

2025-005707

Klamath County, Oregon

07/03/2025 12:20:01 PM

Fee: \$112.00

RECORDING REQUESTED BY:
Clear Recon Corp

WHEN RECORDED MAIL TO:
Clear Recon Corp
1915 NE Stucki Avenue, Suite 400
Hillsboro, OR 97006
Phone: 866-931-0036

NOTICE OF DEFAULT AND FORECLOSURE SALE

WHEREAS, on 4/24/2008, a certain Mortgage Deed of Trust was executed by LIONEL G. SWINDLER AND WILMA SWINDLER, AS TENANTS BY THE ENTIRETY as trustor in favor of EAGLE HOME MORTGAGE LLC as beneficiary, and was recorded on 4/29/2008, as Instrument No. 2008-006214, in the Office of the Recorder of Klamath County, Oregon; and

WHEREAS, the Mortgage Deed of Trust was insured by the United States Secretary of Housing and Urban Development (the Secretary) pursuant to the National Housing Act for the purpose of providing single family house; and

WHEREAS, the beneficial interest in the Mortgage Deed of Trust is now owned by the Secretary, pursuant to an assignment dated 5/26/2021, recorded on 6/4/2021, as instrument number 2021-008840, in the office of Klamath County, Oregon; and

WHEREAS, a default has been made in the covenants and conditions of the Mortgage Deed of Trust in that the payment due upon the move out of the borrower(s) was not made and remains wholly unpaid as of the date of this notice, and no payment has been made sufficient to restore the loan to currency; and

WHEREAS, the entire amount delinquent as of 7/1/2025 is **\$188,456.21**; and

WHEREAS, by virtue of this default, the Secretary has declared the entire amount of the indebtedness secured by the Mortgage Deed of Trust to be immediately due and payable;

NOW THEREFORE, pursuant to powers vested in me by the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3751 et seq., by 24 CFR part 27, subpart B, and by the Secretary's designation of me as Foreclosure Commissioner, **SEE ATTACHED**, notice is hereby given that on **8/14/2025 at 10:00 AM** local time, all real and personal property at or used in connection with the following described premises ("Property") will be sold at public auction to the highest bidder:

Legal Description:

LOTS 1, 2, 3 AND 4, BLOCK 24, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

TOGETHER WITH THAT PORTION OF VACATED STUKEL STREET ADJOINING THAT INURED THERETO BY ORDINANCE NO. 00-06, RECORDED MARCH 15, 2000 IN VOLUME M00, PAGE 8344, MICROFILM RECORDS OF KLAMATH COUNTY, OREGON.

Commonly known as: 357 DIVISION ST, KLAMATH FALLS, OR 97601

The sale will be held at: ON THE MAIN STREET ENTRANCE STEPS TO THE KLAMATH COUNTY CIRCUIT COURT, 316 MAIN ST, KLAMATH FALLS, OR 97601

Per the Secretary of Housing and Urban Development, the estimated opening bid will be **\$194,727.01**. There will be no proration of taxes, rents or other income or liabilities, except that the purchaser will pay, at or before closing, his pro rata share of any real estate taxes that have been paid by the Secretary to the date of the foreclosure sale.

When making their bids, the winning bidders with the exception of the Secretary must submit a deposit totaling ten percent (10%) of the Secretary's estimated bid amount in the form of a certified check or cashier's check made payable to the undersigned Foreclosure Commissioner. Ten percent of the estimated bid amount for this sale is \$19,472.70. A deposit need not accompany each oral bid. If the successful bid is oral, a deposit of \$19,472.70 must be presented before the bidding is closed. The deposit is nonrefundable. The remainder of the purchase price must be delivered within 30 days of the sale or at such other time as the Secretary may determine for good cause shown, time being of the essence. This amount, like the bid deposits, must be delivered in the form of a certified or cashier's check. If the Secretary is the highest bidder, he need not pay the bid amount in cash. The successful bidder will pay all conveying fees, all real estate and other taxes that are due on or after the delivery date of the remainder of the payment and all other costs associated with the transfer of title. At the conclusion of the sale, the deposits of the unsuccessful bidders will be returned to them.

The Secretary may grant an extension of time within which to deliver the remainder of the payment. All extensions will be for 15 day increments for a fee of: \$500.00, paid in advance. The extension fee shall be in the form of a certified or cashier's check made payable to the Secretary of HUD. If the high bidder closes the sale prior to the expiration of any extension period, the unused portion of the extension fee shall be applied toward the amount due.

If the high bidder is unable to close the sale within the required period, or within any extensions of time granted by the Secretary, the high bidder may be required to forfeit the cash deposit or, at the election of the Foreclosure Commissioner after consultation with the HUD representative, will be liable to HUD for any costs incurred as a result of such failure. The Commissioner may, at the direction of the HUD representative, offer the property to the second highest bidder for an amount equal to the highest price offered by that bidder.

There is no right of redemption, or right of possession based upon a right of redemption, in the mortgagor or others subsequent to a foreclosure completed pursuant to the Act. Therefore, the Foreclosure Commissioner will issue a Deed to the purchaser(s) upon receipt of the entire purchase price in accordance with the terms of the sale as provided herein. HUD does not guarantee that the property will be vacant.

