

2022-008371

Klamath County, Oregon

07/08/2022 02:08:01 PM

Fee: \$102.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from:
JEREMY SITES, UNMARRIED MAN,
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. OR0700089-22-1

APN 586413

TO No 220204160-OR-MSO

Reference is made to that certain Trust Deed made by JEREMY SITES, UNMARRIED MAN as Grantor, to AMERITITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC ("MERS"), as designated nominee for AXIA FINANCIAL, LLC., Beneficiary of the security instrument, its successors and assigns, dated as of November 19, 2018 and recorded November 21, 2018 in the records of Klamath County, Oregon as Instrument No. 2018-014185 and the beneficial interest was assigned to AXIA FINANCIAL LLC DBA AXIA HOME LOANS LLC and recorded June 6, 2022 as Instrument Number 2022-007063 covering the following described real property situated in the above-mentioned county and state, to wit:

PARCEL 1:

A parcel of land situated in the SW1/4 of the SE1/4 of Section 32, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of the SW1/4 SE1/4 of Section 32, Township 39 South, Range 9 East of the Willamette Meridian, thence North along the West line of SW1/4 SE1/4 30.0 feet to the North right of way line of Midland Road, which is also the true point of beginning, thence North along the West line of the SW1/4 SE1/4 348.48 feet to a point; thence East along a line parallel to the Southerly line of said Section 32, 125.0 feet; thence South parallel to the West line of the SW1/4 SE1/4 348.48 feet to the North right of way line of the Midland Road, thence West along the North right of way line 125.0 feet to the point of beginning.

PARCEL 2:

A Tract of Land situated in the SW1/4 SE1/4 of Section 32, 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 North-South center line of said Section 32, from which the South ¼ corner of said Section 32 bears S00°15'25"E 378.48 feet; thence N00°15'25"E, along the said North-South centerline of said Section 32, 381.37 feet to its intersection with the Southwesterly right of way line of the USBR C-4 Lateral; thence S27°41'22"E, along the said Southwesterly right of way line, 266.73 feet; thence S00°15'25"W, parallel to and 125.00 feet distant from the said North-South centerline of said Section 32, 145.22 feet; thence N89°59'00"W, parallel to the South line of said Section 32, 125.00 feet to the point of beginning (property line adjustment 12-10).

APN: 586413

The undersigned hereby certifies that no assignments of the Trust Deed by the Trustee, Nathan F. Smith, Esq., OSB #120112, or by the Beneficiary, AXIA FINANCIAL LLC DBA AXIA HOME LOANS LLC, 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 **\$19,729.76** beginning **October 1, 2021**, as follows:

\$11,816.04 = 6 monthly payment(s) at \$1,969.34

\$7,913.72 = 4 monthly payment(s) at \$1,978.43

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 \$274,110.32, said sums being the following:

1. Principal balance of \$255,589.56 and accruing interest as of July 15, 2022, per annum, from September 1, 2021 until paid.
2. \$12,532.24 in interest
3. \$331.30 in MIP/PMI
4. \$61.21 in late charges
5. \$75.00 in property inspections
6. \$2,273.25 in negative escrow balance
7. \$2,210.00 in corporate advances
8. \$162.00 in recording fees
9. \$-3.24 in suspense balance
10. \$879.00 in anticipated foreclosure fees and costs
11. 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 17, 2022** 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:

JEREMY SITES
905 OLD MIDLAND RD, KLAMATH FALLS, OR 97603

OCCUPANT
905 OLD MIDLAND RD, KLAMATH FALLS, OR 97603

OREGON DEPARTMENT OF JUSTICE
CHILD SUPPORT ACCOUNTING UNIT, P.O. BOX 14506, SALEM, OR 97309

TAMMY SUE SITES
905 OLD MIDLAND ROAD, KLAMATH FALLS, OR 97603

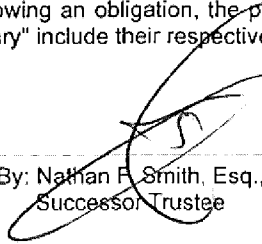
IRS ADVISORY GROUP
ADVISORY - M/S W245, 915 2ND AVE., SEATTLE, WA 98174

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: 07/07/22

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

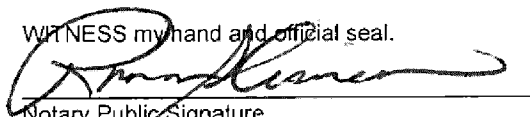
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

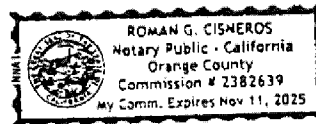
STATE OF CALIFORNIA
COUNTY OF ORANGE

On July 07, 2022 before me, ROMAN G. CISNEROS, Notary Public, personally appeared NATHAN F. SMITH, ESQ., 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~~ she executed the same in ~~his~~ her authorized capacity, and that by ~~his~~ her 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

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:
Betsy Chavarria
For Malcolm & Cisneros, For Dovenmuehle Mortgage, Inc.
2112 Business Center Drive
Irvine, CA 92612

6/14/2022

Grantor:	JEREMY SITES, UNMARRIED MAN
Beneficiary:	AXIA FINANCIAL LLC DBA AXIA HOME LOANS LLC
Property Address:	905 OLD MIDLAND RD KLAMATH FALLS, OR 97603
Instrument / Recording No. Date / County	Instrument Number: 2018-014185 Recording Number: 2018-014185 Loan Number: [REDACTED] 11/21/2018 Klamath
Case Number	BI-220427-744

1. The Service Provider hereby certifies that:

☐ The beneficiary and/or its agent complied with the requirements of ORS 86.726, 86.729 and 86.732; or

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

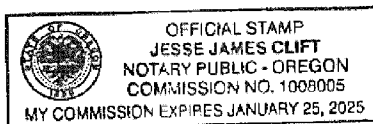
2. On this date, I mailed the original certificate to the beneficiary and provided a copy to the grantor and the Attorney General electronically or by mail.

DATED this 14 day of June, 2022

Annette Phelps
Compliance Officer, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on June 14th, 2022, by Annette Phelps
as Compliance Officer of Mediation Case Manager. [Print Name]



Notary Public - State of Oregon
My Commission Expires: 01/25/2025