

**NOTICE OF DEFAULT  
AND ELECTION TO SELL**

**2024-006317**

**Klamath County, Oregon**

07/19/2024 01:58:02 PM

Fee: \$102.00

RE: Trust Deed from:  
DANIEL S. HEAVILIN; A SINGLE MAN,  
Grantor

To:  
Nathan F. Smith, Esq., OSB #120112

After recording return to:

Malcolm & Cisneros, A Law Corporation  
Attention: Nathan F. Smith, Esq., OSB  
#120112  
c/o TRUSTEE CORPS  
17100 Gillette Ave  
Irvine, CA 92614

TS No. OR08000110-23-3S

APN 552397

TO No 240348474-OR-MSO

Reference is made to that certain Trust Deed made by DANIEL S. HEAVILIN; A SINGLE MAN as Grantor, to AMERITITLE, INC. as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for LOANDEPOT.COM, LLC DBA IMORTGAGE, Beneficiary of the security instrument, its successors and assigns, dated as of September 24, 2016 and recorded September 30, 2016 in the records of Klamath County, Oregon as Instrument No. 2016-010441 and the beneficial interest was assigned to **LAKEVIEW LOAN SERVICING, LLC** and recorded September 17, 2021 as Instrument Number 2021-014217 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: **552397**

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

The undersigned hereby certifies that no assignments of the Trust Deed by the Trustee, Nathan F. Smith, Esq., OSB #120112, or by the Beneficiary, **Lakeview Loan Servicing, LLC**, and no appointments of a successor Trustee have been made, except as recorded in the records of the county or counties in which the above described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.752(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 **\$8,153.54** beginning **December 1, 2023**, as follows:

**\$8,153.54** = monthly payment(s) at **\$8,153.54**

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 **\$150,229.31**, said sums being the following:

1. Principal balance of **\$134,645.45** and accruing interest as of **July 31, 2024**, per annum, from **November 1, 2023** until paid.
2. **\$3,907.15** in interest

3. **\$555.50** in MIP/PMI
4. **\$118.36** in late charges
5. **\$1,679.35** in payment deferred principal balance due
6. **\$2,759.51** in payment deferred interest balance due
7. **\$2,083.08** in payment deferred escrow advance balance due
8. **\$3,075.03** in corporate advances
9. **\$60.88** in escrow/impound overdraft
10. **\$60.00** in unpaid expenses
11. **\$1,285.00** in foreclosure fees and costs
12. 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 **December 2, 2024** at the following place: **inside the main lobby of the Klamath County Courthouse, 316 Main St, Klamath Falls, OR 97601**

Other than as shown of record, neither the Beneficiary nor the Trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the Trustee in the Trust Deed, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property except:

DANIEL S. HEAVILIN  
3643 HOPE ST., KLAMATH FALLS, OR 97603

OCCUPANT  
3643 HOPE ST., KLAMATH FALLS, OR 97603

CAPITAL ONE, N.A.  
C/O SUTTELL & HAMMER, P.S., PO BOX C-90006, BELLEVUE, WA 98009

ASHLEY E. HEAVILIN  
3643 HOPE ST, KLAMATH FALLS, OR 97603

PORTFOLIO RECOVERY ASSOCIATES, LLC C/O DALE NORDYKE  
120 CORPORATE BLVD, NORFOLK, VA 23502

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), together with costs, Trustee's and attorney's fees, by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Trust Deed, at any time prior to five days before the date last set for sale.

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

In construing this notice, the singular gender includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

Dated: 07/18/2024

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.

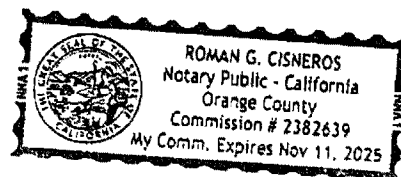
STATE OF CALIFORNIA  
COUNTY OF ORANGE

On 07/18/2024 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.

TS No. OR08000110-23-3S

## EXHIBIT "A"

A parcel of land situated in the S1/2 SE1/4 NW1/4, Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at an iron pin marking the southeast corner of the SE1/4 NW1/4 of said Section 11, said point being the Northeast corner of "Perry's Addition to Lloyds Tracts" Subdivision; thence South 89 degrees 50' West along the South line of the S1/2 SE1/4 NW1/4 of said Section 11, said line being the North line of "Perry's Addition to Lloyds Tracts" Subdivision a distance of 141.90 feet to an iron pin on the Easterly right of way line of Hope Street; thence North 0 degrees 17' East along the Easterly line of Hope Street a distance of 470.43 feet to a point; and the true point of beginning of the tract to be hereinafter described, thence North 89 degrees 50' East 142.79 feet, more or less, to the East line of the S1/2 SE1/4 NW1/4 of said Section 11; thence North 0 degrees 23' 33" East along the East line of the S1/2 SE1/4 NW1/4 of said Section 11, 94.81 feet to a point; thence South 89 degrees 54' 15" West 142.97 feet, more or less to a point on the East line of Hope Street; thence South 0 degrees 17' West along the East line of Hope Street 95 feet to the true point of beginning.



**CERTIFICATE OF COMPLIANCE  
STATE OF OREGON  
FORECLOSURE AVOIDANCE PROGRAM**

**AFTER RECORDING RETURN TO:**

Christi Pressley  
For Malcolm & Cisneros, For M & T Bank  
2112 Business Center Drive  
Irvine, CA 92612

7/2/2024

<b>Grantor:</b>	DANIEL S. HEAVILIN: A SINGLE MAN
<b>Beneficiary:</b>	Lakeview Loan Servicing, LLC
<b>Property Address:</b>	3643 HOPE ST KLAMATH FALLS, OR 97603
<b>Instrument / Recording No. Date / County</b>	Instrument Number: 2016-010441 Recording Number: 2016-010441 Loan Number: [REDACTED] Recording date: 9/30/2016 County: Klamath
<b>Case Number</b>	BI-240506-1741

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.

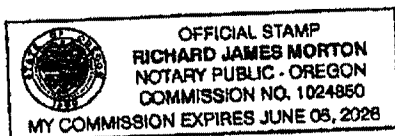
DATED this 2 day of July, 2024

Authorized Representative, Oregon Foreclosure Avoidance Program

STATE OF OREGON     )  
                                  ) ss.  
County of Multnomah    )

The foregoing instrument was acknowledged before me on July 2nd, 2024, by Jesse Cliff  
[Print Name]

as an Authorized Representative of the Oregon Foreclosure Avoidance Program Service Provider, Mediation Case Manager.



Notary Public - State of Oregon  
My Commission Expires: 6/5/26