

## APPOINTMENT OF SUCCESSOR TRUSTEE

KNOW ALL MEN BY THESE PRESENTS, that Earl E. Wyer, is the grantor, and Aspen Title and Escrow, Inc., is the trustee, and, George A. Pondella, Jr., as to an undivided one-half interest and Donald E. Bailey and Mary Ann Bailey, husband and wife, as to an undivided one-half interest is the beneficiary under that certain trust deed dated September 25, 1997, and recorded on October 2, 1997, in book/reel/volume No. M97 at page 32965 of the Mortgage Records of Klamath County, Oregon.

The undersigned, who are the present beneficiaries under said trust deed desires to appoint a new trustee in the place and stead of the original trustee named above;

NOW THEREFORE, in view of the premises, the undersigned hereby appoints SCOTT D. MACARTHUR, whose address is under said trust deed, he to have all the powers of said original trustee, effective forthwith.

In construing this instrument and whenever the context hereof so required, the masculine gender includes the feminine and the neuter and the singular number includes the plural.

IN WITNESS WHEREOF, the undersigned beneficiary has hereunto set his hand and seal; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its Board of Directors.

DATED: June 28, 2000DATED: June 28, 2000.DATED: June 28, 2000

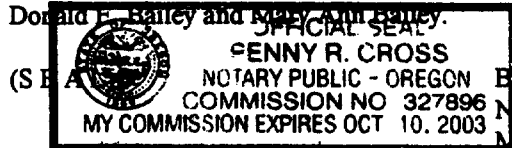
George E. Pondella, Jr.  
George E. Pondella, Jr.

Donald E. Bailey  
Donald E. Bailey

Mary Ann Bailey  
Mary Ann Bailey

STATE OF OREGON, County of Klamath ): ss

The foregoing instrument was acknowledged before me this 28 day of June, 2000, by George E. Pondella, Jr., Donald E. Bailey and Mary Ann Bailey.



Before me: Penny R. Cross  
Notary Public for Oregon  
My Commissioner Expires: 10/10/2003

APPOINTMENT OF  
SUCCESSOR TRUSTEE

Trust Deed from  
Earl E. Wyer

Grantor

SCOTT D. MACARTHUR, P.C.  
280 Main Street  
Klamath Falls, OR 97601

Trustee  
After recording return to:

Scott D. MacArthur, P.C.  
280 Main Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath) ss

I certify that the within instrument received for record on the \_\_\_\_ day  
of \_\_\_\_\_, 2000, at \_\_\_\_ o'clock \_\_\_\_ m., and recorded in book/reel/  
volume No. \_\_\_\_, Recorded of Deeds of said County.

Witness my hand and seal of County affixed.

Name \_\_\_\_\_ Title \_\_\_\_\_  
By \_\_\_\_\_ Deputy \_\_\_\_\_

**NOTICE OF DEFAULT AND ELECTION TO SELL**

RE: Trust Deed from Earl E. Wyer, Grantor.

To George A. Pondella, Jr. as to an undivided one half interest and Donald E. Bailey and Mary Ann Bailey, husband and wife, as to an undivided one-half interest, Beneficiary

**AFTER RECORDING RETURN TO:**

Scott D. MacArthur, P.C.  
280 Main Street  
Klamath Falls, OR 97601

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain trust deed made by Earl E. Wyer, as grantor, to Aspen Title and Escrow, Inc., as trustee, in favor of GEORGE A. PONDELLA, JR., as to an undivided one half interest and DONALD E. BAILEY and MARY ANN BAILEY, husband and wife, as to an undivided one-half interest, as beneficiary, dated September 25, 1997, recorded October 2, 1997, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M97 at page 32965, covering the following described real property situated in said county and state, to-wit:

The N ½ E ½ of Lot 12, Block 2, KLAMATH FALLS FOREST ESTATES, SYCAN UNIT, in the County of Klamath, State of Oregon.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of a successor-trustee have been made except as recorded in the mortgage records of the county or counties in which the above described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed.

There is a default by the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest, with respect to provisions therein which authorize sale in the event of default of such provision; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$80.00 per month from June 1999 through the present.

Taxes for the fiscal year 1999-2000, delinquent in the sum of \$60.83, plus interest.

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: \$4,713.75 as of May 9, 1999, plus interest.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 86.705 to 86.795, and to cause to be sold at public auction to the highest

bidder for case the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed, together with any interest the grantor or his successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trust deed and the expenses of the sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney.

Said sale will be held at the hour of 10:00 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on October 30, 2000, at the following place: 280 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or the said 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 the grantor or of any lessee or other person in possession of or occupying the property, except:

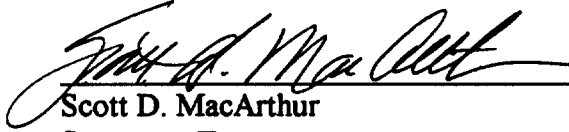
NAME AND LAST KNOWN ADDRESS	NATURE OF RIGHT, LIEN OR INTEREST
Earl E. Wyer P.O. Box 24491 Seattle, WA 98124	Default upon Trust Deed
Earl E. Wyer 2804 Crosby Avenue, #101 Klamath Falls, OR 97602	Default upon Trust Deed
Larry Wyer P.O. Box 2265 Auburn, WA 98071	Heir at Law

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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) 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 or 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 Section 86.753 of Oregon Revised Statutes.

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 of which is secured by said trust deed,

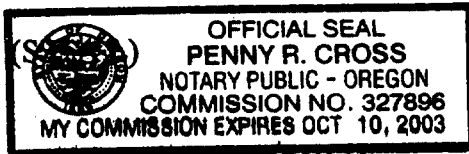
and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: June 27, 2000

  
 Scott D. MacArthur  
 Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of June, 2000, by Scott D. MacArthur.



Before me: Lenny L. Crose  
 Notary Public for Oregon  
 My Commissioner Expires: 10/10/2003

STATE OF OREGON, County of Klamath)ss.

I certify that the within instrument received for record on the \_\_\_\_ day Of \_\_\_\_\_, 2000, at \_\_\_\_ o'clock \_\_ M., and recorded in book/reel/ volume No. \_\_\_\_ on page \_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_, Recorded of Deeds of said County.

Witness my hand and seal of County affixed.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 By \_\_\_\_\_ Deputy

State of Oregon, County of Klamath  
 Recorded 06/28/00, at 1:13 pm.  
 In Vol. M00 Page 23614  
 Linda Smith,  
 County Clerk Fee\$ 36.<sup>00</sup>