

2022-013847

Klamath County, Oregon

11/30/2022 03:06:01 PM

Fee: \$277.00

Recording Requested By:

1

When Recorded Mail to:

Nathan F. Smith, Esq.
c/o Trustee Corps
606 W. Gowe Street
Kent, WA 98032-5744

S No. OR07000187-22-1

APN 347226

TO No. 220496052-OR-MSO

AFFIDAVIT OF MAILING

GRANTEE:	Oregon Housing and Community Services Department
GRANTOR:	DARRYL A STRAIN, A SINGLE INDIVIDUAL
CURRENT TRUSTEE:	Nathan F. Smith, Esq., OSB #120112

DECLARATION OF MAILING



Reference No: OR07000187-22
Mailing Number: 0209639-01
Type of Mailing: OR

STATE OF CALIFORNIA }
 } SS
COUNTY OF SAN DIEGO }

I, Charlene Broussard, 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. I am not a party to the action/matter identified in the document(s) referenced below. My business address is iMailTracking, LLC, 9620 Ridgehaven Ct., Ste. A, San Diego, CA 92123.

At the request of Trustee Corps on 9/26/2022, I deposited in the United States mail a copy of the attached document(s), 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.

- ☒ First Class
- ☐ Certified
- ☐ First Class with Certificate of Mailing
- ☐ Certified with Return Receipt
- ☐ Certified with Return Receipt and Restricted Delivery
- ☒ Certified with Electronic Return Receipt
- ☐ Registered
- ☐ Registered International

Additional Services provided during the production of this mail order (if any):
None

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

September 27, 2022 San Diego, California
Date and Location


Declarant

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 SAN DIEGO

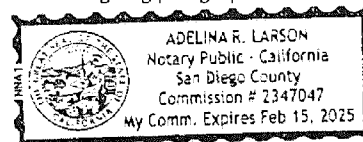
On September 27, 2022 before me, Adelina R. Larson,
personally appeared Charlene Broussard, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on this instrument the person(s), or the entity upon behalf of which the person(s) 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 

(Seal)



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, DARRYL A STRAIN, A SINGLE INDIVIDUAL as Grantor to AMERITITLE as Trustee, in favor of EAGLE HOME MORTGAGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY as Beneficiary dated as of June 27, 2008 and recorded on July 1, 2008 as Instrument No. 2008-009614 and the beneficial interest was assigned to The Oregon Housing and Community Services Department, state of Oregon and recorded July 23, 2008 as Instrument Number 2008-010530 of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

APN: 347226

LOT 31, BLOCK 48 OF FOURTH ADDITION TO NIMROD RIVER PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

Commonly known as: 28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

Both the Beneficiary, Oregon Housing and Community Services Department, 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):

6 Monthly Payment(s) from 04/01/2022 to 09/30/2022 at \$909.82

Total Late Charge(s):

Total Late Charge(s) at \$218.34

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 \$83,977.34 together with interest thereon at the rate of 5.62500% per annum from March 1, 2022 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 **February 3, 2023** at the hour of **10:00 AM**, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, **On the front steps of the Circuit Court, 316 Main Street. in the City of Klamath Falls, County of Klamath, 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.

TS No. OR07000187-22-1

APN 347226

TO No 220496052-OR-MSO

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: 9/22/22

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.

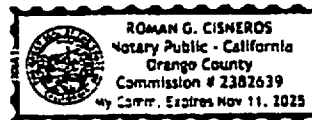
STATE OF CALIFORNIA
COUNTY OF ORANGE

On September 22, 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 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.

Roman Cisneros
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.

**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:
28205 DREWS ROAD, SPRAGUE RIVER, Oregon 97639.

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 September 30, 2022 to bring your mortgage loan current was \$7,959.26. 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 800.809.1377 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
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: February 3, 2023 at 10:00 AM

Place: On the front steps of the Circuit Court, 316 Main Street. in
the City of Klamath Falls, County of Klamath, OR 97601

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 HomeStreet Bank at phone no 800.809.1377 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.

NOTICE TO VETERANS OF THE ARMED FORCES

If you are a veteran of the armed forces, assistance may be available from a county veterans' service officer or community action agency. The contact information for a local county veterans' service officer and community action agency may be obtained by calling a 2-1-1 information service.

