

2024-009506

Klamath County, Oregon

10/30/2024 02:56:01 PM

Fee: \$257.00

Recording Requested By:

When Recorded Mail to:

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

S No. OR05000042-24-1

APN 3507-020CB-01600 | 247851

TO No. 240291037-OR-MSI

AFFIDAVIT OF MAILING

GRANTEE:	Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial
GRANTOR:	JUSTIN C VIAN, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY
CURRENT TRUSTEE:	Nathan F. Smith, Esq., OSB #120112

DECLARATION OF MAILING



Reference No: OR05000042-24
Mailing Number: 0271247-01
Type of Mailing: OR

STATE OF CALIFORNIA }
 } SS
COUNTY OF SAN DIEGO }

I, Aaron Ayala, 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 8/19/2024, 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.

August 20 2024 San Diego, California
Date and Location

A. Ayala
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

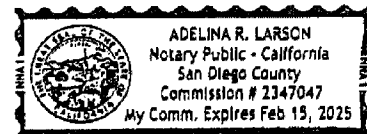
On August 20 2024 before me, Adelina R. Larson,
personally appeared Aaron Ayala, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), 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 [Signature]

(Seal)



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, JUSTIN C VIAN, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY as Grantor to AMERITITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as designated nominee for MORTGAGE SOLUTIONS OF COLORADO, LLC, Beneficiary of the security instrument, its successors and assigns, dated as of May 2, 2022 and recorded on May 3, 2022 as Instrument No. 2022-005626 and the beneficial interest was assigned to Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial and recorded June 11, 2024 as Instrument Number 2024-004687 of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

APN: 3507-020CB-01600 | 247851

LOT 13, RIVER'S BEND, IN THE COUNTY OF KLAMATH, STATE OF OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.

Commonly known as: 32550 RIVERS DR, CHILOQUIN, OR 97624

Both the Beneficiary, Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial, 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 86.752(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

Total Payment(s):

Total Payment(s) from 01/01/2024 to 08/31/2024 at \$23,404.12

Total Late Charge(s):

Total Late Charge(s) at \$526.35

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 \$358,424.30 together with interest thereon at the rate of 5.62500% per annum from December 1, 2023 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 December 26, 2024 at the hour of 01:00 PM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, Front Steps, Klamath County Circuit Court, 316 Main Street, Klamath Falls, 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 86.778 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. OR05000042-24-1

APN 3507-020CB-01600 | 247851

TO No 240291037-OR-MSI

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: 08/15/2024

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.

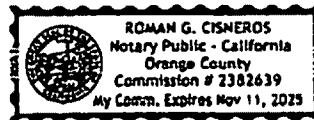
STATE OF CALIFORNIA
COUNTY OF ORANGE

On 08/15/2024 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.

**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:
32550 RIVERS DR, CHILOQUIN, Oregon 97624.

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 August 31, 2024 to bring your mortgage loan current was \$24613.97. 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 949-252-8300 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:

Nathan F. Smith, Esq.
c/o Trustee Corps
17100 Gillette Ave.
Irvine, CA 92614

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

Date and time: December 26, 2024, at 01:00 PM

Place: Front Steps, Klamath County Circuit Court, 316 Main Street, Klamath Falls, OR 97601, County of Klamath.

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 Mortgage Solutions Financial Servicing, a division of Mortgage Solutions of Colorado, LLC at 866-558-8850 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: 08/15/2024

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 **December 26, 2024**. 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)

2024-007174

Klamath County, Oregon

08/16/2024 01:59:02 PM

Fee: \$97.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

**RE: Trust Deed from:
JUSTIN C VIAN, A MARRIED MAN, AS HIS
SOLE AND SEPARATE PROPERTY,
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. OR05000042-24-1

APN 3507-020CB-01600 | 247851

TO No 240291037-OR-MSI

Reference is made to that certain Trust Deed made by JUSTIN C VIAN, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY as Grantor, to AMERITITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for MORTGAGE SOLUTIONS OF COLORADO, LLC, Beneficiary of the security instrument, its successors and assigns, dated as of May 2, 2022 and recorded May 3, 2022 in the records of Klamath County, Oregon as Instrument No. 2022-005626 and the beneficial interest was assigned to Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial and recorded June 11, 2024 as Instrument Number 2024-004687 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: 3507-020CB-01600 | 247851

