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101 Legal Notices

101 Legal Notices

AB8390

Notes: TS# 095695-OR APN: 408080000500 REVISED NOTICE OF DEFAULT AND FORECLOSURE SALE WHEREAS, on 12/10/2009, a certain Mortgage Deed of Trust was executed by JEAN E. PHELAN as trustee in favor of GENERATION MORTGAGE COMPANY as beneficiary, and was recorded on 12/15/2009, as Instrument No. 200911701, in the Office of the Recorder of Clatsop 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 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 housing; and WHEREAS, a default has been made in the covenants and conditions of the Mortgage Deed of Trust in FAILURE TO PAY THE PRINCIPAL BALANCE AND ANY OUTSTANDING FEES, COSTS, AND INTEREST WHICH BECAME ALL DUE AND PAYABLE BASED UPON THE DEATH OF ALL MORTGAGORS; and WHEREAS, the entire amount delinquent as of 9/7/2021 is \$264,715.01; 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, recorded on 8/3/2021 as instrument number 202107763, notice is hereby given that the sale date previously scheduled for 9/7/2021 at 11:00 AM local time, has been postponed to 10/5/2021 at 11:00 AM 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: THAT PORTION OF GOVERNMENT LOTS 8 AND 9 IN SECTION 8, TOWNSHIP 4 NORTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, COUNTY OF CLATSOP, STATE OF OREGON, LYING EASTERLY OF THE HAMLET COUNTY ROAD AND SOUTHERLY OF THE SOUTHERLY LINE OF THE TWO EASEMENTS, 40 FEET IN WIDTH, GRANTED TO CROWN ZELLERBACH CORPORATION BY INSTRUMENT RECORDED OCTOBER 27, 1960 IN BOOK 257, PAGE 263, CLATSOP COUNTY RECORDS, AND INSTRUMENT RECORDED JULY 13, 1962 IN BOOK 265, PAGE 222, CLATSOP COUNTY RECORDS. EXCEPTING ANY PORTION LYING NORTHERLY OF THE SOUTHERLY LINE OF THE EASEMENT ABOVE REFERRED TO RECORDED JULY 13, 1962 IN BOOK 265, PAGE 222, CLATSOP COUNTY RECORDS. ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED IN DEED TO GEORGE D. ROSS, ET UX RECORDED MAY 6, 1970 IN BOOK 333, PAGE 969, CLATSOP COUNTY RECORDS. TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER THE TWO TRACTS OF LAND DESCRIBED IN EASEMENTS TO CROWN ZELLERBACH CORPORATION RECORDED OCTOBER 27, 1960 IN BOOK 257, PAGE 268, CLATSOP COUNTY RECORDS, AND RECORDED JULY 13, 1962 IN BOOK 265, PAGE 222, CLATSOP COUNTY RECORDS; EXCEPT THAT PORTION OF LAND DESCRIBED IN EASEMENT REFERRED TO AS BEING DESCRIBED IN BOOK 257, PAGE 268, LYING EASTERLY OF THE NORTHWESTERLY EXTENSION OF THE NORTHERLY LINE OF THE EASEMENT HEREINABOVE REFERRED TO AS BEING DESCRIBED IN BOOK 265, PAGE 222, CLATSOP COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PERMANENT EASEMENT ON A STRIP OF LAND 40 FEET IN WIDTH FOR A RIGHT OF WAY AND ROAD SITUATED IN GOVERNMENT LOT 8 (SOUTHEAST QUARTER OF NORTHEAST QUARTER) OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 8 WEST OF THE WILLAMETTE MERIDIAN, COUNTY OF CLATSOP, STATE OF OREGON, SAID STRIP OF LAND BEING 20 FEET IN WIDTH ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, COUNTY OF CLATSOP, STATE OF OREGON; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 8 A DISTANCE OF 1897.00 FEET TO A POINT WHERE SAID EAST LINE IS INTERSECTED BY THE SURVEYED BASELINE OF THE RIGHT OF WAY DESCRIBED IN THAT CERTAIN INSTRUMENT DATED OCTOBER 12, 1960, WHEREIN KINGSLEY LUMBER COMPANY GRANTED CROWN ZELLERBACH CORPORATION A PERMANENT EASEMENT FOR A RIGHT OF WAY IN GOVERNMENT LOT 8 IN SAID SECTION 8; THENCE FROM SAID POINT OF INTERSECTION SOUTH 63° 24' WEST ALONG SAID SURVEYED BASELINE A DISTANCE OF 256.44 FEET; THENCE SOUTH 73° 21' 30" WEST, CONTINUING ALONG SAID SURVEYED BASELINE, A DISTANCE OF 75.0 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 62° 15' EAST 100.0 FEET; THENCE SOUTH 67° EAST 100.0 FEET; THENCE SOUTH 79° EAST 114.0 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID SECTION 8, SAID POINT BEING THE TERMINUS OF THE CENTERLINE OF THE 40-FOOT WIDE STRIP OF LAND HEREIN DESCRIBED, AND IS SOUTHERLY 2143.70 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 8. EXCEPTING, HOWEVER, FROM THE ABOVE-DESCRIBED 40-FOOT WIDE STRIP OF LAND, THAT PORTION THEREOF LYING AND BEING WITHIN THE BOUNDARIES OF THE RIGHT OF WAY DESCRIBED IN SAID INSTRUMENT DATED OCTOBER 12, 1960. Commonly known as: 79721 HAMLET RD, SEASIDE, OR 97138-3625 The sale will be held at: AT THE FRONT ENTRANCE TO THE CLATSOP COUNTY COURTHOUSE, 749 COMMERCIAL ST., ASTORIA, OR 97103 Per the Secretary of Housing and Urban Development, the estimated opening bid will be \$561,236.60. 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 bidder 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 \$56,123.66. A deposit need not accompany each oral bid. If the successful bid is oral, a deposit of \$56,123.66 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 DEATH OF ALL MORTGAGORS. 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: CLEAR RECON CORP Foreclosure Commissioner Monica Chavez 1050 SW 6th Avenue, Suite 1100 Portland, OR 97204 Phone: (858) 750-7600 Fax No: (858) 412-2705
Published: September 14, 16, 18, 2021.

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