

**NOTICE OF DEFAULT AND  
ELECTION TO SELL**

RE: Trust Deed from  
Megan C. Fears

Grantor

To

Glenn H. Prohaska

Trustee

After recording, return to (Name, Address, Zip):

Steven M. Berne  
Harris Berne Christensen LLP  
12725 S.W. 66th Ave., Suite 104  
Portland, OR 97223

K-56657

2001 FEB 26 AM 11:30

Vol M91 Page 7434

ed in

No.

Reference is made to that certain trust deed made by Megan C. Fears, as grantors, to Glenn H. Prohaska, as trustee, in favor of Green Tree Financial Servicing Corporation nka Conseco Finance Servicing Corp., as beneficiary, dated September 15, 1999, recorded on September 16, 1999, in the Records of Klamath County, Oregon, in ~~book/reel~~ volume No. M99 at page 37007, ~~and/or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_~~ (indicate which), covering the following described real property situated in the above-mentioned county and state, to-wit:

See Exhibit A attached hereto and more commonly known as 2144 Patterson St., Klamath Falls, Oregon 97603; and, a 1999 Fuqua Desert Point 493 26x56 manufactured home, vehicle identification number 17107

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 Records of the county or counties in which the above-described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the 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 grantor or other person owing an obligation, performance of which is secured by the 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:

<u>DUE DATE</u>	<u>PRINCIPAL &amp; INTEREST</u>	<u>INSURANCE</u>	<u>ESCROW AMOUNT</u>
8/20/00	\$867.51		
9/20/00	\$867.51		
10/20/00	\$867.51		
11/20/00	\$867.51		
12/20/00	\$867.51		
1/20/01	\$867.51		
Plus late charges of \$10.00			

By reason of the default, 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:

As of November 1, 2000, \$120,295.52, plus thereafter interest, costs and charges.

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 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 real and personal property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest 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 12:30 o'clock P.M., in accord with the standard of time established by ORS 187.110 on July 23, 2001 at the following place: Klamath County Courthouse front steps, 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, 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 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

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 be due and 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 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 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.

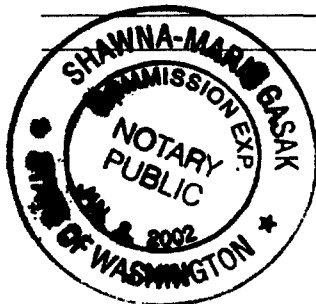
DATED

2-5-01

Richard A. Shuckley  
Richard A. Shuckley, Collection Manager  
☐ Trustee ☐ Beneficiary (indicate which)

STATE OF WASHINGTON, County of King ) ss.

This instrument was acknowledged before me on February 05, 2001  
 by Richard A. Shuckley  
 This instrument was acknowledged before me on \_\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_



Shawna-Marie Casak  
 Notary Public for Federal Way, WA  
 My commission expires Jan 03, 2002

## EXHIBIT "A"

All that portion of the SW 1/4 of the NW 1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point 660 feet North and 1260 feet East of an iron pin driven into the ground at the Southwest corner of the NW 1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, on the property of Otis V. Saylor which iron pin is 30 feet East of the center of the road intersecting the Klamath Falls-Lakeview Highway from the North and 30 feet North of the center of said Highway; thence West 270 feet; thence North 132 feet; thence East 270 feet; thence South 132 feet to the point of beginning.

EXCEPTING THEREFROM the Easterly 10.00 feet, parallel and adjacent to the Westerly right of way of Patterson Street.

CODE 43 MAP 3909-1BC TL 700 mf

State of Oregon, County of Klamath

Recorded 02/26/01, at 11:30 a.m.

In Vol. M01 Page 7434

Linda Smith,

County Clerk Fee \$ 31<sup>00</sup>