LOT 13, RIVER'S BEND, IN THE COUNTY OF KLAMATH, STATE OF OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, 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, Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial, 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 \$23,404.12 beginning January 1, 2024, as follows:

\$23,404.12 = 8 monthly payment(s)

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 \$378,005.30, said sums being the following:

1. Principal balance of **\$358,424.30** and accruing interest as of **August 31, 2024**, per annum, from **December 1, 2023** until paid.
2. **\$15,097.98** in interest
3. **\$518.14** in MIP/PMI
4. **\$421.08** in late charges
5. **\$0.00** in property inspections
6. **\$2,696.30** in negative escrow balance
7. **\$517.25** in corporate advances
8. **\$164.00** in lien release
9. **\$166.25** in foreclosure fees and costs
10. 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 **01:00 PM**, in accord with the standard of time established by ORS 187.110, on **December 26, 2024** at the following place: **Front Steps, 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:

OCCUPANT

32550 RIVERS DR, CHILOQUIN, OR 97624

JUSTIN C VIAN

32550 RIVERS DR, CHILOQUIN, OR 97624

JPMORGAN CHASE BANK, N.A.

SUTTELL & HAMMER, PS, PO BOX C-90006, BELLEVUE, WA 98009

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

TS No. OR05000042-24-1

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: 08/15/2024

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.

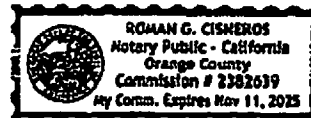
STATE OF CALIFORNIA
COUNTY OF ORANGE

On 08/15/2024 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.



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

AFTER RECORDING RETURN TO:

Christi Pressley
For Malcolm & Cisneros, For Servbank
2112 Business Center Drive
Irvine, CA 92612

7/16/2024

Grantor:	JUSTIN C VIAN, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY
Beneficiary:	Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial
Property Address:	32550 RIVERS DR CHILLOQUIN, OR 97624
Instrument / Recording No. Date / County	Instrument Number: 2022-005626 Recording Number: 2022-005626 Loan Number: [REDACTED] Recording date: 5/3/2022 County: Klamath
Case Number	BI-240531-3779

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.

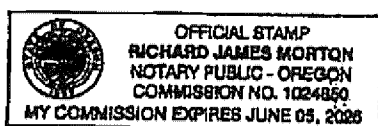
DATED this 16 day of July, 2024.

[Signature]
Authorized Representative, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on July 16th, 2024, by Jesse Clift
[Print Name]

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



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

Form 670 V7/01/24

Exhibit A to Declaration of Mailing

Postal Class: First Class
Mail Date: 08/19/2024
Type of Mailing: OR
Attachment: 0271247-01 000 1015302 Trustee_000418

Sender: Trustee Corps
17100 Gillette Ave.
Irvine CA 92614

- 1 (11)9690024881225409
JPMORGAN CHASE BANK, N.A.
SUTTELL & HAMMER, PS
PO BOX C-90006
BELLEVUE, WA 98009
- 2 (11)9690024881225461
JPMORGAN CHASE BANK, N.A.
SUTTELL & HAMMER, PS
3000 NORTHRUP WAY, STE 200
BELLEVUE, WA 98009
- 3 (11)9690024881225539
OCCUPANT
32550 RIVERS DR
CHILOQUIN, OR 97624
- 4 (11)9690024881225607
JUSTIN C VIAN
32550 RIVERS DR
CHILOQUIN, OR 97624
- 5 (11)9690024881225669
JUSTIN C VIAN
PO BOX 636
CHILOQUIN, OR 97624
- 6 (11)9690024881225720
JUSTIN C VIAN
6641 PAINT HORSE WAY
KLAMATH FALLS, OR 97601

