

2023-001429

Klamath County, Oregon

03/02/2023 10:27:02 AM

Fee: \$97.00

NOTICE OF DEFAULT AND ELECTION TO SELL

Original Beneficiary Name:

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"),
AS DESIGNATED NOMINEE FOR BCK CAPITAL INC.,
BENEFICIARY OF THE SECURITY INSTRUMENT, ITS SUCCESSORS AND ASSIGNS

Current Beneficiary Name:

FLAGSTAR BANK, N.A.

Trustor Name:

JAIME E. SMITH

Original Trustee Name:

AMERITITLE, INC

Original trust deed recorded:

7/11/2018, as Instrument No. 2018-008278,

TS NO.: 23-64334

After recording return to:

ZBS Law, LLP
5 Centerpointe Dr., Suite 400
Lake Oswego, OR 97035
Phone: (503) 946-6558

NOTICE OF DEFAULT AND ELECTION TO SELL

JAIME E. SMITH was the grantor, to AMERITITLE, INC was the trustee, and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS DESIGNATED NOMINEE FOR BCK CAPITAL INC., BENEFICIARY OF THE SECURITY INSTRUMENT, ITS SUCCESSORS AND ASSIGNS, was the beneficiary, of that certain deed of trust (hereafter referred to as the Trust Deed) dated 7/11/2018, recorded 7/11/2018, as Instrument No. 2018-008278, in the Mortgage Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to wit: **LOT 28 IN BLOCK 31 OF TRACT 1184 - OREGON SHORES - UNIT 2, FIRST ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.**

The street address or other common designation, if any for the real property described above is purported to be:
34410 JUNIPERWOOD PL, CHILOQUIN, OREGON 97624-5709

The Tax Assessor's Account ID for the Real Property is purported to be: **R-3507-017CB-00900-000 / 237862**

The undersigned successor trustee, ZBS Law, LLP hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary 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 law.

Notice is hereby given by the present and successor trustee, ZBS Law, LLP pursuant to the written instructions of the present beneficiary, that the beneficiary by reason of the grantor's default, and that ZBS Law, LLP as Trustee by virtue of his powers under ORS 86.752(3) and by virtue of the grantors default, has/have elected and hereby elects to foreclose the above referenced Trust Deed by advertisement and sale pursuant to ORS 86.705 to 86.815 in order to

satisfy the grantor's obligations secured by the Trust Deed. All right, title, and interest in the said described property which the grantors had, or had power to convey, at the time of execution of the Trust Deed, together with any interest the grantors or their successors in interest acquired after execution of the Trust Deed shall be sold at public auction to the highest bidder for cash to satisfy the obligations secured by the Trust Deed and the expenses of sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

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:

Delinquent Payments:

<u>FROM</u>	<u>THRU</u>	<u>NO. PMT</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>TOTAL</u>
12/1/2021	3/1/2022	4	4.392	\$1,195.79	\$4,783.16
4/1/2022	3/2/2023	12	40.392	\$1,248.18	\$14,978.16
Late Charges					\$137.38
Recoverable Balance					\$726.00
TOTAL FORECLOSURE COST:					\$1,677.00
TOTAL REQUIRED TO CURE:					<u>\$22,301.70</u>

Please note the amounts stated herein are subject to confirmation and review and are likely to change during the next 30 days. Please contact ZBS Law, LLP to obtain a "reinstatement" and or "payoff" quote prior to remitting funds.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the Trust Deed due and payable. The amount required to discharge this lien in its entirety to date is: \$198,020.46

The monthly installment of principal and interest which became due on 12/1/2021, late charges, and all subsequent monthly installments of principal and interest.

You are responsible to pay all payments and charges due under the terms and conditions of the loan documents which come due subsequent to the date of this notice, including, but not limited to, foreclosure trustee fees and costs, advances and late charges.

Furthermore, as a condition to bring your account in good standing, you must provide the undersigned with written proof that you are not in default on any senior encumbrance and provide proof of insurance.

Nothing in this notice should be construed as a waiver of any fees owing to the beneficiary under the deed of trust, pursuant to the terms and provisions of the loan documents.

Nothing in this Notice of Default should be construed as a waiver of any fees owing to the beneficiary under the Deed of Trust, pursuant to the terms and provisions of the loan documents.

The Sale will be held at the hour of **1:00 PM**, in accord with the standard of time established by ORS 187.110 and pursuant to ORS 86.771(7) on **7/13/2023**, at the following designated place:

Front Steps of the Klamath County Circuit Court, 316 Main Street, 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: **NONE**

Notice is further given that any person named in ORS 86.778 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) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation of the Trust Deed, and in addition to paying the sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney fees not exceeding the amounts provided by ORS 86.778.

The mailing address of the trustee is
ZBS Law, LLP
5 Centerpointe Dr., Suite 400
Lake Oswego, OR 97035
Phone: (503) 946-6558

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 the plural, the word "grantor" includes any successor in interest to this grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: 2/27/2023

ZBS Law, LLP

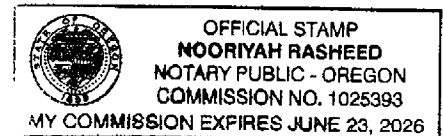
By: Amber L. Labrecque
Amber L. Labrecque, Esq., OSB#094593
ZBS Law, LLP
Authorized to sign on behalf of the trustee

State of OREGON

County of CLACKAMAS

I certify that this document was signed or attested before me on 2/27/2023 by Amber L. Labrecque, Esq. on behalf of ZBS Law, LLP.

Noor
NOTARY NAME: NOORİYAH RASHEED
NOTARY PUBLIC: STATE OF OREGON
COMMISSION NO: 1025393
MY COMMISSION EXPIRES: JUNE 23rd, 2026



Paul Santi
Flagstar Bank, N.A.
5151 Corporate Drive
Troy, MI 48098

Lender/Beneficiary:	Flagstar Bank, N.A.
Jurisdiction*	United States of America (National Association)

I, Paul Santi (printed name) being first duly sworn, depose, and state that:

1. The above named individual or entity commenced or caused an affiliate or agent of the individual or entity to commence the following number of actions to foreclose a residential trust deed by advertisement and sale under ORS 86.752 or by suit under ORS 88.010 during the prior calendar year: 13 [not to exceed 30];
2. The undersigned further certifies that she/he: [check only one of the following boxes]
[] is the individual claiming exemption from requirements established under ORS 86.705 to 86.815, or
[✓] is the Assistant Vice President _____ [insert title] of the entity claiming exemption from requirements established under ORS 86.705 to 86.815 and is authorized by such entity to execute this affidavit on its behalf.

(Signature)

State of Michigan)
) ss.

County of Oakland
Signed and sworn to (or affirmed) before me this 23rd day of January, 2023
by Paul Santi

Notary Public for Oakland
My commission expires: March 6, 2029

MICHAEL FRANCIS DIESBROUCK
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Mar 6, 2028
ACTING IN COUNTY OF OAKLAND