DATED: _____

By:  _____
Successor Trustee

NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for **February 3, 2023**. 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)

2022-011522
Klamath County, Oregon
09/23/2022 12:06:01 PM
Fee: \$102.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from:
DARRYL A STRAIN, A SINGLE
INDIVIDUAL, 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. OR07000187-22-1

APN 347228

TO No 220496052-OR-MSO

Reference is made to that certain Trust Deed made by DARRYL A STRAIN, A SINGLE INDIVIDUAL as Grantor, to AMERITITLE as Trustee, in favor of EAGLE HOME MORTGAGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY as original Beneficiary, dated as of June 27, 2008 and recorded July 1, 2008 in the records of Klamath County, Oregon as Instrument No. 2008-009614 and the beneficial interest was assigned to The Oregon Housing and Community Services Department, state of Oregon and recorded July 23, 2008 as Instrument Number 2008-010530 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: 347228

LOT 31, BLOCK 48 OF FOURTH ADDITION TO NIMROD RIVER PARK, 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, Oregon Housing and Community Services Department, 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 \$5,458.92 beginning April 1, 2022, as follows:

\$5,458.92 = 6 monthly payment(s) at \$909.82

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 \$89,351.77, said sums being the following:

1. Principal balance of \$83,977.34 and accruing interest as of October 1, 2022, per annum, from March 1, 2022 until paid.
2. \$2,755.48 in interest
3. \$181.95 in late charges
4. \$155.00 in total fees
5. \$942.00 in corporate advances
6. \$1,340.00 in foreclosure fees and costs
7. 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 February 3, 2023 at the following place: On the front steps of the Circuit Court, 316 Main Street, in the City of Klamath Falls, County of Klamath, 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:

DARRYL A STRAIN
28205 DREWS RD, SPRAGUE RIVER, OR 97639

TRACY G. STRAIN, PERSONAL REPRESENTATIVE
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

TRACY G. STRAIN, PERSONAL REPRESENTATIVE OF THE ESTATE OF DARRYL ALLEN STRAIN, DECEASED
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

OCCUPANT
28205 DREWS RD, SPRAGUE RIVER, OR 97639

THE OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON
726 SUMMER STREET NE SUITE B, SALEM, OR 97301

AMANDA LEANNE STRAIN
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

TRACY G. STRAIN
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

THE ESTATE OF DARRYL A. STRAIN
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

•

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: 9/22/22

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.

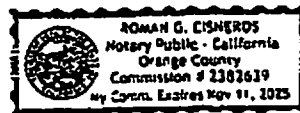
STATE OF CALIFORNIA
COUNTY OF ORANGE

On September 22, 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 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

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:

Winston Khan
For OHS - HomeStreet Bank
3303 8th Ave S
Suite 100
Federal Way, WA 98003

5-3-2022

Grantor: Daryl A. Strain
Beneficiary: Oregon Housing and Community Services Department
Property Address: 2820 DOWNS RD
Squame River, OR 97130
Instrument Number: 20110051001500020
Recording Number: 201800014
Date: County: Multnomah
Case Number: 00-210418-0008


1. The Service Provider hereby certifies that:

The beneficiary and 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.

DATE: this 3rd day of May 2022


ANNE T. HALL

Compliance Officer, Oregon Foreclosure Avoidance Program

STATE OF OREGON

County of Multnomah

The foregoing instrument was acknowledged before me on
as Compliance Officer of Multnomah Case Manager.

7/22/22, 2022, by Anne T. Hall
[Print Name]

Exhibit A to Declaration of Mailing

Postal Class: First Class
Mail Date: 09/26/2022
Type of Mailing: OR
Attachment: 0209639-01 000 750151 Trustee_000418

