

AmeriTitle
337322 AM

2020-005326

Klamath County, Oregon



00258399202000053260230231

04/27/2020 04:39:58 PM

Fee: \$202.00

RECORDING COVER SHEET

Pursuant to ORS 205.234

After recording return to:

Carole E. Brock
Lane Powell PC
601 SW Second Avenue, Suite 2100
Portland, OR 97204
(503) 778-2100

Affidavit of Filing Foreclosure Avoidance Measure Notice

Affidavit of Publication

TITLE OF THE TRANSACTION: Affidavits re ~~Non-Judicial Foreclosure~~

of Mailing Notice of Trustee's Sale

DIRECT PARTY/GRANTORS: REAMES GOLF & COUNTRY CLUB, an Oregon nonprofit corporation

INDIRECT PARTY/BENEFICIARY: WASHINGTON FEDERAL BANK, NATIONAL ASSOCIATION

ORIGINAL TRUSTEE: AMERITITLE

SUCCESSOR TRUSTEE: DAVID W. CRISWELL, 601 SW Second Avenue, Suite 2100, Portland, OR 97204

1. Affidavit of Mailing Trustee's Notice of Sale.
2. Affidavit of Compliance with Requirement to send Notice of Non-Eligibility for Foreclosure Avoidance Measure.
3. Affidavit of Publication – Trustee's Notice of Sale.
4. Affidavit of Publication - Notice of Public Sale of Collateral Under Oregon Uniform Commercial Code.

Trust Deed Recording Information: Dated March 15, 2014, and recorded on March 31, 2014, as instrument number 2014-002775, in the Official Records of Klamath County, State of Oregon.

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

**AFFIDAVIT OF MAILING
NOTICE OF TRUSTEE'S SALE**

STATE OF OREGON)
) ss.
County of Multnomah)

I, Shirley Peterson, being first duly sworn, do depose and state:

1. I am now, and at all times relevant herein, have been a citizen of the United States, and a resident of the State of Oregon. I am a competent person over the age of 18, and am neither the beneficiary, nor the beneficiary's successor in interest, of that certain Deed of Trust dated March 15, 2014, and recorded March 31, 2014, as Instrument No. 2014-002775 in the Official Records of Klamath County, State of Oregon, and re-recorded on April 15, 2014, as Instrument No. 2014-003314 in the Official Records of Klamath County, State of Oregon wherein REAMES GOLF & COUNTRY CLUB, an Oregon nonprofit corporation, is the Grantor, AMERITITLE is the Trustee, and WASHINGTON FEDERAL BANK, NATIONAL ASSOCIATION (successor in interest to Washington Federal by legal name change) is the Beneficiary which is being foreclosed. I am an agent of the Successor Trustee of the aforementioned Trust Deed and my business address is 601 SW Second Avenue, Suite 2100, Portland, Oregon 97204.

2. On December 26, 2019, I gave notice of the trustee's sale set for April 30, 2020, at 11:00 a.m., by mailing copies of the attached Trustee's Notice of Sale by both first class and certified mail, return receipt requested, to each of the following persons (or entities) at all of the addresses on file with the Successor Trustee:

Reames Golf & Country Club
4201 Highway 97 South
Klamath Falls, OR 97601

Reames Gold Course & Country Club
Attn: George Merhoff
4201 Highway 97 South
Klamath Falls, OR 97601

Molatore, Scroggin, Peterson & Co. LLP
Attn: Terry Scroggin
824 Pine Street
Klamath Falls, OR 97601

Reames Golf Course & Country Club
Attn: Terry Scroggin, Registered Agent
4201 Highway 97 South
Klamath Falls, OR 97601

City of Klamath Falls, City Attorney
Attn: Michael Swanson, City Attorney
500 Klamath Avenue
Klamath Falls, OR 97601

Klamath County Counsel
605 Main Street
Klamath Falls, OR 97601

Klamath County Assessor
Attn: Nathan Bigby, Assessor
605 Main Street, #119
Klamath Falls, OR 97601

State of Oregon Department of Revenue
955 Center St., NE
Salem, OR 97301-2555

Oregon Department of Revenue
PO Box 14725
Salem, OR 97307-5018

State of Oregon Employment Department
875 Union Street, NE
Salem, OR 97311

IRS Advisory Group
915 2nd Avenue, MS W245
Seattle, WA 98174

IRS Advisory Group
4041 N. Central Avenue, Suite 112
MS 5021PHX
Phoenix, AZ 85012


Said persons include (a) the Grantors of the Trust Deed, (b) any successor in interest to the Grantors whose interest appears of record, (c) any person having a lien or interest subsequent to the Trust Deed, and (d) any person requesting notice, as required under ORS 86.806.

3. Each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by persons acting under my direction in the United States mail.

4. The Trust Deed is not a "Residential Trust Deed," as defined in ORS 86.705(6), thus the requirements of Chapter 304 [S.B. 558], Oregon Laws 2013, Chapter 112 [S.B. 1552], Section 4a, Oregon Laws 2012, and ORS 86.771(10) do not apply.

5. To the best of my knowledge, the Borrower is not now nor was at the time of the recording of the Notice of Default in the military service of the United States; nor is the Borrower a legally mentally incapacitated person; nor is the Borrower under 18 years of age.

6. The foregoing is true and correct to the best of my knowledge, information and belief.


Shirley Peterson, Agent of David W. Criswell
Successor Trustee

The foregoing instrument was acknowledged before me on April 2nd, 2020,
by Shirley Peterson.




