of September 24, 2019, pursuant to a Promissory Note dated April 16, 2004, the total amount of \$46,500.00, plus late charges in the amount of \$2,325.00 and fees due in the amount of \$0.00, for a total delinquency of \$48,825.00.

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

As of September 24, 2019, unpaid principal in the amount of \$35,000.00, accrued interest in the amount of \$16,275.00, subsidy recapture in the amount of \$0.00, assessed fees in the amount of \$0.00, and interest on fees in the amount of \$0.00, for a total amount of \$51,275.00, plus interest continuing to accrue at the rate of \$5.7534 per day, including daily interest on fees at the rate of \$0.000, until paid, plus any unpaid property taxes, attorney's fees, foreclosure costs, and sums advanced by the beneficiary pursuant to the terms of said Deed of Trust.

WHEREFORE, notice is hereby given that the undersigned Trustee will on February 19, 2020, at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the following place: Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantors have or had power to convey at the time of the execution by Grantors of the said Deed of Trust, together with any interest which the 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 ORS 86.778 has the right, at any time prior to five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal and interest as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Deed of Trust, and in addition

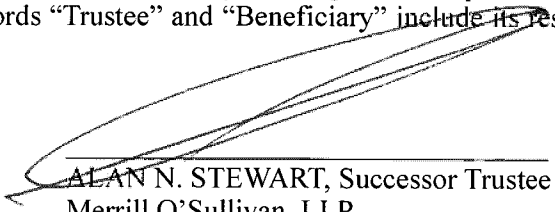
to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust, together with Trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.778.

In accordance with the Fair Debt Collection Practices Act, this is an attempt to collect a debt, and any information obtained will be used for that purpose. This communication is from a debt collector.

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.

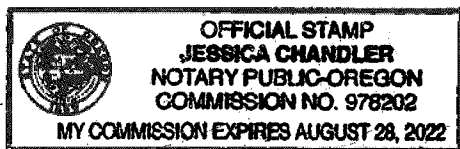
In construing this Notice, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by said Deed of Trust, and the words "Trustee" and "Beneficiary" include its respective successors in interest, if any.

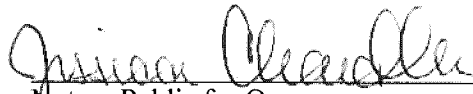
DATED: September 24, 2019.


ALAN N. STEWART, Successor Trustee
Merrill O'Sullivan, LLP
805 SW Industrial Way, Suite 5
Bend, OR 97702
Telephone: 541-389-1770

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on September 24, 2019, by Alan N. Stewart, as Successor Trustee.




Notary Public for Oregon

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

at www.usps.com

USE

MERRILL O'SULLIVAN, LLP
 805 SW INDUSTRIAL WAY STE. 5
 BEND, OREGON 97702

CRE Morales ADDN

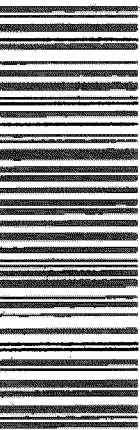
Richard J. Morales
 Bertha O. Morales
 24011 Merrill Pit Road
 Merrill, OR 97633



PS Form 3800, April 2015 PSN 7530-02-000-9047 SEE Reverse for Instructions

0469 2462 0000 0890 9102

CERTIFIED MAIL



OR 974
 24 SEP '19
 PM 4:1

neopost #
 09/24/2019
US POSTAGE \$006.95
 FIRST-CLASS MAIL
 ZIP 97701
 041M12251907

ADDRESS SERVICE REQUEST

7016 0680 0000 2942 6940

Richard J. Morales
 Bertha O. Morales
 24011 Merrill Pit Road
 Merrill, OR

971 DE 1

0009/27/19

RETURN TO SENDER
 NO SUCH STREET
 UNABLE TO FORWARD

59533232193

BC: 97702109305

*1529-05061-24-43

Richard J. Morales
 Bertha O. Morales
 24011 Merrill Pit Road
 Merrill, OR 97

NIXIE

971 DE 1

0009/28/19

RETURN TO SENDER
 NO MAIL RECEPTACLE
 UNABLE TO FORWARD

97702>1093

BC: 97702109305

*1529-05061-24-43

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
www.usps.com
USE

MERRILL O'SULLIVAN, LLP
305 SW INDUSTRIAL WAY STE. 5
BEND, OREGON 97702

CRE Morales *AUSJC*

BEND OREGON 97701
SEP 24 2019

Oregon Department of Revenue
PO Box 14380
Salem, OR 97309-5075

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Property Tax Division, Deferral Unit
Oregon Department of Revenue
PO Box 14380
Salem, OR 97309-5075