Exhibit A to Declaration of Mailing

Postal Class:	Electronic - Ret	
Mail Date:	08/19/2024	
Type of Mailing:	OR	Sender: Trustee Corps
Attachment:	0271247-01 000 1015302 Trustee_000418	17100 Gillette Ave.
		Irvine CA 92614
1	71969002484086885724 JPMORGAN CHASE BANK, N.A. SUTTELL & HAMMER, PS PO BOX C-90006 BELLEVUE, WA 98009	
2	71969002484086885786 JPMORGAN CHASE BANK, N.A. SUTTELL & HAMMER, PS 3000 NORTHRUP WAY, STE 200 BELLEVUE, WA 98009	
3	71969002484086885861 OCCUPANT 32550 RIVERS DR CHILOQUIN, OR 97624	
4	71969002484086885939 JUSTIN C VIAN 32550 RIVERS DR CHILOQUIN, OR 97624	
5	71969002484086886011 JUSTIN C VIAN PO BOX 636 CHILOQUIN, OR 97624	
6	71969002484086886066 JUSTIN C VIAN 6641 PAINT HORSE WAY KLAMATH FALLS, OR 97601	

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain Trust Deed made by, JUSTIN C VIAN, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY as Grantor to AMERITITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as designated nominee for MORTGAGE SOLUTIONS OF COLORADO, LLC, Beneficiary of the security instrument, its successors and assigns, dated as of May 2, 2022 and recorded on May 3, 2022 as Instrument No. 2022-005626 and the beneficial interest was assigned to **Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial** and recorded June 11, 2024 as Instrument Number 2024-004687 of official records in the Office of the Recorder of Klamath County, Oregon to-wit:

APN: 3507-020CB-01600 | 247851

LOT 13, RIVER'S BEND, IN THE COUNTY OF KLAMATH, STATE OF OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.

Commonly known as: 32550 RIVERS DR, CHILOQUIN, OR 97624

Both the Beneficiary, **Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial**, 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 86.752(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**

Total Payment(s):

Total Payment(s) from 01/01/2024 to 08/31/2024 at **\$23,404.12**

Total Late Charge(s):

Total Late Charge(s) at **\$526.35**

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 **\$358,424.30** together with interest thereon at the rate of **5.62500%** per annum from **December 1, 2023** 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 **December 26, 2024** at the hour of **01:00 PM**, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, **Front Steps, Klamath County Circuit Court, 316 Main Street, Klamath Falls, 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 86.778 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. OR05000042-24-1

APN 3507-020CB-01600 | 247851

TO No 240291037-OR-MSI

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: 08/15/2024

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.

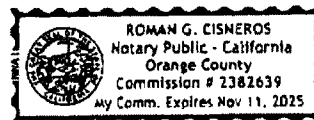
STATE OF CALIFORNIA
COUNTY OF ORANGE

On 08/15/2024 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.

**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:
32550 RIVERS DR, CHILOQUIN, Oregon 97624.

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 August 31, 2024 to bring your mortgage loan current was \$24613.97. 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 949-252-8300 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:

Nathan F. Smith, Esq.
c/o Trustee Corps
17100 Gillette Ave.
Irvine, CA 92614

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

Date and time: December 26, 2024, at 01:00 PM

Place: Front Steps, Klamath County Circuit Court, 316 Main Street, Klamath Falls, OR 97601, County of Klamath.

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 Mortgage Solutions Financial Servicing, a division of Mortgage Solutions of Colorado, LLC at 866-558-8850 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: 08/15/2024

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 **December 26, 2024**. 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)

2024-007174

Klamath County, Oregon

08/16/2024 01:59:02 PM

Fee: \$97.00

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from:
**JUSTIN C VIAN, A MARRIED MAN, AS HIS
SOLE AND SEPARATE PROPERTY,**
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. OR05000042-24-1

APN 3507-020CB-01600 | 247851

TO No 240291037-OR-MSI

Reference is made to that certain Trust Deed made by JUSTIN C VIAN, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY as Grantor, to AMERITITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for MORTGAGE SOLUTIONS OF COLORADO, LLC, Beneficiary of the security instrument, its successors and assigns, dated as of May 2, 2022 and recorded May 3, 2022 in the records of Klamath County, Oregon as Instrument No. 2022-005626 and the beneficial interest was assigned to **Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial** and recorded June 11, 2024 as Instrument Number 2024-004687 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: 3507-020CB-01600 | 247851