Notary Public for Oregon

TRUSTEE'S NOTICE OF SALE

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

DEED OF TRUST AND PROPERTY DESCRIPTION:

This instrument makes reference to that certain Deed of Trust dated March 15, 2014, and recorded March 31, 2014, as Instrument No. 2014-002775 in the Official Records of Klamath County, State of Oregon, and re-recorded on April 15, 2014, as Instrument No. 2014-003314 in the Official Records of Klamath County, State of Oregon wherein REAMES GOLF & COUNTRY CLUB, an Oregon nonprofit corporation, is the Grantor, AMERITITLE is the Trustee, and WASHINGTON FEDERAL BANK, NATIONAL ASSOCIATION (successor in interest to Washington Federal by legal name change) is the Beneficiary (the "Deed of Trust"). The aforementioned Deed of Trust covers property (the "Property") described as:

Parcels 1, 2 and 3 of Land Partition 33-10, situated in the NE1/4 and SE1/4 of Section 7, the NW1/4 and SW1/4 of Section 8 and the NE1/4 NE1/4 of Section 18, Township 39 South, Range 9 East of the Willamette Meridian, recorded February 7, 2012 in Volume 2012-001403, Microfilm Records of Klamath County, Oregon.

Excepting from Parcel 1 all that portion, more particularly described as follows:

A tract of land being a portion of Parcel 1 of Land Partition 33-10, situated in the NE1/4 NE1/4 of Section 18, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the South line of said Parcel 1, from which the Southwest corner of said Parcel 1 bears North 89°11'12" West 271.10 feet; thence North 61°34'04" East 761.78 feet; thence South 28°25'56" East 96.54 feet to a point on the Northwesterly right of way line of the Burlington Northern Railroad Spur; thence South 41°47'33" West, along the said Northwesterly right of way line, 381.40 feet to its intersection with the South line of said Parcel 1; thence North 89°11'12" West, along the said South line, 461.73 feet to the point of beginning, with bearings based on Land Partition 33-10 on file at the office of the Klamath County Clerk.

Together with all buildings, structures, fixtures and other improvements now or hereafter located thereon (the "Improvements"), all Additional Collateral described in Exhibit A attached hereto and incorporated herein by reference, and all other personal property described in the Deed of Trust.

The undersigned hereby certifies that he has no knowledge of any assignments of the Deed of Trust by the Trustee or by the Current Beneficiary or any appointments of a Successor Trustee other than the appointment of DAVID W. CRISWELL, ESQ., as Successor Trustee as recorded in the Official Records. Further, the undersigned certifies that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the Deed of Trust. Or, if such action has been instituted, it has been dismissed except as permitted by ORS 86.752(7).

The name and address of the Successor Trustee are as follows:

David W. Criswell
Successor Trustee
Lane Powell PC
601 SW Second Avenue, Suite 2100
Portland, OR 97204

The Deed of Trust is not a "Residential Trust Deed", as defined in ORS 86.705(6), thus the requirements of Chapter 304 [S.B. 558], Oregon Laws 2013, Chapter 112 [S.B. 1552], Section 4a, Oregon Laws 2012, and ORS 86.771(10) do not apply.

DEFAULT BY GRANTORS:

There are continuing and uncured defaults by Reames Golf & Country Club (the "Borrower") that, based on the provisions of the Deed of Trust and the written documents for Loan No. 448788-0, including the promissory note dated and effective as of March 15, 2014 (the "Note"), authorize the foreclosure of the Deed of Trust and the sale of the Property described above, which uncured and continuing defaults include but are not necessarily limited to the following:

1. Grantor's failure to pay to Beneficiary, when and in the full amounts due, monthly installments as set forth on the Note secured by said Deed of Trust. Through April 15, 2019, the monthly installments due under the Note in the amount of \$8,544.49 included principal and interest. Beginning May 15, 2019, through the present date, monthly installments due under the Note in the amount of \$9,449.12 include principal and interest. The Grantor failed to make payments on this loan due on June 15, 2018, and July 15, 2018. On or about September 5, 2018, Beneficiary received a partial payment of \$8,544.49 which was applied towards the Note (used to satisfy the June 15, 2018, payment). Grantor has made no payments on the Note since September 6, 2018, and for each month thereafter through and including December 3, 2019. Based on the cross-default provisions in the governing loan documents, the indebtedness due under Grantor's Loan No. 448639-5 and Loan No. 62760803411 was accelerated on September 7, 2018. As a result of such acceleration, all amounts due under Loan No. 448639-5 and Loan

No. 62760803411 are also now immediately due and payable. In addition, on or about October 8, 2019, Beneficiary made a protective advance in the aggregate amount of \$36,172.13 and paid the past due real property taxes owing to Klamath County. The protective advance has been added to the indebtedness secured by the Deed of Trust and accrues interest at the default rate under the Note of 12% per annum (360 days/year). ALL AMOUNTS are now due and payable along with all costs and fees associated with this foreclosure.

2. Additional defaults include Grantor's: (i) allowing a federal tax lien by the Internal Revenue Service to attach to the property in the amount of \$110,688.96 (Federal Serial No. 301121018); (ii) allowing a writ of execution tax warrant by the State of Oregon to attach to the property in the amount of \$8,214.69 (plus interest) (Warrant No. F5291); (iii) allowing a federal tax lien by the Internal Revenue Service to attach to the property in the amount of \$14,794.75 (Federal Serial No. 355189718); (iv) allowing a personal property tax warrant by Klamath County, Oregon, to attach to the property in the amount of \$4,953.17 (plus interest); (v) allowing a federal tax lien by the Internal Revenue Service to attach to the property in the amount of \$1,291.04 (Federal Serial No. 367187119); (vi) allowing a writ of execution tax warrant by the State of Oregon to attach to the property in the amount of \$4,803.69 (plus interest) (Warrant No. G2280); and (vii) ceasing business operations for the 2019/2020 winter season.

