

## NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by BENNIE JO TIBBETS, Grantor, AMERITITLE as the trustee, and WILLIAM F. KALITA is the beneficiary under that certain trust deed dated June 24, 1996, and recorded July 23, 1996, in Volume No. M96 page 22142, Microfilm Records of Klamath County, Oregon, covering the following-described real property.

Parcel 1: Lot 2 in Block 17 of TRACT NO. 1027, MT. SCOTT MEADOWS situated in Section 12, Township 31 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 2: Lot 3 in Block 17 of TRACT NO. 1027, MT. SCOTT MEADOW, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default of which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$150 due and payable on May 23, 1998 and each and every month thereafter, plus interest in the amount of 9 percent per annum from May 23, 1998, plus real property taxes for the fiscal year 1996-1997, in the amount of \$52.82 plus interest on Account No. 3107-012AO-02900, Key No. 82038, and \$52.82 plus interest on Account No. 3107-012AO-03000, Key No. 82270; plus real property taxes for the fiscal year 1997-1998 in the amount of \$64.04 plus interest on Account No. 3107-012AO-02900, Key No. 82038, and \$64.04 plus interest on Account No. 3107-012AO-03000, Key No. 82270; plus real property taxes for the fiscal year 1998-1999, in the amount of \$65.37 plus interest on Account No. 3107-012AO-02900, Key No. 82038, and \$65.37 plus interest on Account No. 3107-012AO-03000; Key No. 82270. Taxes for the fiscal year 1999-2000, are a lien not yet due and payable on Account No. 3107-012AO-02900, Key No. 82038 and Account No. 3107-012AO-03000, Key No. 82270.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

\$10,288.70, plus interest in the amount of \$2.244 per day from November 4, 1999, plus real property taxes for the fiscal year 1996-1997, in the amount of \$52.82 plus interest on Account No. 3107-012AO-02900, Key No. 82038, and \$52.82 plus interest on Account No. 3107-012AO-03000, Key No. 82270; plus real property taxes for the fiscal year 1997-1998, in the amount of \$64.04 plus interest on Account No. 3107-012AO-02900, Key No. 82038, and \$64.04 plus interest on Account No. 3107-012AO-03000, Key No. 82270; plus real property taxes for the fiscal year 1998-1999, in the amount of \$65.37 plus interest on Account No. 3107-012AO-02900, Key No. 82038, and \$65.37 plus interest on Account No. 3107-012AO-03000; Key No. 82270. Taxes for the fiscal year 1999-2000, are a lien now due and payable on Account No. 3107-012AO-02900, Key No. 82038 and Account No. 3107-012AO-03000, Key No. 82270.

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Richard Fairclo  
Attorney at Law  
280 Main Street  
Klamath Falls OR 97601

WHEREFORE, notice hereby is given that the undersigned trustee will on May 25, 2000, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at Klamath County Courthouse front steps, 315 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, 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 ORS 86.753 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 to be 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 or trust deed, and in addition to paying said sums of tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753.

**We are attempting to collect a debt and any information we obtain will be used for that purpose.**

In construing this notice, the masculine gender includes the feminine and the neuter, 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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: 1/13/0

  
Successor Trustee

## AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON                     ]  
   ] ss.  
 County of Klamath                 ]

I, RICHARD FAIRCLO, being duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and am now a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor of interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons at their respective last known addresses, to-wit:

Reed Tibbets  
 228 Terry Drive  
 Rogue River OR 97537

Loretta Tibbets  
 500 Openchain  
 Brownsborough OR 97327

Bobby Jo Graham  
 General Delivery  
 Coos Bay OR 97420

Jessica Tibbets  
 c/o Klamath County Jail  
 3201 Vandenberg Road  
 Klamath Falls OR 97601

Department of Environmental Quality  
 2146 NE 4th Street, Suite 104  
 Bend OR 97701

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice (c) any person, including the Department of Revenue or any other state agency, having a lien or interest, subsequent to the trust deed if the lien or interest appears of record of the beneficiary has actual notice of the lien or interest, and (d) any person request notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be true copy of the original notice of sale by RICHARD FAIRCLO, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office at Klamath Falls, Oregon, on January 13,

2000, as mailed with a proper form to request and obtain a return receipt and postage thereon i the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of January, 2000.

Lois E. Adelf  
Notary Public of Oregon  
My Commission expires:



State of Oregon, County of Klamath  
Recorded 1/13/00, at 10:34 a.m.  
In Vol. M00 Page 1208  
**Linda Smith,**  
County Clerk Fee \$ 36<sup>00</sup>