Sender: Trustee Corps
17100 Gillette Ave.
Irvine CA 92064

- 1 (11)9690024836824008
OCCUPANT
28205 DREWS RD
SPRAGUE RIVER, OR 97639
- 2 (11)9690024836824060
AMANDA LEANNE STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 3 (11)9690024836824091
DARRYL A STRAIN
28205 DREWS RD
SPRAGUE RIVER, OR 97639
- 4 (11)9690024836824145
DARRYL A STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 5 (11)9690024836824190
DARRYL A STRAIN
7244 N BANK RD
ROSEBURG, OR 97470-8488
- 6 (11)9690024836824251
DARRYL A STRAIN
2055 OREGON AVENUE
KLAMATH FALLS, OR 97601
- 7 (11)9690024836824312
TRACY G. STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 8 (11)9690024836824374
TRACY G. STRAIN
7244 NORTH BANK RD.
ROSEBURG, OR 97470
- 9 (11)9690024836824411
TRACY G. STRAIN
155 SOUTH F. STREET
LAKEVIEW, OR 97630
- 10 (11)9690024836824473
THE ESTATE OF DARRYL A. STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 11 (11)9690024836824527
THE ESTATE OF DARRYL A. STRAIN
7244 N BANK RD
ROSEBURG, OR 97470-8488
- 12 (11)9690024836824565
THE ESTATE OF DARRYL A. STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639

- 13 (11)9690024836824619
THE HEIRS & DEVISEES OF DARRYL A. STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 14 (11)9690024836824657
THE HEIRS & DEVISEES OF DARRYL A. STRAIN
7244 N BANK RD
ROSEBURG, OR 97470-8488
- 15 (11)9690024836824718
THE HEIRS & DEVISEES OF DARRYL A. STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 16 (11)9690024836824749
THE OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON
725 SUMMER STREET NE SUITE B
SALEM, OR 97301
- 17 (11)9690024836824787
TRACY G. STRAIN, PERSONAL REPRESENTATIVE
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 18 (11)9690024836824824
TRACY G. STRAIN, PERSONAL REPRESENTATIVE OF THE ESTATE OF DARRYL ALLEN STRAIN, DECEASED
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 19 (11)9690024836824879
TRACY G. STRAIN, PERSONAL REPRESENTATIVE OF THE ESTATE OF DARRYL ALLEN STRAIN, DECEASED
C/O RANDY C. RUBIN, ATTORNEY AT LAW, P.C.
766 SE KANE STREET
ROSEBURG, OR 97470
- 20 (11)9690024836824909
TRACY G. STRAIN, PERSONAL REPRESENTATIVE OF THE ESTATE OF DARRYL ALLEN STRAIN, DECEASED
PO BOX 7549
KLAMATH FALLS, OR 97602

Exhibit A to Declaration of Mailing

Postal Class: Electronic - Ret
Mail Date: 09/26/2022
Type of Mailing: OR
Attachment: 0209639-01 000 750151 Trustee_000418

Sender: Trustee Corps
17100 Gillette Ave.
Irvine CA 92064

- 1 71969002484071933751
OCCUPANT
28205 DREWS RD
SPRAGUE RIVER, OR 97639
- 2 71969002484071933768
AMANDA LEANNE STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 3 71969002484071933775
DARRYL A STRAIN
28205 DREWS RD
SPRAGUE RIVER, OR 97639
- 4 71969002484071933782
DARRYL A STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 5 71969002484071933799
DARRYL A STRAIN
7244 N BANK RD
ROSEBURG, OR 97470-8488
- 6 71969002484071933805
DARRYL A STRAIN
2055 OREGON AVENUE
KLAMATH FALLS, OR 97601
- 7 71969002484071933812
TRACY G. STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 8 71969002484071933829
TRACY G. STRAIN
7244 NORTH BANK RD.
ROSEBURG, OR 97470
- 9 71969002484071933836
TRACY G. STRAIN
155 SOUTH F. STREET
LAKEVIEW, OR 97630
- 10 71969002484071933843
THE ESTATE OF DARRYL A. STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639
- 11 71969002484071933850
THE ESTATE OF DARRYL A. STRAIN
7244 N BANK RD
ROSEBURG, OR 97470-8488
- 12 71969002484071933867
THE ESTATE OF DARRYL A. STRAIN
28205 DREWS ROAD
SPRAGUE RIVER, OR 97639