2. Article Number (Transfer from service label)
7018 0680 0000 2942 6971

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

B. Received by (Printed Name)
SEP 26 2019

C. Date of Delivery
SEP 26 2019

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

OR Dept. of REVENUE

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail Restricted Delivery (00)

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation
☐ Signature Confirmation Restricted Delivery

7269 2462 0000 0890 8702 PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
www.usps.com
USE

MERRILL O'SULLIVAN, LLP
305 SW INDUSTRIAL WAY STE. 5
BEND, OREGON 97702

CRE Morales *AUSJC*

BEND OREGON 97701
SEP 24 2019

c/o Gordon, Aylworth & Tami, P.C.
PO Box 22338
Eugene, OR 97402

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Palisades Collection LLC
c/o Gordon, Aylworth & Tami, P.C.
PO Box 22338
Eugene, OR 97402

2. Article Number (Transfer from service label)
7018 0680 0000 2942 6964

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

B. Received by (Printed Name)
SEP 26 2019

C. Date of Delivery
SEP 26 2019

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail Restricted Delivery (00)

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation
☐ Signature Confirmation Restricted Delivery

4969 2462 0000 0890 8702 PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

RETURN OF SERVICE

Notice of Default and Election to Sell and Beneficiary Exemption Affidavit and Fair Debt Collection Practices Act Notice and Trustee's Notice of Sale and Notice of Danger of Losing Property and Notice to Residential Tenants

Case Number:

Beneficiary:

CREATIVE REAL ESTATE SOLUTIONS, LLC

vs.

GRANTOR:

RICHARD J MORALES and BERTHA O MORALES

For:

ALAN STEWART
MERRILL O'SULLIVAN
805 SW INDUSTRIAL WAY
STE 5
BEND, OR 97702

Received by Tri-County Legal Process Service, Inc. to be served on **OCCUPANT, 24011 MERRILL PIT ROAD, MERRILL, OR 97633.**

I, JOELLE CLAYTON, do hereby affirm that on the **27th day of September, 2019 at 12:51 pm, I:**

I made service of Notice of Default and Election to Sell and Beneficiary Exemption Affidavit and Fair Debt Collection Practices Act Notice and Trustee's Notice of Sale and Notice of Danger of Losing Property and Notice to Residential Tenants upon the individuals and/or entities named below by delivering a copy of the Notice of Default and Election to Sell and Beneficiary Exemption Affidavit and Fair Debt Collection Practices Act Notice and Trustee's Notice of Sale and Notice of Danger of Losing Property and Notice to Residential Tenants, upon an OCCUPANT at the following Property Address: 24011 MERRILL PIT ROAD, MERRILL, OR 97633 in the manner of:

On 9/27/2019 at 12:51 pm, I attempted personal service at the Property Address. At that time, I POSTED such copy conspicuously at the property address, pursuant to ORS 86.774 (1)(b)(A).

On 9/30/2019, at 5:57 pm, I returned to the Property address. At that time, I POSTED another such copy conspicuously at the property address pursuant to ORS 86.774 (1)(b)(B).

On 10/4/2019 at 4:58 am, I returned to the Property address. At that time, I POSTED another such copy conspicuously at the property address, pursuant to ORS 86.774 (1)(b)(C)

Proof of Mailing: On 10/7/2019, I mailed a copy of the Notice of Default and Election to Sell and Beneficiary Exemption Affidavit and Fair Debt Collection Practices Act Notice and Trustee's Notice of Sale and Notice of Danger of Losing Property and Notice to Residential Tenants by First Class Mail, postage pre-paid thereon, addressed to "Occupants" at 24011 MERRILL PIT ROAD, MERRILL, OR 97633, pursuant to ORS 86.774 (1) (a) (C). If mailed by other than the server:

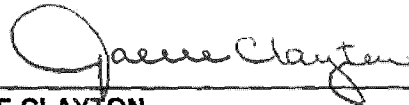
x

The effective date of service upon an occupant at the Property Address is 9/27/2019 as calculated pursuant to ORS 86.774 (1)(c).