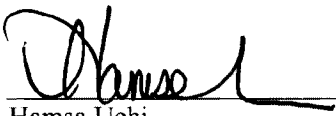
The scheduled foreclosure sale shall be cancelled or adjourned if it is established, by documented written application of the mortgagor to the Foreclosure Commissioner not less than 3 days before the date of sale, or otherwise, that the default or defaults upon which the foreclosure is based did not exist at the time of service of this notice of default and foreclosure sale, or all amounts due under the mortgage agreement are tendered to the Foreclosure Commissioner, in the form of a certified or cashier's check payable to the Secretary of HUD, before public auction of the property is completed.

The amount that must be paid if the Mortgage Deed of Trust is to be reinstated prior to the scheduled sale is based on the nature of the breach, this loan is not subject to reinstatement. A total payoff is required to cancel the foreclosure sale or the breach must be otherwise cured. A description of the default is as follows: FAILURE TO PAY THE PRINCIPAL BALANCE AND ANY OUTSTANDING FEES, COSTS, AND INTEREST WHICH BECAME ALL DUE AND PAYABLE BASED UPON THE MOVE-OUT BY ALL MORTGAGORS FROM THE PROPERTY, CEASING TO USE THE PROPERTY AS THE PRINCIPAL RESIDENCE.

Tender of payment by certified or cashier's check or application for cancellation of the foreclosure sale shall be submitted to the address of the Foreclosure Commissioner provided below.

Date: July 1, 2025

CLEAR RECON CORP
Foreclosure Commissioner

By: 
Hamsa Uchi
Title: Foreclosure Supervisor

1915 NE Stucki Avenue, Suite 400
Hillsboro, OR 97006
Phone: (858) 750-7777
Fax No: (858) 412-2705

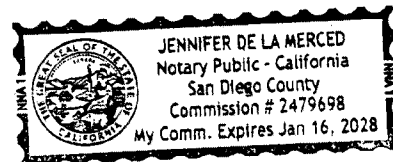
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Diego)

On JUL 01 2025 before me, Jennifer De La Merced,
a Notary Public, personally appeared HAMSA UCHI 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 the 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 





U.S. Department of Housing and Urban Development
Office of the Regional Counsel
Seattle Regional Office - Region X
909 First Avenue, Suite 260
Seattle, Washington 98104-1000
www.hud.gov
espanol.hud.gov

FORECLOSURE COMMISSIONER DESIGNATION

TO: Clear Recon Corp.
43375 Jutland Drive, Suite 200
San Diego, CA 92117

Pursuant to Section 805 of the Single Family Mortgage Foreclosure Act of 1994 ("Act"), codified at 12 U.S.C. § 3754, and Section B(11) of the Consolidated Redlegation of Authority to the Office of General Counsel, 76 Fed. Reg. 42463, published on July 18, 2011, you are hereby designated as a single family foreclosure commissioner to act on behalf of the Secretary of Housing and Urban Development to conduct non-judicial foreclosures in the states of Washington, Idaho, and Oregon of the mortgages that may be referred to you by the Department of Housing and Urban Development. A copy of the Act, as codified at 12 U.S.C. §§ 3751-3768, is enclosed, along with the Final Rule and Appendix published in the *Federal Register* at 61 Fed. Reg. 48546 on September 13, 1996, codified at 24 C.F.R. part 27, subpart B. Foreclosures that are referred to you are to be conducted pursuant to the Act, the regulations, and the letter and instructions that will be given to you at the time of referral of a case.

As foreclosure commissioner, you are a fiduciary and not an employee of the Department of Housing and Urban Development or of the Federal government. You will be responsible for your actions as any other fiduciary.

The commission that will be paid to you upon completion of a foreclosure in Washington state is \$1,500; in Idaho is \$1,250; and in Oregon is \$1,425 for a non-judicial foreclosure. A percentage of that amount will be paid for cases that are withdrawn by HUD, based on the following schedule: 20% for work completed up to "service" of the Notice of Foreclosure and Sale; and 80% when the Notice of Foreclosure and Sale has been "served," including the start of publication, or posting if required.

This Designation is effective immediately and can be revoked with or without cause pursuant to the Act. An original and two copies of this Designation are enclosed. Please sign and date them, providing your Tax Identification or Social Security Number, and return one copy to Mona Fandel at 909 First Avenue, Suite 260, Seattle, WA 98104-1000.

JULIAN CASTRO
SECRETARY, U.S. DEPT. OF HUD

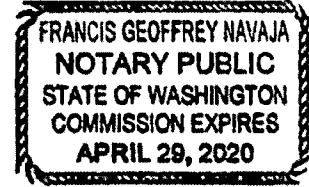
1/9/17
Date

By: Mona Fandel
MONA FANDEL
REGIONAL COUNSEL

Enclosures (2)

ACKNOWLEDGMENT

State of Washington)
County of King)



This instrument was acknowledged before me on the 9 day of January, 2017,
by Mona Fandel as Regional Counsel for Region X of the U.S. Department of Housing and Urban
Development.



Notary Public