TOTAL UNCURED MONETARY (PAYMENT) DEFAULT:

By reason of said uncured and continuing defaults, the Beneficiary has accelerated and declared all sums owing on the obligation secured by the Deed of Trust and the Property immediately due and payable. The sums due and payable being the following:

Loan No. 448788-0

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Unpaid principal amount due and owing under the Note as of November 6, 2019: | \$ 1,339,940.28 |
| Accrued and unpaid interest owing under the Note as of November 6, 2019 (including default interest at the default rate of 12% per annum) (\$446.65 per diem): | 176,514.76 |
| Late charges as of November 6, 2019: | 10,263.80 |
| Fees and costs as of November 6, 2019 (excluding legal): | 7,140.00 |
| Escrow Balance as of November 6, 2019: | 36,172.13 |
| Pre-payment Penalty Charge as of November 6, 2019: | 10,744.23 |
| Collateral Release Fee: | 330.00 |
| Legal Fees thru September 27, 2019: | <u>4,850.24</u> |
| TOTAL DUE Loan No. 448788-0: | <u>\$ 1,585,955.44</u> |

Loan No. 448639-5

Unpaid principal amount due and owing under the Note as of November 6, 2019: \$ 10,536.37

Accrued and unpaid interest owing under the Note as of November 6, 2019 (including default interest at the default rate of 12% per annum) (\$3.51 per diem): 972.78

Late charges as of November 6, 2019: 535.76

Fees and costs as of November 6, 2019 (excluding legal): 560.00

Collateral Release Fee: 330.00

TOTAL DUE Loan No. 448639-5: \$ 12,934.91

Loan No. 62760803411

Unpaid principal amount due and owing under the Note as of November 6, 2019: \$ 25,579.24

Accrued and unpaid interest owing under the Note as of November 6, 2019 (including default interest at the default rate of 12% per annum) (\$8.53 per diem): 3,586.89

Late charges as of November 6, 2019: 687.45

Fees and costs as of November 6, 2019 (excluding legal): 560.00

Collateral Release Fee: 50.00

TOTAL DUE Loan No. 62760803411: \$ 30,463.58

Accordingly, the sum owing on the obligation secured by the Deed of Trust is \$1,629,353.93 as of November 6, 2019, together with default interest accruing on the principal portion of that amount, plus additional costs and expenses incurred by Beneficiary and/or the Successor Trustee (including their respective attorney's fees, costs, and expenses).

ELECTION TO SELL:

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

the Deed of Trust as well as the expenses of the sale, including compensation of the Trustee as provided by law, and the reasonable fees of Trustee's attorneys.

PLEASE TAKE NOTICE that the sale will be held at the hour of 11:00 a.m., in accordance with the standard of time established by ORS 187.110, on April 30, 2020, on the front steps of the main entrance to the Klamath County Courthouse, at 316 Main Street, Klamath Falls, OR 97601.

RIGHT OF REINSTATEMENT:

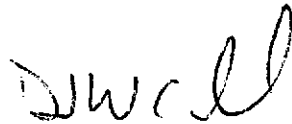
Notice is further given that any person named in ORS 86.778 has the right, at any time prior to five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust satisfied by (A) payment to the Current Beneficiary of the entire amount then due, other than such portion of the principal as would not then be due had no default occurred, together with the costs and expenses actually incurred in enforcing the terms of the obligation, as well as Successor Trustee and attorney fees as prescribed by ORS 86.778); and (B) by curing all such other continuing and uncured defaults as noted in this Notice.

NOTICE REQUIRED UNDER ORS 86.771(9):

Without limiting the Successor Trustee's disclaimer of representations or warranties, Oregon law requires the Successor Trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale.

DATED: December 20, 2019.

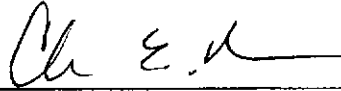
By: _____



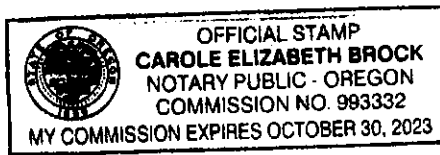
David W. Criswell, OSB 925930
Successor Trustee
Lane Powell PC
601 SW Second Avenue, Suite 2100
Portland, OR 97204
Telephone: (503) 778-2100
Facsimile: (503) 778-2200
Email: CriswellD@LanePowell.com

STATE OF OREGON)
) ss.
County of Multnomah)

On December 20, 2019, the above named David W. Criswell personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon




MTC 337 322 AM

2019-014616
Klamath County, Oregon
12/17/2019 09:38:03 AM
Fee: \$112.00

AFTER RECORDING PLEASE
RETURN TO:

David W. Criswell
Lane Powell PC
601 SW Second Avenue, Suite 2100
Portland, OR 97204
(503) 778-2100

NOTICE OF DEFAULT AND ELECTION TO SELL

DEED OF TRUST AND PROPERTY DESCRIPTION:

This instrument makes reference to that certain Deed of Trust dated March 15, 2014, and recorded March 31, 2014, as Instrument No. 2014-002775 in the Official Records of Klamath County, State of Oregon, and re-recorded on April 15, 2014, as Instrument No. 2014-003314 in the Official Records of Klamath County, State of Oregon wherein REAMES GOLF & COUNTRY CLUB, an Oregon nonprofit corporation, is the Grantor, AMERITITLE is the Trustee, and WASHINGTON FEDERAL BANK, NATIONAL ASSOCIATION (successor in interest to Washington Federal by legal name change) is the Beneficiary (the "Deed of Trust"). The aforementioned Deed of Trust covers property (the "Property") described as:

Parcels 1, 2 and 3 of Land Partition 33-10, situated in the NE1/4 and SE1/4 of Section 7, the NW1/4 and SW1/4 of Section 8 and the NE1/4 NE1/4 of Section 18, Township 39 South, Range 9 East of the Willamette Meridian, recorded February 7, 2012 in Volume 2012-001403, Microfilm Records of Klamath County, Oregon.