RETURN OF SERVICE For

I declare under penalty of perjury that I am a resident of the State of Oregon. I am a competent person 18 years of age or older and not a party to or attorney in the proceeding and am authorized to serve the process described herein. I certify that the person, firm, or corporation served is the identical one named in this action. I am not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise.



JOELLE CLAYTON
Process Server

Tri-County Legal Process Service, Inc.
P.O. Box 309
Bend, OR 97709
(541) 317-5680

Our Job Serial Number: HEL-2019004541
Ref: 19-0753

**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#19248 SALE

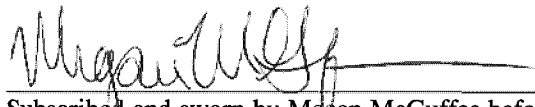
TRUSTEE'S NOTICE OF SALE

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

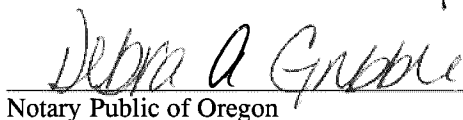
Insertion(s) in the following issues:

11/07/2019 11/14/2019 11/21/2019 11/28/2019

Total Cost: \$1475.00

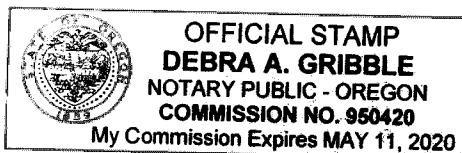


Subscribed and sworn by Megan McGuffee before me on:
29th day of November in the year of 2019



Notary Public of Oregon

My commission expires on May 11, 2020



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Deed of Trust made by RICHARD J. MORALES and BERTHA O. MORALES, as Grantors, to First American Title, as Trustee, in favor of Richard E. Dankert, as Beneficiary, dated April 16, 2004, recorded April 21, 2004, as Document No. Volume M04, Page 23790, Records of Klamath County Oregon, covering the following described real property situated in Klamath County, OR, to-wit:

The N1/2 S1/2 NW1/4 NE1/4 of Section 15, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Commonly referred to as 24011 Merrill Pit Road, Merrill OR 97633.

Alan N. Stewart of Merrill O'Sullivan, LLP, 805 SW Industrial Way, Suite 5, Bend OR 97702, was appointed Successor Trustee by the Beneficiary on September 19, 2019.

Both the Beneficiary and Trustee have elected to sell the said real property to satisfy the obligations secured by said Deed of Trust and a Notice of Default has been recorded pursuant to Oregon Revised Statutes 86.752 (3); the default for which the foreclosure is made is Grantors' failure to pay when due the following sums:

As of September 24, 2019, pursuant to a Promissory Note dated April 16, 2004, the total amount of \$46,500.00, plus late charges in the amount of \$2,325.00 and fees due in the amount of \$0.00, for a total delinquency of \$48,825.00.

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

As of September 24, 2019, unpaid principal in the amount of \$35,000.00, accrued interest in the amount of \$16,275.00, subsidy recapture in the amount of \$0.00, assessed fees in the amount of \$0.00, and interest on fees in the amount of \$0.00, for a total amount of \$51,275.00, plus interest continuing to accrue at the rate of \$5.7534 per day, including daily interest on fees at the rate of \$0.000, until paid, plus any unpaid property taxes, attorney's fees, foreclosure costs, and sums advanced by the beneficiary pursuant to the terms of said Deed of Trust.

WHEREFORE, notice is hereby given that the undersigned Trustee will on February 19, 2020, at the hour of 11:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the following place: Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the Grantors have or had power to convey at the time of the execution by Grantors of the said Deed of Trust, together with any interest which the 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 ORS 86.778 has the right, at any time prior to five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust reinstated by payment to the Beneficiary of the entire amount then due (other than such portion of the principal and interest as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Deed of Trust, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust, together with Trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.778.

In accordance with the Fair Debt Collection Practices Act, this is an attempt to collect a debt, and any information obtained will be used for that purpose. This communication is from a debt collector.

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 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 Deed of Trust, and the words "Trustee" and "Beneficiary" include its respective successors in interest, if any.

DATED: September 24, 2019.
ALAN N. STEWART, Successor Trustee
Merrill O'Sullivan, LLP
805 SW Industrial Way, Suite 5
Bend, OR 97702
Telephone: 541-389-1770
#19248 November 7, 14, 21, 28, 2019