LOT 13, RIVER'S BEND, IN THE COUNTY OF KLAMATH, STATE OF OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, 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, **Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial**, 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 **\$23,404.12** beginning **January 1, 2024**, as follows:

\$23,404.12 = 8 monthly payment(s)

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 **\$378,005.30**, said sums being the following:

1. Principal balance of **\$358,424.30** and accruing interest as of **August 31, 2024**, per annum, from **December 1, 2023** until paid.
2. **\$15,097.98** in interest
3. **\$518.14** in MIP/PMI
4. **\$421.08** in late charges
5. **\$0.00** in property inspections
6. **\$2,696.30** in negative escrow balance
7. **\$517.25** in corporate advances
8. **\$164.00** in lien release
9. **\$166.25** in foreclosure fees and costs
10. 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 **01:00 PM**, in accord with the standard of time established by ORS 187.110, on **December 26, 2024** at the following place: **Front Steps, 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:

OCCUPANT
32550 RIVERS DR, CHILOQUIN, OR 97624

JUSTIN C VIAN
32550 RIVERS DR, CHILOQUIN, OR 97624

JPMORGAN CHASE BANK, N.A.
SUTTELL & HAMMER, PS, PO BOX C-90006, BELLEVUE, WA 98009

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
TS No. OR05000042-24-1

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: 08/15/2024

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.

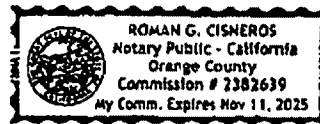
STATE OF CALIFORNIA
COUNTY OF ORANGE

On 08/15/2024 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.



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

AFTER RECORDING RETURN TO:

Christi Pressley
For Malcolm & Cisneros, For Servbank
2112 Business Center Drive
Irvine, CA 92612

7/16/2024

Grantor:	JUSTIN C VIAN, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY
Beneficiary:	Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial
Property Address:	32550 RIVERS DR CHILOQUIN, OR 97624
Instrument / Recording No. Date / County	Instrument Number: 2022-005626 Recording Number: 2022-005626 Loan Number: [REDACTED] Recording date: 5/3/2022 County: Klamath
Case Number	BI-240531-3779

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.

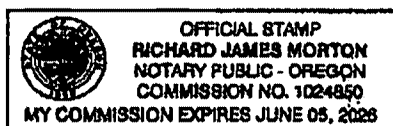
DATED this 16 day of July, 2024.

[Signature]
Authorized Representative, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on July 16th, 2024, by Jesse Clift
[Print Name]

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



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

**NOTICE OF DEFAULT
AND ELECTION TO SELL**

RE: Trust Deed from:
JUSTIN C VIAN, A MARRIED MAN, AS HIS
SOLE AND SEPARATE PROPERTY,

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
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Irvine, CA 92614

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APN 3507-020CB-01600 | 247851

TO No 240291037-OR-MSI

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The undersigned hereby certifies that no assignments of the Trust Deed by the Trustee, Nathan F. Smith, Esq., OSB #120112, or by the Beneficiary, **Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial**, 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:

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6. **\$2,696.30** in negative escrow balance
7. **\$517.25** in corporate advances
8. **\$164.00** in lien release
9. **\$166.25** in foreclosure fees and costs
10. 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 **01:00 PM**, in accord with the standard of time established by ORS 187.110, on **December 26, 2024** at the following place: **Front Steps, 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:

OCCUPANT
32550 RIVERS DR, CHILOQUIN, OR 97624

JUSTIN C VIAN
32550 RIVERS DR, CHILOQUIN, OR 97624

JPMORGAN CHASE BANK, N.A.
SUTTELL & HAMMER, PS, PO BOX C-90006, BELLEVUE, WA 98009

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

1. Principal balance of **\$358,424.30** and accruing interest as of **August 31, 2024**, per annum, from **December 1, 2023** until paid.
2. **\$15,097.98** in interest
3. **\$518.14** in MIP/PMI
4. **\$421.08** in late charges
5. **\$0.00** in property inspections
6. **\$2,696.30** in negative escrow balance
7. **\$517.25** in corporate advances
8. **\$164.00** in lien release
9. **\$166.25** in foreclosure fees and costs
10. 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 **01:00 PM**, in accord with the standard of time established by ORS 187.110, on **December 26, 2024** at the following place: **Front Steps, 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:

OCCUPANT
32550 RIVERS DR, CHILOQUIN, OR 97624

JUSTIN C VIAN
32550 RIVERS DR, CHILOQUIN, OR 97624

JPMORGAN CHASE BANK, N.A.
SUTTELL & HAMMER, PS, PO BOX C-90006, BELLEVUE, WA 98009

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: 08/15/2024

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

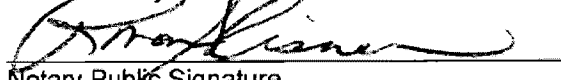
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

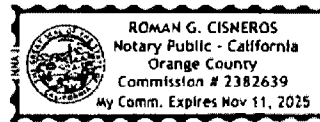
STATE OF CALIFORNIA
COUNTY OF ORANGE

On 08/15/2024 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.



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

AFTER RECORDING RETURN TO:
Christi Pressley
For Malcolm & Cisneros, For Servbank
2112 Business Center Drive
Irvine, CA 92612

7/16/2024

Grantor:	JUSTIN C VIAN, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY
Beneficiary:	Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial
Property Address:	32550 RIVERS DR CHILOQUIN, OR 97624
Instrument / Recording No. Date / County	Instrument Number: 2022-005626 Recording Number: 2022-005626 Loan Number: [REDACTED] Recording date: 5/3/2022 County: Klamath
Case Number	BI-240531-3779

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.

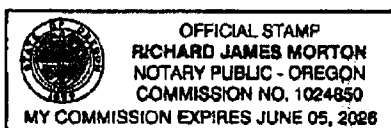
DATED this 16 day of July, 2024.

[Signature]
Authorized Representative, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on July 16th, 2024, by Jesse Clift [Print Name]

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



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

Form 670 V7/01/24

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. OR05000042-24-1

APN 3507-020CB-01600 | 247851

TO No. 240291037-OR-MSI

AFFIDAVIT OF COMPLIANCE

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

Grantor(s):	JUSTIN C VIAN, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY
Beneficiary:	Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial
Trustee:	Nathan F. Smith, Esq., OSB #120112
Property Address:	32550 RIVERS DR, CHILOQUIN, OR 97624
Instrument Recording Number:	2022-005626

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

1. I am the Director of Default Services of Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial, 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.

Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial

Signature

Hunter Robinson Director of Default Services
Print Name

County of El Paso
State of CO

Subscribed and sworn to (or affirmed) before me this 27 day of August,
2024, by Hunter Robinson of Director of Default Services

Notary Signature

My commission expires: 07/07/2027

GINA LORETTE LUCERO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20234025498
MY COMMISSION EXPIRES JULY 07, 2027

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. OR05000042-24-1

APN 3507-020CB-01600 | 247851

TO No. 240291037-OR-MSI

AFFIDAVIT OF PUBLICATION

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

I, Heather Boozer, Advertising Specialist 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 afore-said county and state: that I know from my personal knowledge that the Legal # 24419 TS#OR05000042-24-1 32550 Rivers Dr
a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: 4

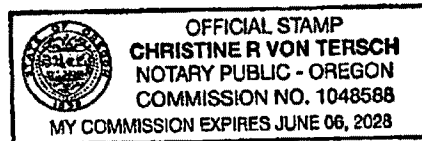
Insertion(s) in the following issues: 09/18/24, 09/25/24,
10/02/24, 10/09/24

Heather Boozer

Subscribed and sworn by Heather Boozer before me on:
On 9th day of October, in the year of 2024

[Signature]