Excepting from Parcel 1 all that portion, more particularly described as follows:

A tract of land being a portion of Parcel 1 of Land Partition 33-10, situated in the NE1/4 NE1/4 of Section 18, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County,

Oregon, being more particularly described as follows:

Beginning at a point on the South line of said Parcel 1, from which the Southwest corner of said Parcel 1 bears North 89°11'12" West 271.10 feet; thence North 61°34'04" East 761.78 feet; thence South 28°25'56" East 96.54 feet to a point on the Northwesterly right of way line of the Burlington Northern Railroad Spur; thence South 41°47'33" West, along the said Northwesterly right of way line, 381.40 feet to its intersection with the South line of said Parcel 1; thence North 89°11'12" West, along the said South line, 461.73 feet to the point of beginning, with bearings based on Land Partition 33-10 on file at the office of the Klamath County Clerk.

Together with all buildings, structures, fixtures and other improvements now or hereafter located thereon (the "Improvements"), all Additional Collateral described in Exhibit A attached hereto and incorporated herein by reference, and all other personal property described in the Deed of Trust.

The undersigned hereby certifies that he has no knowledge of any assignments of the Deed of Trust by the Trustee or by the Beneficiary or any appointments of a Successor Trustee other than the appointment of DAVID W. CRISWELL, ESQ., as Successor Trustee as recorded in the property records of the county in which the Property described above is situated. Further, the undersigned certifies that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the Deed of Trust. Or, if such action has been instituted, it has been dismissed except as permitted by ORS 86.752(7).

The name and address of the Successor Trustee is as follows:

David W. Criswell
Successor Trustee
Lane Powell PC
601 SW Second Avenue, Suite 2100
Portland, OR 97204

The Deed of Trust is not a "Residential Trust Deed", as defined in ORS 86.705(6), thus the requirements of Chapter 304 [S.B. 558], Oregon Laws 2013, Chapter 112 [S.B. 1552], Section 4a, Oregon Laws 2012, and ORS 86.771(10) do not apply.

DEFAULT BY GRANTORS:

There are continuing and uncured defaults by Reames Golf & Country Club (the "Borrower") that, based on the provisions of the Deed of Trust and the written documents for Loan No. 448788-0, including the promissory note dated and effective as of March 15, 2014 (the "Note"), authorize the foreclosure of the Deed of Trust and the sale of the Property described

above, which uncured and continuing defaults include but are not necessarily limited to the following:

1. Grantor's failure to pay to Beneficiary, when and in the full amounts due, monthly installments as set forth on the Note secured by said Deed of Trust. Through April 15, 2019, the monthly installments due under the Note in the amount of \$8,544.49 included principal and interest. Beginning May 15, 2019, through the present date, monthly installments due under the Note in the amount of \$9,449.12 include principal and interest. The Grantor failed to make payments on this loan due on June 15, 2018, and July 15, 2018. On or about September 5, 2018, Beneficiary received a partial payment of \$8,544.49 which was applied towards the Note (used to satisfy the June 15, 2018, payment). Grantor has made no payments on the Note since September 6, 2018, and for each month thereafter through and including December 3, 2019. Based on the cross-default provisions in the governing loan documents, the indebtedness due under Grantor's Loan No. 448639-5 and Loan No. 62760803411 was accelerated on September 7, 2018. As a result of such acceleration, all amounts due under Loan No. 448639-5 and Loan No. 62760803411 are also now immediately due and payable. In addition, on or about October 8, 2019, Beneficiary made a protective advance in the aggregate amount of \$36,172.13 and paid the past due real property taxes owing to Klamath County. The protective advance has been added to the indebtedness secured by the Deed of Trust and accrues interest at the default rate under the Note of 12% per annum (360 days/year). ALL AMOUNTS are now due and payable along with all costs and fees associated with this foreclosure.

2. Additional defaults include Grantor's: (i) allowing a federal tax lien by the Internal Revenue Service to attach to the property in the amount of \$110,688.96 (Federal Serial No. 301121018); (ii) allowing a writ of execution tax warrant by the State of Oregon to attach to the property in the amount of \$8,214.69 (plus interest) (Warrant No. F5291); (iii) allowing a federal tax lien by the Internal Revenue Service to attach to the property in the amount of \$14,794.75 (Federal Serial No. 355189718); (iv) allowing a personal property tax warrant by Klamath County, Oregon, to attach to the property in the amount of \$4,953.17 (plus interest); (v) allowing a federal tax lien by the Internal Revenue Service to attach to the property in the amount of \$1,291.04 (Federal Serial No. 367187119); (vi) allowing a writ of execution tax warrant by the State of Oregon to attach to the property in the amount of \$4,803.69 (plus interest) (Warrant No. G2280); and (vii) ceasing business operations for the 2019/2020 winter season.

TOTAL UNCURED MONETARY (PAYMENT) DEFAULT:

By reason of said uncured and continuing defaults, the Beneficiary has accelerated and declared all sums owing on the obligation secured by the Deed of Trust and the Property immediately due and payable. The sums due and payable being the following:

Loan No. 448788-0

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Unpaid principal amount due and owing under the Note as of November 6, 2019: | \$ 1,339,940.28 |
| Accrued and unpaid interest owing under the Note as of November 6, 2019 (including default interest at the default rate of 12% per annum) (\$446.65 per diem): | 176,514.76 |
| Late charges as of November 6, 2019: | 10,263.80 |
| Fees and costs as of November 6, 2019 (excluding legal): | 7,140.00 |
| Escrow Balance as of November 6, 2019: | 36,172.13 |
| Pre-payment Penalty Charge as of November 6, 2019: | 10,744.23 |
| Collateral Release Fee: | 330.00 |
| Legal Fees thru September 27, 2019: | <u>4,850.24</u> |
| TOTAL DUE Loan No. 448788-0: | <u>\$ 1,585,955.44</u> |