- 13 71969002484071933874
 THE HEIRS & DEVISEES OF DARRYL A. STRAIN
 28205 DREWS ROAD
 SPRAGUE RIVER, OR 97639
- 14 71969002484071933881
 THE HEIRS & DEVISEES OF DARRYL A. STRAIN
 7244 N BANK RD
 ROSEBURG, OR 97470-8488
- 15 71969002484071933898
 THE HEIRS & DEVISEES OF DARRYL A. STRAIN
 28205 DREWS ROAD
 SPRAGUE RIVER, OR 97639
- 16 71969002484071933904
 THE OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON
 725 SUMMER STREET NE SUITE B
 SALEM, OR 97301
- 17 71969002484071933911
 TRACY G. STRAIN, PERSONAL REPRESENTATIVE
 28205 DREWS ROAD
 SPRAGUE RIVER, OR 97639
- 18 71969002484071933928
 TRACY G. STRAIN, PERSONAL REPRESENTATIVE OF THE ESTATE OF DARRYL ALLEN STRAIN, DECEASED
 28205 DREWS ROAD
 SPRAGUE RIVER, OR 97639
- 19 71969002484071933935
 TRACY G. STRAIN, PERSONAL REPRESENTATIVE OF THE ESTATE OF DARRYL ALLEN STRAIN, DECEASED
 C/O RANDY C. RUBIN, ATTORNEY AT LAW, P.C.
 766 SE KANE STREET
 ROSEBURG, OR 97470
- 20 71969002484071933942
 TRACY G. STRAIN, PERSONAL REPRESENTATIVE OF THE ESTATE OF DARRYL ALLEN STRAIN, DECEASED
 PO BOX 7549
 KLAMATH FALLS, OR 97602

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, DARRYL A STRAIN, A SINGLE INDIVIDUAL as Grantor to AMERITITLE as Trustee, in favor of EAGLE HOME MORTGAGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY as Beneficiary dated as of June 27, 2008 and recorded on July 1, 2008 as Instrument No. 2008-009614 and the beneficial interest was assigned to The Oregon Housing and Community Services Department, state of Oregon and recorded July 23, 2008 as Instrument Number 2008-010530 of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

APN: 347226

LOT 31, BLOCK 48 OF FOURTH ADDITION TO NIMROD RIVER PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

Commonly known as: **28205 DREWS ROAD, SPRAGUE RIVER, OR 97639**

Both the Beneficiary, Oregon Housing and Community Services Department, 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):

6 Monthly Payment(s) from 04/01/2022 to 09/30/2022 at **\$909.82**

Total Late Charge(s):

Total Late Charge(s) at **\$218.34**

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 **\$83,977.34** together with interest thereon at the rate of **5.62500%** per annum from **March 1, 2022** 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 **February 3, 2023** at the hour of **10:00 AM**, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, **On the front steps of the Circuit Court, 316 Main Street, in the City of Klamath Falls, County of Klamath, 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.

TS No. OR07000187-22-1

APN 347226

TO No 220496052-OR-MSO

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: 9/22/22

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.

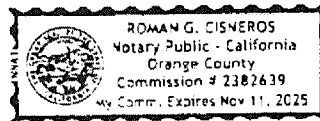
STATE OF CALIFORNIA
COUNTY OF ORANGE

On September 22, 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 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.

Roman G. Cisneros
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.

**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:
28205 DREWS ROAD, SPRAGUE RIVER, Oregon 97639.

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 September 30, 2022 to bring your mortgage loan current was \$7,959.26. 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 800.809.1377 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
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: February 3, 2023 at 10:00 AM

Place: On the front steps of the Circuit Court, 316 Main Street. in
the City of Klamath Falls, County of Klamath, OR 97601

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 HomeStreet Bank at phone no 800.809.1377 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.

NOTICE TO VETERANS OF THE ARMED FORCES

If you are a veteran of the armed forces, assistance may be available from a county veterans' service officer or community action agency. The contact information for a local county veterans' service officer and community action agency may be obtained by calling a 2-1-1 information service.

DATED: _____

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 **February 3, 2023**. 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)

2022-011522

Klamath County, Oregon

09/23/2022 12:06:01 PM

Fee: \$102.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

**RE: Trust Deed from:
DARRYL A STRAIN, A SINGLE
INDIVIDUAL, 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. OR07000187-22-1

APN 347226

TO No 220496052-OR-MSO

Reference is made to that certain Trust Deed made by DARRYL A STRAIN, A SINGLE INDIVIDUAL as Grantor, to AMERITITLE as Trustee, in favor of EAGLE HOME MORTGAGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY as original Beneficiary, dated as of June 27, 2008 and recorded July 1, 2008 in the records of Klamath County, Oregon as Instrument No. 2008-009614 and the beneficial interest was assigned to The Oregon Housing and Community Services Department, state of Oregon and recorded July 23, 2008 as Instrument Number 2008-010530 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: 347226

