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**AMENDED NOTICE OF
SALE**

Re: Trust Deed From
Spencer J. Welch
24436 S. Hwy. 99 E
Canby, Oregon 97013

Grantor

TO
Tyler Smith, AAL
Tyler Smith & Associates P.C.
181 N. Grant St. STE 212
Canby, OR 97013

Trustee

John F. Meyerhofer and
Marsha A. Meyerhofer
28530 S. Sundowner Ct.
Canby, OR 97013

Beneficiaries

After recording, return to:

Tyler D. Smith P.C.
181 N. Grant St. STE 212
Canby, OR 97013

Clackamas County Official Records
Sherry Hall, County Clerk

2018-074473



\$113.00

12/12/2018 10:19:35 AM

F-NDE Cnt=1 Stn=2 COUNTER3
\$25.00 \$16.00 \$62.00 \$10.00

Reference is made by this document that a certain trust deed made by SPENCER J. WELCH, as **Grantor**, to Tyler Smith, attorney at law for Tyler Smith & Associates P.C. as **Trustee**, and JOHN F. MEYERHOFER and MARSHA A. MEYERHOFER, as **Beneficiaries**, under a trust deed dated January 26, 2017, recorded January 30, 2017, as instrument no. 2017-006334, in the records of Clackamas County, Oregon. The trust deed covers the following real property situated in the above mentioned county and state, to wit:

See, Exhibit "A" as legal description, attached hereto and incorporated by reference.

Property address: 24436 S. Hwy. 99 E, Canby, Oregon 97013.

The undersigned hereby certify that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of successor trustee have been made, except as identified above, or recorded in the Records of Clackamas County, Oregon. Further no action has been

instituted to recover the debt, or any part thereof, now remaining payable and secured by the trust deed identified above, or if such action has been instituted to recover such debts, the action has been, or will be, dismissed before sale, except as permitted by ORS 86.752. The Trustee's mailing address is 181 N. Grant St. STE 212, Canby Oregon 97013.

There is a default by grantor, of the terms and conditions of the trust deed, including failure to pay, for which this trust deed foreclosure is authorized by law and the terms of the trust deed. There have been previous defaults not relating to payment, including failure to insure (1.12), failure to provide financial information (1.15), and there may have been or may be others unknown to Beneficiary at the time of this Notice, inquiry should be made pursuant to ORS 86.778 if there is an attempt to cure. The failure to pay when due includes the following sums:

The Trust Deed secured an initial principle amount of \$70,000.00.

Delinquent Payments:

Principle due on January 1, 2018	\$70,000.00
Payments made on that debt:	\$0
Interest calculations 1/1/2018 to 7/1/2018	\$4,456.07
Interest calculations 1/26/2017 to 12/31/2017	\$5,971.62
Late Fees	none charged to date.

By reason of the defaults just described, 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:

Unpaid principle of \$70,000.00, plus interest of (\$5,971.62 from January 26, 2017 to December 31, 2017) and interest on principle of \$4,456.07 for the monthly interest from January 1, 2018 to July 1, 2018, plus \$2,866.50 in attorney fees as of June 1, 2018, creating a current sub-total due for payoff of \$84,884.76, as of July 1, 2018, PLUS ongoing interest at the rate of 11.5% per year from July 1, 2018 as the date of the first notice, continuing until paid, or to the date of **December 28, 2018**, PLUS any and all remaining title expenses, future costs, ongoing trustee's fee and attorney fees, which have been incurred by reason of this default and any and all future sums advanced by the Beneficiary for the protection of the above described real property including insurance, tax payments and repairs.

The beneficiary has complied with any and all applicable provisions of ORS 86.752, ORS 86.748 and ORS 86.782. A Notice of Default and Election to Sell was recorded relating to this trust deed and defaults noted herein, in the records of Clackamas County by document 2018-042037, and that document is hereby amended as required by ORS 86.782.

WHEREFORE, notice is hereby given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement at sale pursuant to ORS 86.705 to 86.815, said stay of sale was requested by Grantor and stayed by court order from

December 4, 2018 to December 10, 2018 by order of the Clackamas County Circuit Court in case #18CV54291, however said stay has been lifted and the sale will now continue as if uninterrupted and further notice is given that the undersigned trustee will on **December 28, 2018** at the hour of 10:00 a.m., in accord with the standard of time established by ORS 187.110, at Clackamas County Courthouse, 807 Main Street, Oregon City, Oregon, on the front courthouse steps, sell at public auction to the highest bidder for cash the interest in the real property described above which the grantor had power to convey at the time of execution by the grantor of the trust deed together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed and the trust deed amendment, to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee. The property will be sold to satisfy the obligation.