Loan No. 448639-5

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Unpaid principal amount due and owing under the Note as of November 6, 2019: | \$ 10,536.37 |
| Accrued and unpaid interest owing under the Note as of November 6, 2019 (including default interest at the default rate of 12% per annum) (\$3.51 per diem): | 972.78 |
| Late charges as of November 6, 2019: | 535.76 |
| Fees and costs as of November 6, 2019 (excluding legal): | 560.00 |
| Collateral Release Fee: | <u>330.00</u> |
| TOTAL DUE Loan No. 448639-5: | <u>\$ 12,934.91</u> |

Loan No. 62760803411

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Unpaid principal amount due and owing under the Note as of November 6, 2019: | \$ 25,579.24 |
| Accrued and unpaid interest owing under the Note as of November 6, 2019 (including default interest at the default rate of 12% per annum) (\$8.53 per diem): | 3,586.89 |
| Late charges as of November 6, 2019: | 687.45 |
| Fees and costs as of November 6, 2019 (excluding legal): | 560.00 |
| Collateral Release Fee: | <u>50.00</u> |
| TOTAL DUE Loan No. 62760803411: | <u>\$ 30,463.58</u> |

Accordingly, the sum owing on the obligation secured by the Deed of Trust is \$1,629,353.93 as of November 6, 2019, together with default interest accruing on the principal portion of that amount, plus additional costs and expenses incurred by Beneficiary and/or the Successor Trustee (including their respective attorney's fees, costs, and expenses).

ELECTION TO SELL:

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

PLEASE TAKE NOTICE that the sale will be held at the hour of 11:00 a.m., in accordance with the standard of time established by ORS 187.110, on April 30, 2020, on the front steps of the main entrance to the Klamath County Courthouse, at 316 Main Street, Klamath Falls, OR 97601.

RIGHT OF REINSTATEMENT:

Notice is further given that any person named in ORS 86.778 has the right, at any time prior to five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust reinstated by (A) 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 the costs and expenses actually incurred in enforcing the terms of the obligation, as well as Successor Trustee and attorney fees as prescribed by ORS 86.778; and (B) by curing all such other continuing and uncured defaults as noted in this Notice.

NOTICE REQUIRED UNDER ORS 86.771(9):

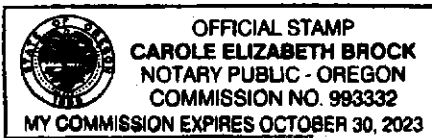
Without limiting the Successor Trustee's disclaimer of representations or warranties, Oregon law requires the Successor Trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale.

DATED: December 13, 2019.

By: DW Criswell
David W. Criswell, OSB 925930
Successor Trustee
Lane Powell PC
601 SW Second Avenue, Suite 2100
Portland, OR 97204
Telephone: (503) 778-2100
Facsimile: (503) 778-2200
Email: CriswellD@LanePowell.com

STATE OF OREGON)
) ss.
County of Multnomah)

On December 13, 2019, the above named David W. Criswell personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed.



Ch E. Brock
Notary Public for Oregon
My Commission Expires: 10/30/2023

EXHIBIT A

Additional Collateral

The Collateral located on the Property as detailed in UCC Financing Statement filed March 20, 2014 with the Oregon Secretary of State, File No. 89992732, more particularly described as follows:

All fixtures, equipment and other articles of personal property that is attached to or used or adopted for use in the operation of the premises and/or the business thereon described herein and all accessions, additions, replacements and substitutions relating to the foregoing fixtures, equipment and other personal property. Some or all of the collateral is located on the real estate described herein as the Property. The owner of the Property is the Grantor.

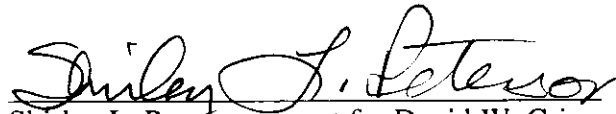
All Inventory, Chattel Paper, Accounts, Equipment and General Intangibles; whether any of the foregoing is owned now or acquired later; all accessions, additions, replacements, and substitutions relating to any of the foregoing; all records of any kind relating to any of the foregoing; all proceeds relating to any of the foregoing (including insurance, general intangibles and other accounts proceeds).

**AFFIDAVIT OF FILING FORECLOSURE AVOIDANCE MEASURE NOTICE
WITH THE ATTORNEY GENERAL OF OREGON**

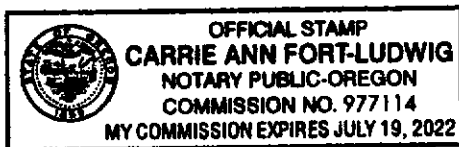
State of Oregon)
) ss.
County of Multnomah)

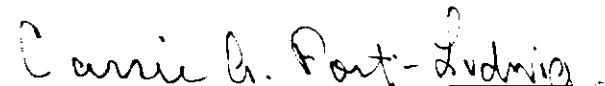
I, Shirley L. Peterson, agent for David W. Criswell, Successor Trustee, being first duly sworn, depose and say:

1. The attached Foreclosure Avoidance Measure Notice it is a true and correct copy of the Foreclosure Avoidance Measure Notice that was filed on behalf of Washington Federal, N.A., with the Oregon Department of Justice, Oregon Foreclosure Avoidance Program, on April 16, 2020, pursuant to OAR 137-120-0020.


Shirley L. Peterson, agent for David W. Criswell,
Successor Trustee

Signed and sworn to before me on April 16, 2020, by Shirley L. Peterson, agent for David W. Criswell, Successor Trustee.




Notary Public of Oregon

FORECLOSURE AVOIDANCE MEASURE NOTICE

YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE ACTION IMMEDIATELY

| | |
|----------------------------|------------------------------------------------|
| Homeowner/Grantor: | REAMES GOLF & COUNTRY CLUB |
| Lender/Beneficiary: | WASHINGTON FEDERAL BANK, NATIONAL ASSOCIATION |
| Property Address: | 4201 HIGHWAY 97 SOUTH, KLAMATH FALLS, OR 97603 |

Your Lender has determined that:

- ☒ You are not eligible for any foreclosure avoidance measure offered by your lender. The following foreclosure avoidance measures were considered but you are not eligible for them. The basis for the Lender's determination is (must be described with specificity in plain language):

The Oregon foreclosure avoidance program is for residential trust deeds only. The collateral securing your Deed of Trust and Commercial Security Agreement with WASHINGTON FEDERAL BANK, NATIONAL ASSOCIATION (successor in interest to Washington Federal by legal name change), is commercial real property.