LOT 31, BLOCK 48 OF FOURTH ADDITION TO NIMROD RIVER PARK, 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, Oregon Housing and Community Services Department, 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 \$5,458.92 beginning April 1, 2022, as follows:

\$5,458.92 = 6 monthly payment(s) at \$909.82

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 \$89,351.77, said sums being the following:

1. Principal balance of \$83,977.34 and accruing interest as of October 1, 2022, per annum, from March 1, 2022 until paid.
2. \$2,755.48 in interest
3. \$181.95 in late charges
4. \$155.00 in total fees
5. \$942.00 in corporate advances
6. \$1,340.00 in foreclosure fees and costs
7. 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 February 3, 2023 at the following place: On the front steps of the Circuit Court, 316 Main Street. in the City of Klamath Falls, County of Klamath, 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:

DARRYL A STRAIN
28205 DREWS RD, SPRAGUE RIVER, OR 97639

TRACY G. STRAIN, PERSONAL REPRESENTATIVE
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

TRACY G. STRAIN, PERSONAL REPRESENTATIVE OF THE ESTATE OF DARRYL ALLEN STRAIN, DECEASED
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

OCCUPANT
28205 DREWS RD, SPRAGUE RIVER, OR 97639

THE OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON
725 SUMMER STREET NE SUITE B, SALEM, OR 97301

AMANDA LEANNE STRAIN
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

TRACY G. STRAIN
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

THE ESTATE OF DARRYL A. STRAIN
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

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: 9/22/22

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.

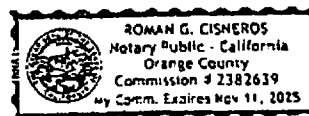
STATE OF CALIFORNIA
COUNTY OF ORANGE

On September 22, 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 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

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:

Winsten Khan
For OHS - HomeStreet Bank
33305 SW Ave S
Suite 100
Federal Way, WA 98003

5-3-2022

Grantor: Daryl A. Strain
Beneficiary: Oregon Housing and Community Services Department
Property Address: 2500 DREWES RD
Spokane River, OR 97639
Instrument / Recording No.: Instrument Number: J0110081004500000
Recording Number: 2008009934
Date / County: Loan Number: [REDACTED]
[REDACTED]
Klamath
Case Number: BE27045-0008

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.

DAVID this 3rd day of May 2022

Annette Phelps
Compliance Officer, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
County of Multnomah)

The foregoing instrument was acknowledged before me on
as Compliance Officer of Mediation Case Manager.

2022 3 2022 by Annette Phelps
[Print Name]

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from:
**DARRYL A STRAIN, A SINGLE
INDIVIDUAL**, 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. OR07000187-22-1

APN 347226

TO No 220496052-OR-MSO

Reference is made to that certain Trust Deed made by **DARRYL A STRAIN, A SINGLE INDIVIDUAL** as Grantor, to **AMERITITLE** as Trustee, in favor of **EAGLE HOME MORTGAGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY** as original Beneficiary, dated as of June 27, 2008 and recorded July 1, 2008 in the records of Klamath County, Oregon as Instrument No. 2008-009614 and the beneficial interest was assigned to **The Oregon Housing and Community Services Department, state of Oregon** and recorded July 23, 2008 as Instrument Number 2008-010530 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: **347226**

LOT 31, BLOCK 48 OF FOURTH ADDITION TO NIMROD RIVER PARK, 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, **Oregon Housing and Community Services Department**, 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 **\$5,458.92** beginning **April 1, 2022**, as follows:

\$5,458.92 = 6 monthly payment(s) at \$909.82

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 **\$89,351.77**, said sums being the following:

1. Principal balance of **\$83,977.34** and accruing interest as of **October 1, 2022**, per annum, from **March 1, 2022** until paid.
2. **\$2,755.48** in interest
3. **\$181.95** in late charges
4. **\$155.00** in total fees
5. **\$942.00** in corporate advances
6. **\$1,340.00** in foreclosure fees and costs
7. 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 **February 3, 2023** at the following place: **On the front steps of the Circuit Court, 316 Main Street. in the City of Klamath Falls, County of Klamath, 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:

DARRYL A STRAIN
28205 DREWS RD, SPRAGUE RIVER, OR 97639

TRACY G. STRAIN, PERSONAL REPRESENTATIVE
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

