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Vol M00 Page 46023

AFTER RECORDING RETURN TO:

***MICHAEL J. BIRD, Attorney
P. O. BOX 10
GRANTS PASS, OR 97526-0311

State of Oregon, County of Klamath
Recorded 12/22/00, at 11:20 a.m.
In Vol. M00 Page 46023
Linda Smith,
County Clerk Fee \$ 36⁰⁰

NTC 52836

NOTICE OF DEFAULT AND ELECTION TO SELL

REFERENCE is made to that certain Trust Deed made by **SHERRY A. MILLER**, as grantor, and **AMERITITLE**, as trustee, in favor of **ROBERT J. O'ROURKE AND ARLENE O'ROURKE, husband and wife or the survivor thereof**, as beneficiary, dated October 10, 1997, recorded October 17, 1997, in the mortgage records of Klamath County, Oregon, as Document No. 97-47116, Volume No. M97, Page 34167, Official Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

The undersigned hereby certifies that no assignments of the aforementioned 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 in which the above-described real property is situated, further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the aforementioned Trust Deed, or, if such action has been instituted, such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by the grantor or other person owing an obligation, the performance of which is secured by the aforementioned Trust Deed, or by the 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:

- (a) Monthly payments of \$668.00 each commencing July 16, 2000, and thereafter.
- (b) Late penalty charge of 5% on each monthly payment thereafter not made within 15 days of due date.
- (c) 2000/2001 delinquent real property taxes in the amount of \$21.22, plus interest thereon; 2000/2001 delinquent real property taxes in the amount of \$1,080.22, plus interest;

By reason of the default, the beneficiary has declared all sums owing on the obligations secured by the aforementioned Trust Deed immediately due and payable, those sums being the following, to-wit:

- (a) The principal sum of \$49,828.41, plus accrued interest thereon at the rate of 16.000 percent per annum beginning 6/5/00, until paid.
- (b) Late penalty charge of 5% on each monthly payment thereafter not made within 15 days of due date.

(c) 2000/2001 delinquent real property taxes in the amount of \$21.22, plus interest thereon; 2000/2001 delinquent real property taxes in the amount of \$1,080.22, plus interest;

(d) Title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and beneficiary's interest therein.

(e) Any other defaults which may exist prior to the foreclosure sale not hereinabove mentioned for the protection of the above-described real property and beneficiary's interest therein.

Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the aforementioned Trust Deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which the grantor had, or had the power to convey, at the time of the execution by grantor of the Trust Deed, together with any interest the grantor or grantor's successor in interest acquired after the execution of the Trust Deed, to satisfy the obligations secured by the Trust Deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

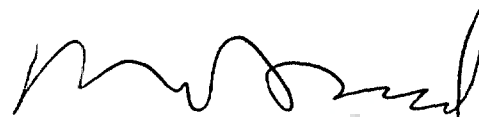
The sale will be held at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on May 7, 2001, at the front steps of AmeriTitle, 222 South Sixth Street, Klamath Falls, Oregon 97601, which is the hour, date and place last set for the sale.

Other than as shown of record, 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 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: NONE.

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five (5) 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 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 the 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 ORS 86.753.

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

DATED this 18th day of December, 2000.



Michael J. Bird, Successor Trustee

STATE OF OREGON

)

) ss.

County of Josephine

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On this 18th day of December, 2000, personally appeared the above named Michael J. Bird, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before Me:

Notary Public for Oregon

My Commission Expires: 08/01/2003

A parcel of land situated in Sections 14 and 15, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of the West 1/2 West 1/2 Northwest 1/4 of said Section 14; thence North along the East line of said West 1/2 West 1/2 Northwest 1/4 183 feet to a point where said East line intersects the centerline of an existing access road said point hereafter being referred to a Point "A"; thence leaving said East line West 1/2 West 1/2 Northwest 1/4 and following said existing access road in a Westerly direction through portions of said Sections 14 and 15 the following courses and distances: North 61 degrees 48' 34" West, 483.18 feet to the beginning of a curve to the left; thence along the arc of a 293.3 feet radius curve to the left, 175.30 feet (delta = 34 degrees 14' 43") to the end of curve; thence South 86 degrees 56' 43" West, 174.64 feet to the beginning of a curve to the right; thence along the arc of a 576.01 feet radius curve to the right 135.84 feet (delta = 13 degrees 30' 45") to the end of curve; thence North 82 degrees 32' 32" West 150.41 feet to an angle point; thence North 88 degrees 43' 02" West, 281.85 feet to an angle point; thence North 82 degrees 51' 42" West, 205.13 feet to the beginning of a curve to the right; thence along the arc of 278.37 feet radius curve to the right 158.59 feet (delta = 32 degrees 38' 31") to a point of reverse curve; thence along the arc of a 458.60 feet radius curve to the left 227.21 feet (delta = 28 degrees 23' 15") to the end of curve; thence North 78 degrees 36' 26" West 436.87 feet to an angle point; thence North 75 degrees 35' 04" West 131.21 feet to the beginning of a curve to the left; thence along the arc of a 262.74 feet radius curve to the left 201.07 feet (delta = 43 degrees 50' 47") to the end of curve; thence South 60 degrees 34' 09" West, 315.67 feet to an angle point; thence South 54 degrees 20' 06" West, 422.43 feet to the beginning of a curve to the right; thence along the arc of a 333.03 feet radius curve to the right 122.21 feet to a point on curve (delta = 21 degrees 01' 33") said point on curve being a point where said road centerline intersects the Easterly boundary of that certain parcel of land described in Deed recorded in Deed Volume M75, page 437, Klamath County Deed Records said point also being referred to hereinafter as Point "B" thence leaving said road centerline South 02 degrees 31' 11" East, 429.72 feet to a 3/4 inch iron pin; thence South 68 degrees West, 208 feet to a 3/4 inch iron pin on the Easterly bank of the Williamson River; thence Southerly along the Easterly bank of said Williamson River to a point where said river bank intersects the South line of Government Lot 10 of said Section 15; thence East along the South line of said Government Lot 10 to the Southeast corner thereof; thence East along the South line of the North 1/2 Northeast 1/4 Southeast 1/4 of said Section 15 to the Southeast corner thereof; thence East along the South line of the Northwest 1/4 Northwest 1/4 Southwest 1/4 of said Section 14 to the Southeast corner thereof; thence North to the point of beginning.

TOGETHER WITH a non-exclusive private roadway easement for use in common with others over and across a strip of land 30.00 feet in width lying immediately adjacent to but Northerly of the roadway centerline described above running Westerly from Point "A" to Point "B".

ALSO TOGETHER WITH a tract of land situated in the E1/2 SW1/4 NW1/4 and NE1/4 NW1/4 SW1/4, Section 14, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

Beginning at a point on the West line of said NE1/4 NW1/4 SW1/4 from which the Southwest corner of same (NW SW 1/64 Section 14) bears South 00 degrees 13' 09" West 346.24 feet; thence North 00 degrees 13' 09" East 320.02 feet, to the Northwest corner of same (C-W-W 1/64 Section 14); thence North 00 degrees 12' 49" East, along the West line of said E1/2 SW1/4 NW1/4, 174.49 feet; thence South 61 degrees 47' 24" East 75.16 feet; thence South 24 degrees 53' 45" East 81.93 feet; thence South 14 degrees 56' 04" West 398.10 feet to the point of beginning.

AND EXCEPTING THEREFROM a tract of land situated in the NW1/4 NW1/4 SW1/4, Section 14, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

Beginning at the Southeast corner of said NW1/4 NW1/4 SW1/4 (NW SW 1/64 Section 14); thence South 89 degrees 35' 50" West along the South line of same, 94.31 feet; thence North 15 degrees 24' 42" East 359.84 feet to East line of same; thence South 00 degrees 13' 09" West 346.24 feet to the point of beginning.