You are not eligible because you are not the grantor of a residential trust deed.

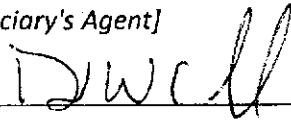
- ☐ You are not in compliance with the terms of an agreement with your Lender for forbearance, a temporary or permanent loan modification, a short sale, a deed-in-lieu of foreclosure, or another foreclosure avoidance measure. The basis for the Lender's determination is (must be described with specificity in plain language):

Your property is currently set for sale on April 30, 2020 at 11:00 a.m. (time/date) at Klamath Cty Courthouse Klamath Falls (location). If you disagree with your Lender's determination, you should seek legal advice immediately.

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 211 or visit www.oregonhomeownersupport.gov. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636. Free legal assistance may be available if you are very low income. For more information and a directory of legal aid programs, go to www.oregonlawhelp.org.

[Beneficiary/Beneficiary's Agent]

By: _____



Date: December 20, 2019

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

I, Stephen Rosen, Director Revenue & Business Operations, 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 TRUSTEE'S NOTICE OF SALE

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

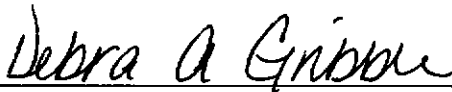
Insertion(s) in the following issues:

03/11/2020 03/18/2020 03/25/2020 04/01/2020

Total Cost: \$2675.48

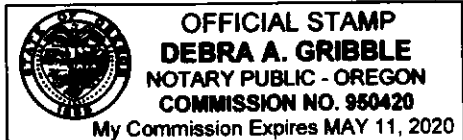


Subscribed and sworn by Stephen Rosen before me on:
21st day of April in the year of 2020



Notary Public of Oregon

My commission expires on May 11, 2020



TRUSTEE'S NOTICE OF SALE

PLEASE TAKE NOTICE that the foregoing instrument shall constitute notice, pursuant to ORS 86.764, that the Grantor of the Trust Deed described below has defaulted on its obligations to beneficiary, and that the Beneficiary and Successor Trustee under the Trust Deed have elected to sell the property secured by the Trust Deed: DEED OF TRUST AND PROPERTY DESCRIPTION: This instrument makes reference to that certain Deed of Trust dated March 15, 2014, and recorded March 31, 2014, as Instrument No. 2014-002775 in the Official Records of Klamath County, State of Oregon, and re-recorded on April 15, 2014, as Instrument No. 2014-003314 in the Official Records of Klamath County, State of Oregon wherein REAMES GOLF & COUNTRY CLUB, an Oregon nonprofit corporation, is the Grantor, AMERITITLE is the Trustee, and WASHINGTON FEDERAL BANK, NATIONAL ASSOCIATION (successor in interest to Washington Federal by legal name change) is the Beneficiary (the "Deed of Trust"). The aforementioned Deed of Trust covers property (the "Property") described as follows: Parcels 1, 2 and 3 of Land Partition 33-10, situated in the NE1/4 and SE1/4 of Section 7, the NW1/4 and SW1/4 of Section 8 and the NE1/4 NE1/4 of Section 18, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows: A tract of land being a portion of Parcel 1 of Land Partition 33-10, situated in the NE1/4 NE1/4 of Section 18, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows: Beginning at a point on the South line of said Parcel 1, from which the Southwest corner of said Parcel 1 bears North 89°11'12" West 271.10 feet; thence North 61°34'04" East 761.78 feet; thence South 28°25'56" East 96.54 feet to a point on the Northwestern right of way line of the Burlington Northern Railroad Spur; thence South 41°47'33" West, along the said Northwestern right of way line, 381.40 feet to its intersection with the South line of said Parcel 1; thence North 89°11'12" West, along the said South line, 481.73 feet to the point of beginning, with bearings based on Land Partition 33-10 on file at the office of the Klamath County Clerk. Together with all buildings, structures, fixtures and other improvements now or hereafter located thereon (the "improvements") and all other personal property described in the Deed of Trust. The undersigned hereby certifies that he has no knowledge of any assignments of the Deed of Trust by the Trustee or by the Current Beneficiary or any appointments of a Successor Trustee other than the appointment of DAVID W. CRISWELL, ESQ., as Successor Trustee as recorded in the Official Records. Further, the undersigned certifies that no action has been in-