TRACY G. STRAIN, PERSONAL REPRESENTATIVE OF THE ESTATE OF DARRYL ALLEN STRAIN, DECEASED
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

OCCUPANT
28205 DREWS RD, SPRAGUE RIVER, OR 97639

THE OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON
725 SUMMER STREET NE SUITE B, SALEM, OR 97301

AMANDA LEANNE STRAIN
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

TRACY G. STRAIN
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

THE ESTATE OF DARRYL A. STRAIN
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

THE HEIRS & DEVISEES OF DARRYL A. STRAIN
28205 DREWS ROAD, SPRAGUE RIVER, OR 97639

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: 9/22/22

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.

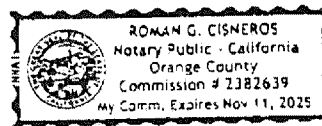
STATE OF CALIFORNIA
COUNTY OF ORANGE

On September 22, 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 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.

Roman G. Cisneros
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:

Winston Khan
For OHCS - HomeStreet Bank
33405 8th Ave S
Suite 100
Federal Way, WA 98003

5/3/2022

Grantor:	Darryl A. Strain
Beneficiary:	Oregon Housing and Community Services Department
Property Address:	28205 DRIEWS RD Sprague River, OR 97639
Instrument / Recording No. Date / County	Instrument Number: 3611008B003500000 Recording Number: 2008-00914 Loan Number: [REDACTED] 7/1/2008 Klamath
Case Number	BI-220315-8898

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.

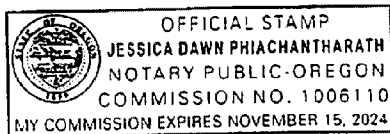
2. On this date, I mailed the original certificate to the beneficiary and provided a copy to the grantor and the Attorney General electronically or by mail.

DATED this 3rd day of May, 2022.

Annette Phelps
Compliance Officer, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on May 3, 2022, by Annette Phelps
[Print Name]
as Compliance Officer of Mediation Case Manager.



Notary Public - State of Oregon
My Commission Expires: 11/15/2024

ing Requested By:

When Recorded Mail to:

Nathan F. Smith, Esq.
c/o Trustee Corps
606 W. Gowe Street
Kent, WA 98032-5744

TS No. OR07000187-22-1

APN 347226

TO No. 220496052-OR-MSO

AFFIDAVIT OF COMPLIANCE

When Recorded Mail to:

Nathan F. Smith, Esq.
c/o Trustee Corps
606 W. Gowe Street
Kent, WA 98032-5744

AFFIDAVIT OF COMPLIANCE
With ORS 86.748 (Oregon Laws 2013, Chapter 304, Section 9)

Grantor(s):	<u>DARRYL A STRAIN, A SINGLE INDIVIDUAL</u>
Beneficiary:	<u>Oregon Housing and Community Services Department</u>
Trustee:	<u>Nathan F. Smith, Esq., OSB #120112</u>
Property Address:	<u>28205 DREWS ROAD, SPRAGUE RIVER, OR 97639</u>
Instrument Recording Number:	<u>2008-009614</u>

I, the undersigned, being duly sworn, hereby depose and say that:

1. I am the Assistant Vice President of HomeStreet Bank, servicer for Oregon Housing and Community Services Department, who is the Beneficiary of the above-referenced instrument.
2. The Beneficiary has determined that the Grantor(s) of the above-referenced instrument:
☐ Is not eligible for a foreclosure avoidance measure: or
☐ Has not complied with the terms of a foreclosure avoidance measure to which the Grantor(s) agreed: or
☒ Has not requested a foreclosure avoidance measure
☐ The Beneficiary/Servicer mailed written notice, in plain language, explaining the basis for the Beneficiary's determination to the Grantor(s) within 10 days after making the determination as required by ORS 86.748.
3. By reason of the above, the Beneficiary has complied with the requirements of ORS 86.748.

HomeStreet Bank, servicer for Oregon Housing and Community Services Department

Signature



Melissa Hjorten

Assistant Vice President

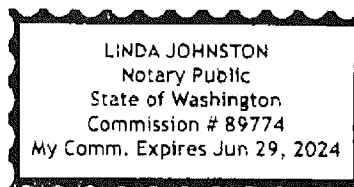
County of King
State of WASHINGTON

Print Name

Subscribed and sworn to (or affirmed) before me this 16th day of November, 2022, by Melissa Hjorten of HomeStreet Bank.

