

2023-006619

Klamath County, Oregon



00318227202300066190240242

08/04/2023 09:31:10 AM

Fee: \$217.00

**NOTICE, EXEMPTION AFFIDAVITS**

Re: Notice of Default recorded as  
Instrument No. 2022-010882 in the  
records of Klamath County, Oregon

Grantor(s): Daniel Walker and Donna Walker,  
as tenants by the entirety

Original Beneficiary(ies): Donald Ray Austin

Current Beneficiary: Jerome Noah Austin

Original Trustee: AmeriTitle, an Oregon Corporation

Current Trustee: Nathan J. Ratliff,  
OSB #034269

After recording return to:  
Parks & Ratliff  
620 Main Street  
Klamath Falls, OR 97601

Dated: August 4, 2023

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**COVER PAGE**

1. AFFIDAVIT OF MAILING & SERVICE TRUSTEE'S NOTICE OF SALE,  
DANGER NOTICE
2. TRUSTEE'S NOTICE OF SALE, DANGER NOTICE
3. AFFIDAVIT OF PUBLICATION, TRUSTEE'S NOTICE OF SALE
4. BENEFICIARY EXEMPTION AFFIDAVITS

After Recording Return to:  
Parks & Ratliff, P.C.  
620 Main Street  
Klamath Falls, OR 97601

**AFFIDAVIT OF MAILING: TRUSTEE'S NOTICE OF SALE  
DANGER NOTICE  
NOTICE TO RESIDENTIAL TENANTS**

STATE OF OREGON            )  
  )        ss.  
County of Klamath         )

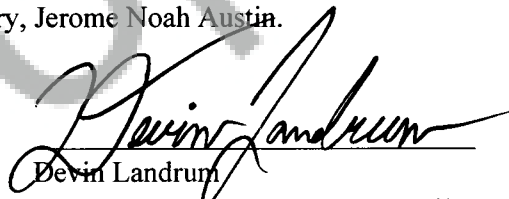
I, Devin Landrum, under penalty of perjury, state as follows:

1. Attached as Exhibit 'A' is a true and correct copy of the Trustee's Notice of Sale, Danger Notice and Notice to Residential Tenants pertaining to the Trust Deed referenced therein.
2. Exhibit 'A' was mailed by both first-class and certified mail with return receipt requested to the following address(es) on March 30<sup>th</sup>, 2023:

Daniel & Donna Walker  
31862 Sailfish Lane  
Bonanza, OR 97623

Klamath County Counsel  
305 Main Street  
Klamath Falls, OR 97601

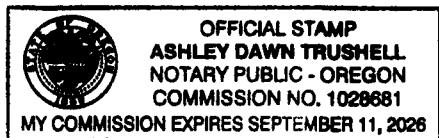
3. Attached as Exhibit 'B' is a copy of the Certified Mailing Receipt(s).
4. I make this affidavit as legal assistant to attorney Nathan J. Ratliff, OSB #034269, of Parks & Ratliff, P.C., for and on behalf of Successor Beneficiary, Jerome Noah Austin.

  
Devin Landrum  
Legal Assistant to Nathan J. Ratliff

STATE OF OREGON; County of Klamath         )        ss.

THE FOREGOING INSTRUMENT was acknowledged before me on the 24<sup>th</sup> day of July, 2023 by Devin Landrum.

  
NOTARY PUBLIC FOR OREGON  
My commission expires:



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, Daniel Walker and Donna Walker, as tenants by the entirety, as Grantor to AmeriTitle, an Oregon Corporation, as Trustee, in favor of Donald Ray Austin, Beneficiary of the security instrument, its successors and assigns, dated as of July 12, 2016, and recorded on July 17, 2016, as Instrument No. 2016-007501 in the official records Klamath County, Oregon to-wit:

APN: 391392

SEE ATTACHED LEGAL DESCRIPTION

Commonly known as: 31862 Sailfish Ln, Bonanza, OR 97623

Both the Successor Beneficiary, Jerome Noah Austin, and the Successor Trustee, Nathan J. Ratliff, OSB #034269, 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 when due payments on the Promissory Note at \$337.54 per month, pursuant to paragraph 1 under the Note, and pursuant to paragraph 11 of the Deed of Trust. By the 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 \$31,816.12 together with interest thereon from September 15, 2020, until paid; 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 Friday, August 4, 2023, at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, at the Main Street entrance steps to the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon 97601, 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 any



LEGAL DESCRIPTION

Lot 3, Block 19, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66,  
PLAT NO. 1, according to the official plat thereof on file in the office of the  
County Clerk of Klamath County, Oregon.