stituted to recover the debt, or any part thereof, now remaining secured by the Deed of Trust. Or, if such action has been instituted, it has been dismissed except as permitted by ORS 86.752(7). The name and address of the Successor Trustee are as follows: David W. Criswell, Successor Trustee, Lane Powell PC, 601 SW Second Avenue, Suite 2100, Portland, OR 97204. The Deed of Trust is not a "Residential Trust Deed" as defined in ORS 86.705(6), thus the requirements of Chapter 304 [S.B. 558], Oregon Laws 2013, Chapter 112 [S.B. 1552], Section 4a, Oregon Laws 2012, and ORS 86.771(10) do not apply. **DEFAULT BY GRANTOR:** There are continuing and uncured defaults by Reames Golf & Country Club (the "Borrower") that, based on the provisions of the Deed of Trust and the written documents for Loan No. 448788-0, including the promissory note dated and effective as of March 15, 2014 (the "Note"), authorize the foreclosure of the Deed of Trust and the sale of the Property described above, which uncured and continuing defaults include but are not necessarily limited to the following: 1. Grantor's failure to pay to Beneficiary, when and in the full amounts due, monthly installments as set forth on the Note secured by said Deed of Trust. Through April 15, 2019, the monthly installments due under the Note in the amount of \$8,544.49 included principal and interest. Beginning May 15, 2019, through the present date, monthly installments due under the Note in the amount of \$9,449.12 include principal and interest. The Grantor failed to make payments on this loan due on June 15, 2018, and July 15, 2018. On or about September 5, 2018, Beneficiary received a partial payment of \$8,544.49 which was applied towards the Note (used to satisfy the June 15, 2018, payment). Grantor has made no payments on the Note since September 6, 2018, and for each month thereafter through and including December 3, 2019. Based on the cross-default provisions in the governing loan documents, the indebtedness due under Grantor's Loan No. 448639-5 and Loan No. 62760803411 was accelerated on September 7, 2018. As a result of such acceleration, all amounts due under Loan No. 448639-5 and Loan No. 62760803411 are also now immediately due and payable. In addition, on or about October 8, 2019, Beneficiary made a protective advance in the aggregate amount of \$36,172.13 and paid the past due real property taxes owing to Klamath County. The protective advance has been added to the indebtedness secured by the Deed of Trust and accrues interest at the default rate under the Note of 12% per annum (360 days/year). **ALL AMOUNTS** are now due and payable along with all costs and fees associated with this foreclosure. 2. Additional defaults include Grantor's: (i) allowing a federal tax lien by the Internal Revenue Service to attach to the property in the amount of \$110,688.96 (Federal Serial No. 301121018); (ii) allowing a writ of execution tax warrant by the State of Oregon to attach to the property in the amount of \$8,214.69 (plus interest) (Warrant No. F5291); (iii) allowing a federal tax lien by the Internal Revenue Service to attach to the property in the amount of \$14,794.75 (Federal Serial No. 355169718); (iv) allowing a personal property tax warrant by Klamath County, Oregon, to attach to the property in the amount of \$4,953.17 (plus interest); (v) allowing a federal tax lien by the Internal Revenue Service to attach to the property in the amount of \$1,291.04 (Federal Serial No. 387187119); (vi) allowing a writ of execution tax warrant by the State of Oregon to attach to the property in the amount of \$4,803.68 (plus interest) (Warrant No. G2280); and (vii) ceasing business operations for the 2019/2020 winter season. **TOTAL UNCURED MONETARY (PAYMENT) DEFAULT:** By reason of said uncured and continuing defaults, the Beneficiary has accelerated and declared all sums owing on the obligation secured by the Deed of Trust and the Property immediately due and payable. The sums due and payable being the following: Loan No. 448788-0 Unpaid principal amount due and owing under the Note as of November 6, 2019/ \$1,339,940.28; Accrued and unpaid interest owing under the Note as of November 6, 2019 including default interest at the default rate of 12% per annum or \$446.85 per diem/ \$176,514.76; Late charges as of November 6, 2019/ \$10,263.80; Fees and costs as of November 6, 2019 (excluding legal)/ \$7,140.00; Escrow balance as of November 6, 2019/ \$36,172.13; Prepayment Penalty Charge as of November 6, 2019/ \$10,744.23; Collateral Release Fee/ \$330.00; Legal Fees through September 27, 2019/ \$4,850.24; **TOTAL DUE Loan No. 448788-0 = \$1,585,955.44.** Loan No. 448639-5 Unpaid principal amount due and owing under the Note as of November 6, 2019/ \$10,536.37; Accrued and unpaid interest owing under the Note as of November 6, 2019 including default interest at the default rate of 12% per annum or \$3.51 per diem/ \$972.78; Late charges as of November 6, 2019/ \$535.76; Fees and costs as of November 6, 2019 (excluding legal)/ \$560.00; Collateral Release Fee/ \$330.00; **TOTAL DUE Loan No. 448639-5 = \$12,934.91.** Loan No. 62760803411 Unpaid principal amount due and owing under the Note as of November 6, 2019/ \$25,579.24; Accrued and unpaid interest owing under the 114934.0316/7968688.3 Note as of November 6, 2019 including default interest at the default rate of 12% per annum or \$8.53 per diem/ \$3,586.89; Late charges as of November 6, 2019/ \$687.45; Fees and costs as of November 6, 2019 (excluding legal)/ \$560.00; Collateral Release Fee/ \$50.00; **TOTAL DUE Loan No. 62760803411 = \$30,463.58.** Accordingly, the sum owing on the obligation secured by the Deed of Trust is \$1,629,353.93 as of November 6, 2019, together with default interest accruing on the principal portion of that amount, plus additional costs and expenses incurred by Beneficiary and/or the Successor Trustee (including their respective attorney's fees, costs, and expenses). **ELECTION TO SELL:** Notice is hereby given that the Current Beneficiary, by reason of the uncured and continuing defaults described above, has elected and does hereby elect to foreclose said Deed of Trust by advertisement and sale pursuant to ORS 86.752 et seq., and to cause to be sold at public auction to the highest bidder for cash, the Grantor's interest in the subject Property, which the Grantor had, or had the power to convey, at the time the Grantor executed the Deed of Trust in favor of the Current Beneficiary, along with any interest the Grantor or the Grantor's successors in interest acquired after the execution of the Deed of Trust, to satisfy the obligations secured by the Deed of Trust as well as the expenses of the sale, including compensation of the Trustee as provided by law, and the reasonable fees of Trustee's attorneys. **PLEASE TAKE NOTICE** that the sale will be held at the hour of 11:00 a.m., in accordance with the standard of time established by ORS 187.110, on April 30, 2020, on the front steps of the main entrance to the Klamath County Courthouse, at 316 Main Street, Klamath Falls, OR 97601. **RIGHT OF REINSTATEMENT:** Notice is further given that any person named in ORS 86.778 has the right, at any time prior to five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Deed of Trust satisfied by (A) payment to the Current 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 the costs and expenses actually incurred in enforcing the terms of the obligation, as well as Successor Trustee and attorney fees as prescribed by ORS 86.778; and (B) by curing all such other continuing and uncured defaults as noted in this Notice. **NOTICE REQUIRED UNDER ORS 86.771(9):** Without limiting the Successor Trustee's disclaimer of representations or warranties, Oregon law requires the Successor Trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing methamphetamines, the chemical components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale. **DATED:** December 20, 2019. By: David W. Criswell, OSB 925930, Successor Trustee, Lane Powell PC, 601 SW Second Avenue, Suite 2100, Portland, OR 97204. Telephone: (503) 778-2100. Facsimile: (503) 778-2200. Email: CriswellD@LanePowell.com.