Notary Signature

My commission expires: June 29, 2024



Recording Requested By:

When Recorded Mail to:

Nathan F. Smith, Esq.
c/o Trustee Corps
606 W. Gowe Street
Kent, WA 98032-5744

TS No. OR07000187-22-1

APN 347226

TO No. 220496052-OR-MSO

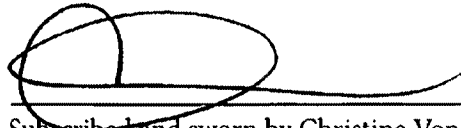
AFFIDAVIT OF PUBLICATION

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

I, Christine Von Tersch, Circulation Manager 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 97601 in the aforesaid county and state: that I know from my personal knowledge that the Legal # 20762 TS# OR07000187-22-1 28205 Drews Rd 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: 10/01/22, 10/08/22, 10/15/22, 10/22/22

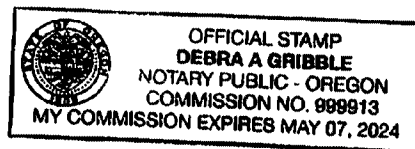
Total Cost: \$1,226.93



Subscribed and sworn by Christine Von Tersch before me on: On 24th day of October, in the year of 2022



Notary Public of Oregon
My commission expires May 7, 2024



TRUSTEE'S NOTICE OF SALE

TS No. OR07000187-22-1 APN 347226 TO No 220496052-OR-MSO TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, DARRYL A STRAIN, A SINGLE INDIVIDUAL as Grantor to AMERITITLE as Trustee, in favor of EAGLE HOME MORTGAGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY as Beneficiary dated as of June 27, 2008 and recorded on July 1, 2008 as Instrument No. 2008-009614 and the beneficial interest was assigned to The Oregon Housing and Community Services Department, state of Oregon and recorded July 23, 2008 as Instrument Number 2008-010530 of official records in the Office of the Recorder of Klamath County, Oregon to-wit: APN: 347226 LOT 31, BLOCK 48 OF FOURTH ADDITION TO NIMROD RIVER PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON Commonly known as: 28205 DREWS ROAD, SPRAGUE RIVER, OR 97639 Both the Beneficiary, Oregon Housing and Community Services Department, 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): 6 Monthly Payment(s) from 04/01/2022 to 09/30/2022 at \$909.82 Monthly Late Charge(s): \$218.34 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 \$83,977.34 together with interest thereon at the rate of 5.62500% per annum from March 1, 2022 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 February 3, 2023 at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, On the front steps of the Circuit Court, 316 Main Street, in the City of Klamath Falls, County of Klamath, 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: September 22, 2022 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 85858, Pub Dates: 10/1/2022, 10/9/2022, 10/15/2022, 10/22/2022, HERALD & NEWS

#20762 October 1, 8, 15, 22, 2022

Recording Requested By:

When Recorded Mail to:

Nathan F. Smith, Esq.
c/o Trustee Corps
606 W. Gowe Street
Kent, WA 98032-5744

TS No. OR07000187-22-1

APN 347226

TO No. 220496052-OR-MSO

AFFIDAVIT OF SERVICE

AFFIDAVIT OF SERVICE

STATE OF OREGON
County of Klamath

ss.

I, Kirk Loveness, 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.

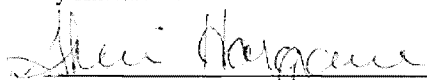
I made service of the Trustee's Notice of Sale; Notice: You are in Danger of Losing Your Property if You Do Not Take Immediate Action; Notice to Residential Tenant; Notice of Default and Election to Sell; State of Oregon Foreclosure Avoidance Program Certificate of Compliance upon the individuals and/or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

**28205 Drews Road
Sprague River, OR 97639**

By delivering such copy, personally and in person, to **Tracy Strain**, at the above Property Address on September 29, 2022 at 1:25 PM.

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

SUBSCRIBED AND SWORN BEFORE ME
this 4 day of October, 2022
by Kirk Loveness.


Notary Public for Oregon

X 
Kirk Loveness
Nationwide Process Service, Inc.
315 W Mill Plain Blvd., Suite 206
Vancouver, WA 98660
(503) 241-0636



359874