Other than the interests shown of record, neither the beneficiary nor the trustee has any actual knowledge of any other person having or claiming to have any lien upon or interest in the real property herein above described that has priority over this interest, except Trust Deed made by SPENCER J. WELCH, as **Grantor**, to Tyler Smith, attorney at law for Tyler Smith & Associates P.C. as **Trustee**, and JOHN F. MEYERHOFER and MARSHA A. MEYERHOFER, as **Beneficiaries**, under a trust deed dated January 26, 2017, recorded January 30, 2017, as instrument no. 2017-006333, in the records of Clackamas County, Oregon. That Trust Deed has priority over this Trust Deed. A notice of pendency of action was recorded as 2018-072958, however on December 10, 2018 the Clackamas County Circuit Court denied the requested stay allowing the sale to proceed.

Other than shown of record, as stated above, 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 subsequent to the interest of the trustee in the trust deed, or any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property except those stated herein, however the property does have commercial tenants with periodic leasehold interests.

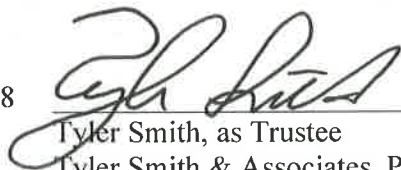
Notice is further given to any person named in ORS 86.764, that rights exist under ORS 86.778, at any time prior to five days before the original date set for the sale of December 5, 2018, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not be then due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation, trust deed and in addition to paying those sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation, trust deed, together with trustee and attorney fees not exceeding the amounts provided by ORS 86.778. Said cure did not take place and the sale was stayed one (1) day before the originally scheduled sale date. Any person asserting rights under ORS 86.764 may inquire with the Trustee.

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 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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.


This Notice of Default and Election to Sell has been recorded in the records of Clackamas County, when stamped with the document number stated above, and has been served on those individuals entitled to services of this document pursuant to ORS 86.764 and 86.774 by first class U.S. Mail, and by Certified Mail, return receipt requested, as shown below in any attached Affidavit(s) of service, and additionally as shown in any later attached certificate or affidavit of service, if any to be recorded pursuant to ORS 86.774. Service was made as required by law and Proof of Service via an Affidavit of Mailing was recorded as Clackamas County Document 2018-059592 and is incorporated herein. Publication was made as required by law and was completed prior to the stay.

DATED this 12th day of December, 2018



Tyler Smith, as Trustee
Tyler Smith & Associates, P.C.
181 N. Grant St. STE 212
Canby, OR 97013
Phone: 503-266-5590

SIGNED AND SWORN to before me this 12th day of December, 2018, by Tyler Smith, as Trustee.



Notary Public for Oregon /Court Clerk
My Commission Expires: 8-3-20

State of Oregon, County of Clackamas:

I, the undersigned, certify that I am one of the attorneys for the above named trustee and, that when and if signed below, the foregoing is a complete and exact copy of the Amended Notice of Sale.

Tyler Smith, Attorney for Trustee

EXHIBIT A

Beginning at an iron pipe on the Southeasterly boundary of the Pacific Highway, at the Northwest corner of a roadway included in that parcel of land conveyed by the grantors to Frank and Rosalie Blecha, by deed recorded September 16, 1946 in Book 376, page 664, deed records of Clackamas County, Oregon. From said beginning point running thence South $60^{\circ} 05'$ East along the Southwesterly side of said roadway 199.15 feet to a re-entrant corner in said Blecha land at an iron pipe; thence South $48^{\circ} 34'$ West (South $47^{\circ} 53'$ West in Blecha Deed) along the Northwesterly line of said Blecha tract 189.92 feet to an iron pipe; thence North $60^{\circ} 05'$ West 284.0 feet more or less to the Southeast boundary of the Pacific Highway; thence Northeasterly along said Southeasterly Highway boundary 232 feet more or less to the place of beginning, containing one acre more or less, and situated in Section 4, Township 4, South Range 1 East of the Willamette Meridian.

Situate in the County of Clackamas and State of Oregon.

EXCEPTING that portion conveyed to the State of Oregon by and through its State Highway Commission by Deed recorded June 4, 1963, in Clackamas County, Deed Book 622, page 652.