#19423 March 11, 18, 25, April 1, 2020

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

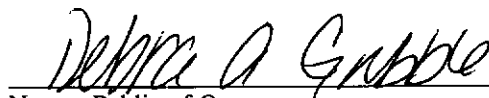
I, Stephen Rosen, Director Revenue & Business Operations, being duly sworn, depose and say that I am the principle clerk of the publisher of the Herald and News, a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at 2701 Foothills Blvd, Klamath Falls, OR 97603 in the aforesaid county and state; that I know from my personal knowledge that the Legal#19446 - NOTICE OF PUBLIC SALE OF COLLATERAL-REAMES a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 1

Insertion(s) in the following issues:
03/24/2020

Total Cost: \$385.14



Subscribed and sworn by Stephen Rosen before me on:
16th day of April in the year of 2020



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



**NOTICE OF PUBLIC SALE OF COLLATERAL UNDER
OREGON UNIFORM
COMMERCIAL CODE**

Public Sale April 30, 2020 at 11:10 a.m.
Klamath County Courthouse, at 318 Main Street,
Klamath Falls, OR 97601

NOTICE IS HEREBY GIVEN THAT the Beneficiary and Secured Party under that certain Deed of Trust dated March 15, 2014, by and between REAMES GOLF & COUNTRY CLUB, an Oregon nonprofit corporation, as Debtor, and WASHINGTON FEDERAL BANK, NATIONAL ASSOCIATION (successor in interest to Washington Federal by legal name change), the Beneficiary, and recorded March 31, 2014, as instrument No. 2014-002775 in the Official Records of Klamath County, State of Oregon, and re-recorded on April 15, 2014, as instrument No. 2014-003314 in the Official Records of Klamath County, State of Oregon. The Secured Party, which is also the Secured Party in that certain UCC1 Financing Statement filed with the Oregon Secretary of State on March 20, 2014, as File No. 89992732 (the "Financing Statement"), pursuant to Section 9-610 of the Uniform Commercial Code, will conduct a public sale of the Collateral (defined below):

The Collateral located on the Property legally described on Exhibit A and more particularly described as follows:

All fixtures, equipment and other articles of personal property that is attached to or used or adopted for use in the operation of the premises and/or the business thereon described herein and all accessions, additions, replacements and substitutions relating to the foregoing fixtures, equipment and other personal property. Some or all of the collateral is located on the real estate described herein as the Property. The owner of the Property is the Debtor/Grantor.

All Inventory, Chattel Paper, Accounts, Equipment and General Intangibles; whether any of the foregoing is owned now or acquired later; all accessions, additions, replacements, and substitutions relating to any of the foregoing; all records of any kind relating to any of the foregoing; all proceeds relating to any of the foregoing (including insurance, general intangibles and other accounts proceeds).

The assets will be sold on the sale date above, in bulk, and sold to the highest bidder at the conclusion of the sale as determined by Lender in its sole discretion. As a condition to bidding at the sale, all bidders (other than Lender) shall present an earnest money deposit in the form of a certified or cashier's check for not less than 25% of their initial bid. Lender reserves its right to credit bid at the sale. Additional terms of sale will be announced on the sale date. Lender reserves the right to modify the sale procedures and conditions.

This sale is made without warranty, express or implied, of any kind. THE SECURED PARTY AND ITS ATTORNEYS MAKE NO WARRANTY OF TITLE OR THAT THE COLLATERAL IS FREE OF LIENS OR CLAIMS IN FAVOR OF OTHERS, AND MAKES NO WARRANTY OF MERCHANTABILITY. THE COLLATERAL WILL BE SOLD IN AN "AS IS, WHERE IS" CONDITION, WITH ALL FAULTS.

If you need more information about Secured Party's planned auction sale of the Collateral, please telephone David Criswell, at Lane Powell PC, attorneys for Washington Federal Bank, National Association at (503) 778-2100, or via email at criswell@lanepowell.com.

EXHIBIT A

The "Property"

Parcels 1, 2 and 3 of Land Partition 33-10, situated in the NE1/4 and SE1/4 of Section 7, the NW1/4 and SW1/4 of Section 8 and the NE1/4 NE1/4 of Section 18, Township 39 South, Range 9 East of the Willamette Meridian, recorded February 7, 2012 in Volume 2012-001403, Microfilm Records of Klamath County, Oregon.

Excepting from Parcel 1 all that portion, more particularly described as follows:

A tract of land being a portion of Parcel 1 of Land Partition 33-10, situated in the NE1/4 NE1/4 of Section 18, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the South line of said Parcel 1, from which the Southwest corner of said Parcel 1 bears North 89°11'12" West 271.10 feet; thence North 61°34'04" East 761.78 feet; thence South 28°25'58" East 96.54 feet to a point on the Northwestern right of way line of the Burlington Northern Railroad Spur; thence South 41°47'33" West, along the said Northwestern right of way line, 381.40 feet to its intersection with the South line of said Parcel 1; thence North 89°11'12" West, along the said South line, 461.73 feet to the point of beginning, with bearings based on Land Partition 33-10 on file at the office of the Klamath County Clerk.
#19446 March 24, 2020