Unofficial  
Copy

**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:  
31862 SAILFISH LN, Bonanza, OR 97623.

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 March 29, 2023, to bring your mortgage loan current was \$40,435.37. 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 541-882-6331 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:

Parks & Ratliff, PC  
Attention: Nathan Ratliff, Esq., OSB #034269  
620 Main St  
Klamath Falls, OR 97601  
541-882-6331

**THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD  
IF YOU DO NOT TAKE ACTION:**

Date, time, and place: Friday, August 4, 2023 at 10:00 AM  
at the Main Street entrance steps to the Klamath County  
Courthouse, 316 Main Street, Klamath Falls, 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 any time before the sale.
3. You can call Parks & Ratliff, Esq. at phone No. 541-882-6331 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 property, 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.

Dated: March 30, 2023



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By: Nathan J. Ratliff, OSB #034269  
Successor Trustee  
541-882-6331

## NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for Friday, August 4, 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).

Unofficial Copy

7021 2720 0003 1074 5854

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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Bonanza, OR 97623

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$3.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.87
<b>Total Postage and Fees</b>	<b>\$8.37</b>

Sent To **Daniel + Donna Walker**  
Street and Apt. No., or PO Box No. **31862 Sailfish Lane**  
City, State, ZIP+4® **Bonanza, OR 97623**

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

7021 2720 0003 1074 5847

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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Klamath Falls, OR 97601

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$3.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.87
<b>Total Postage and Fees</b>	<b>\$8.37</b>

Sent To **Klamath County Counsel**  
Street and Apt. No., or PO Box No. **305 Main Street**  
City, State, ZIP+4® **Klamath Falls, OR 97601**

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



KLAMATH FALLS  
317 S 7TH ST  
KLAMATH FALLS, OR 97601-6170  
(800)275-8777

03/30/2023 05:01 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.87
Klamath Falls, OR 97601 Weight: 0 lb 1.60 oz Estimated Delivery Date Sat 04/01/2023			
Certified Mail® Tracking #:			\$4.15
			70212720000310745847
Return Receipt Tracking #:			\$3.35
			9590 9402 7116 1251 3365 94
Affixed Postage			-\$8.37
Affixed Amount:			\$8.37
<b>Total</b>			<b>\$0.00</b>
First-Class Mail® Letter	1		\$0.87
Bonanza, OR 97623 Weight: 0 lb 1.60 oz Estimated Delivery Date Sat 04/01/2023			
Certified Mail® Tracking #:			\$4.15
			70212720000310745854
Return Receipt Tracking #:			\$3.35
			9590 9402 7116 1251 3365 87
Affixed Postage			-\$8.37
Affixed Amount:			\$8.37
<b>Total</b>			<b>\$0.00</b>
<b>Grand Total:</b>			<b>\$0.00</b>

After Recording Return to:  
Parks & Ratliff, P.C.  
620 Main Street  
Klamath Falls, OR 97601

**AFFIDAVIT OF PROCESS SERVICE: TRUSTEE'S NOTICE OF SALE  
DANGER NOTICE  
NOTICE TO RESIDENTIAL TENANTS**

STATE OF OREGON            )  
  )        ss.  
County of Klamath         )

I, Greg Rote, under penalty of perjury, state as follows:

1. Attached as Exhibit 'A' is a true and correct copy of the Trustee's Notice of Sale, Danger Notice and Notice to Residential Tenants pertaining to the Trust Deed referenced therein.
2. Exhibit 'A' was posted upon the gate at the entrance to the subject real property located at the following address on April 6<sup>th</sup>, 2023:

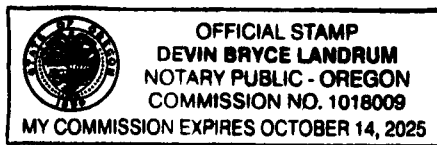
Daniel & Donna Walker  
31862 Sailfish Lane  
Bonanza, OR 97623

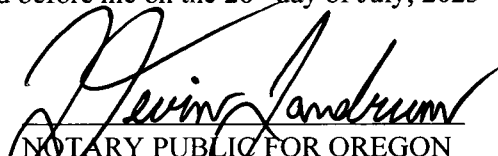
3. Exhibit 'A' was subsequently served to an individual residing at the foregoing address who identified himself as 'Mark' on April 14<sup>th</sup>, 2023 at approximately 3:30 PM (PT).
4. I make this affidavit as a process server retained by attorney Nathan J. Ratliff, OSB #034269, of Parks & Ratliff, P.C., for and on behalf of Successor Beneficiary, Jerome Noah Austin.

  
\_\_\_\_\_  
Greg Rote  
Northwest Private Investigators

STATE OF OREGON; County of Klamath         )        ss.

THE FOREGOING INSTRUMENT was acknowledged before me on the 28<sup>th</sup> day of July, 2023 by Greg Rote.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My commission expires: 10-14-25

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, Daniel Walker and Donna Walker, as tenants by the entirety, as Grantor to AmeriTitle, an Oregon Corporation, as Trustee, in favor of Donald Ray Austin, Beneficiary of the security instrument, its successors and assigns, dated as of July 12, 2016, and recorded on July 17, 2016, as Instrument No. 2016-007501 in the official records Klamath County, Oregon to-wit:

APN: 391392

SEE ATTACHED LEGAL DESCRIPTION

Commonly known as: 31862 Sailfish Ln, Bonanza, OR 97623

Both the Successor Beneficiary, Jerome Noah Austin, and the Successor Trustee, Nathan J. Ratliff, OSB #034269, 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 when due payments on the Promissory Note at \$337.54 per month, pursuant to paragraph 1 under the Note, and pursuant to paragraph 11 of the Deed of Trust. By the 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 \$31,816.12 together with interest thereon from September 15, 2020, until paid; and all Trustee's fees, foreclosure costs and any sums advanced by the Beneficiary pursuant to the terms of said Trust Deed.

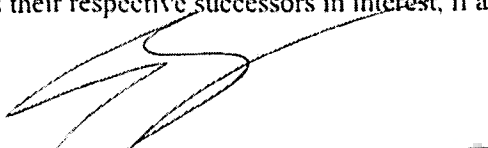
Wherefore, notice is hereby given that, the undersigned Trustee will on Friday, August 4, 2023, at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, at the Main Street entrance steps to the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon 97601, 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 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.

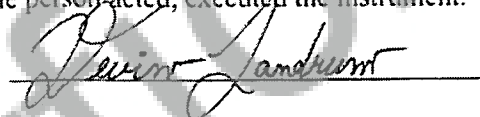
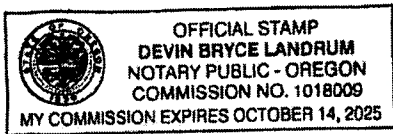
Dated: March 30, 2023



By: Nathan J. Ratliff, OSB #034269  
Successor Trustee

State of Oregon        )  
                                  ) ss.  
County of Klamath    )

On March 30<sup>th</sup>, 2023, before me, Devin Landrum, Notary Public, personally appeared Nathan J. Ratliff, 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.



Notary Public for Oregon  
Commission Expires: 10-14-25

Parks & Ratliff, PC  
Attention: Nathan Ratliff, Esq., OSB #034269  
620 Main St  
Klamath Falls, OR 97601  
541-882-6331

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

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.

LEGAL DESCRIPTION

Lot 3, Block 19, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66,  
PLAT NO. 1, according to the official plat thereof on file in the office of the  
County Clerk of Klamath County, Oregon.