Notary Public of Oregon
My commission expires June 6, 2028



TRUSTEE'S NOTICE OF SALE

TS No. OR0500042-24-1 APN 3507-020CB-01600 I 247851 TO No 240291037-OR-MSI TRUSTEE'S NOTICE OF SALE Reference is made to that certain Trust Deed made by, JUSTIN C VIAN, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY as Grantor to AMERITITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., as designated nominee for MORTGAGE SOLUTIONS OF COLORADO, LLC, Beneficiary of the security instrument, its successors and assigns, dated as of May 2, 2022 and recorded on May 3, 2022 as Instrument No. 2022-005626 and the beneficial interest was assigned to Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial and recorded June 11, 2024 as Instrument Number 2024-004687 of official records in the Office of the Recorder of Klamath County, Oregon to-wit: APN: 3507-020CB-01600 I 247851 LOT 13, RIVER'S BEND, IN THE COUNTY OF KLAMATH, STATE OF OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON. Commonly known as: 32550 RIVERS DR, CHILOQUIN, OR 97624 Both the Beneficiary, Mortgage Solutions of Colorado, LLC DBA Mortgage Solutions Financial, 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 86.752(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 Total Payment(s): Total Payment(s) from 01/01/2024 to 08/31/2024 at \$23,404.12 Total Late Charge(s): \$526.35 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 \$358,424.30 together with interest thereon at the rate of 5.62500% per annum from December 1, 2023 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 December 26, 2024 at the hour of 01:00 PM, Standard of Time, as established by Section 187.110, Oregon Revised Statutes, Front Steps, Klamath County Circuit Court, 316 Main Street, Klamath Falls, 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 86.778 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 of 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: August 15, 2024 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 NPP0464378 To: HERALD AND NEWS 09/18/2024, 09/25/2024, 10/02/2024, 10/09/2024

#24419 September 18, 25, October 2, 9, 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. OR05000042-24-1

APN 3507-020CB-01600 | 247851

TO No. 240291037-OR-MSI

AFFIDAVIT OF SERVICE

NPP0464378

**PROOF OF SERVICE
JEFFERSON STATE PROCESS SERVICE**

STATE OF: Oregon
COUNTY OF: Klamath

I hereby certify that I served the foregoing individuals or other legal entities to be served, named below, by delivering or leaving true copies or original, certified to be such by the Attorney for the Plaintiff/Defendant, as follows: TRUSTEE'S NOTICE OF SALE

FOR THE WITHIN NAMED: All Occupants of 32550 River Dr. Chiloquin, OR 97624

☐ **PERSONALLY SERVED:** Original or True Copy to within named, personally and in person to ___ at the address below.

☐ **SUBSTITUTE SERVICE:** By delivering an Original or True Copy to ___, a person over the age of 14 who resides at the place of abode of the within named at said abode shown below for:

☒ **OTHER METHOD:** By posting the above-mentioned documents to the Main Entrance of the address below.

1st Attempt: August 22, 2024

4:44 PM POSTED

2nd Attempt: August 26, 2024

1:47 PM POSTED

3rd Attempt: August 30, 2024

11:43 AM POSTED

☐ **NON-OCCUPANCY:** I certify that I received the within document(s) for service on ___ and after personal inspection, I found the above described real property to be unoccupied.

☒ **SUBSTITUTE SERVICE MAILER:** That on the day of September 4, 2024 I mailed a copy of the Trustee's Notice of Sale addressed to All Known Occupants at the address stated in the Trustee's Notice of Sale with a statement of the date, time, and place at which substitute service was made.

Signed

Chelsea Chambers

32550 River Dr. Chiloquin, OR 97624

ADDRESS OF SERVICE

I further certify that I am a competent person 18 years of age or older and a resident of the state of service of the State of Oregon and that I am not a party to nor an officer, director, or employee of nor attorney for any party, Corporation or otherwise, that the person, firm or corporation served by me is the identical person, firm, or Corporation named in the action.

August 22, 2024
DATE OF SERVICE

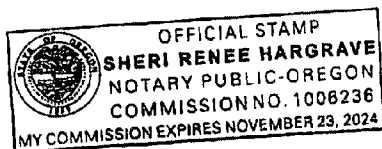
4:44 PM
TIME OF SERVICE

☐ or non occupancy

By:

Tommy L. Duffie

Subscribed and sworn to before on this 4 day of September, 2024.



Sheri Hargrave