

NOTICE OF DEFAULT
AND ELECTION TO SELL

RE: Trust Deed from:
ROGER D CLARDY AND ANNA M CLARDY
TENANTS BY THE ENTIRETY, 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. OR05000062-24-1 APN 804678 | 050 TO No 240430683-OR-MSI

Reference is made to that certain Trust Deed made by ROGER D CLARDY AND ANNA M CLARDY TENANTS BY THE ENTIRETY as Grantor, to AMERITITLE as Trustee, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), as designated nominee for PREMIER MORTGAGE RESOURCES, LLC, Beneficiary of the security instrument, its successors and assigns, dated as of September 25, 2021 and recorded September 30, 2021 in the records of Klamath County, Oregon as Instrument No. 2021-014805 and the beneficial interest was assigned to New Residential Mortgage, LLC and recorded September 11, 2024 as Instrument Number 2024-007952 covering the following described real property situated in the above-mentioned county and state, to wit:

APN: 804678 | 050

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, **New Residential Mortgage, 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 **\$9,777.81** beginning **April 1, 2024**, as follows:

\$9,777.81 = Total monthly payment(s) at **\$9,777.81**

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 **\$194,196.53**, said sums being the following:

- 1. Principal balance of **\$180,954.20** and accruing interest as of **October 1, 2024**, per annum, from **March 1, 2024** until paid.
- 2. **\$3,462.38** in interest
- 3. **\$92.00** in Recording Fee
- 4. **\$158.48** in late charges

5. **\$24.75 in Lien Release Processing Fee**
6. **\$6,271.22 in escrow balance**
7. **\$1,225.00 in corporate advances**
8. **\$2,008.50 in foreclosure fees and costs**
9. 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 **March 20, 2025** 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:

ANNA M CLARDY
220 WIRTZ ST, CHEMULT, OR 97731

ROGER D CLARDY
220 WIRTZ ST, CHEMULT, OR 97731

OCCUPANT
220 WIRTZ ST, CHEMULT, OR 97731

RAY KLEIN INC.
PO BOX 7637, SPRINGFIELD, OR 97475

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: 10/31/2024

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

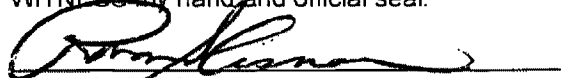
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

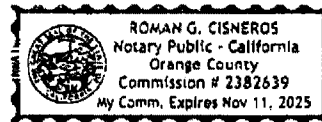
STATE OF CALIFORNIA
COUNTY OF ORANGE

On 10/31/2024 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.

EXHIBIT "A"

A parcel of land lying in Section 20 of Township 27 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

Beginning at a point on the East line of the above said Section 20, from which the Southeast corner of said Section 20 bears South 1,896.32 feet, thence leaving said East line West 583 feet, thence North 749.36 feet to the North line of the Southeast corner of said Section 20, from which the center East 1/16 corner of said Section 20 bears North $89^{\circ}46'16''$ West 726.62 feet; thence along said North line South $89^{\circ}46'16''$ East 583.00 feet to the East 1/4 corner of said Section 20; thence along the East line of said Section 20 South 747.03 feet to the point of beginning.



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

AFTER RECORDING RETURN TO:

Brittany Davis
For Malcolm & Cisneros, For Valon Mortgage Inc
2112 Business Center Drive
Irvine, CA 92612

10/15/2024

Grantor:	ROGER D CLARDY AND ANNA M CLARDY TENANTS BY THE ENTIRETY
Beneficiary:	New Residential Mortgage, LLC
Property Address:	220 WIRTZ ST CHEMULT, OR 97731
Instrument / Recording No. Date / County	Instrument Number: 2021-014805 Recording Number: 2021-014805 Loan Number: [REDACTED] Recording date: 9/30/2021 County: Klamath
Case Number	BI-240823-9971

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.

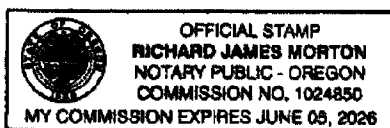
DATED this 15 day of October, 20 24.

[Signature]
Authorized Representative, Oregon Foreclosure Avoidance Program

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on October 15th, 20 24, 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