Unofficial  
Copy

**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:  
31862 SAILFISH LN, Bonanza, OR 97623.

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 March 29, 2023, to bring your mortgage loan current was \$40,435.37. 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 541-882-6331 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:

Parks & Ratliff, PC  
Attention: Nathan Ratliff, Esq., OSB #034269  
620 Main St  
Klamath Falls, OR 97601  
541-882-6331

**THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD  
IF YOU DO NOT TAKE ACTION:**

Date, time, and place: Friday, August 4, 2023 at 10:00 AM  
at the Main Street entrance steps to the Klamath County  
Courthouse, 316 Main Street, Klamath Falls, 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 any time before the sale.
3. You can call Parks & Ratliff, Esq. at phone No. 541-882-6331 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 property, 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.

Dated: March 30, 2023

  
By: Nathan J. Ratliff, OSB #034269  
Successor Trustee  
541-882-6331

UNOFFICIAL  
UNO COPY

### NOTICE TO RESIDENTIAL TENANTS

The property in which you are living is in foreclosure. A foreclosure sale is scheduled for Friday, August 4, 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).

Unofficial Copy

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

I, Joseph Hudon, General 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 # 23143 APN: 391392 31862 Sailfish Ln. 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: 04/08/23, 04/15/23, 04/22/23, 04/29/23

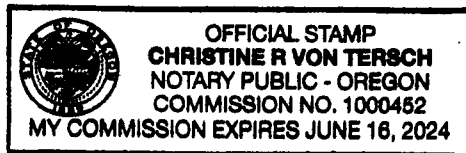
Total Cost: \$1,312.92



Subscribed and sworn by Joseph Hudon before me on: On 2nd day of May, in the year of 2023



Notary Public of Oregon  
My commission expires June 16, 2024



**TRUSTEE'S NOTICE OF SALE**

Reference is made to that certain Trust Deed made by, Daniel Walker and Donna Walker, as tenants by the entirety, as Grantor to AmeriTitle, an Oregon Corporation, as Trustee, in favor of Donald Ray Austin, Beneficiary of the security instrument, its successors and assigns, dated as of July 12, 2016, and recorded on July 17, 2016, as Instrument No. 2016-007501 in the official records Klamath County, Oregon to-wit:

APN: 391392  
SEE ATTACHED LEGAL DESCRIPTION  
Commonly known as: 31862 Sallfish Ln, Bonanza, OR 97623

Both the Successor Beneficiary, Jerome Noah Austin, and the Successor Trustee, Nathan J. Ratliff, OSB #034269, 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 when due payments on the Promissory Note at \$337.54 per month, pursuant to paragraph 1 under the Note, and pursuant to paragraph 11 of the Deed of Trust. By the 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 \$31,816.12 together with interest thereon from September 15, 2020, until paid; 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 Friday, August 4, 2023, at the hour of 10:00 AM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, at the Main Street entrance steps to the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon 97601, 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 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 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: March 30, 2023

By: /s/ Nathan J. Ratliff, OSB #034269  
Successor Trustee

**LEGAL DESCRIPTION**

Lot 3, Block 19, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66, PLAT NO. 1, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.  
#23143 April 8, 15, 22, 29, 2023





**After recording, return to:**

Parks & Ratliff, P.C.  
620 Main Street  
Klamath Falls, OR 97601

**OREGON FORECLOSURE AVOIDANCE PROGRAM  
BENEFICIARY EXEMPTION AFFIDAVIT**

<b>Lender/Beneficiary:</b>	Jerome Noah Austin
<b>Jurisdiction*</b>	NA

\*If Lender/Beneficiary is not a natural person, provide the state or other jurisdiction in which the Lender/Beneficiary is organized.

I, Jerome Noah Austin (printed name) being first duly sworn, depose, and state that:

This affidavit is submitted for a claim of exemption to the Office of the Attorney General of Oregon under ORS 86.726(1)(b).

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: 1 [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 \_\_\_\_\_ [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.

Jerome Austin  
(Signature)

State of Oregon )  
 ) ss.  
County of Coos )

Signed and sworn to (or affirmed) before me this 1<sup>st</sup> day of August, 2023  
by Jerome Noah Austin

Heather L. Casas  
Notary Public for State of Oregon / Umpqua Bank  
My commission expires: November 04, 2024

