

AFTER RECORDING RETURN TO:

\*\*\*MICHAEL J. BIRD, Attorney

P. O. BOX 10

GRANTS PASS, OR 97528-0311

mtc 53604

## NOTICE OF DEFAULT AND ELECTION TO SELL

REFERENCE is made to that certain Trust Deed made by **RICHARD VAN DONK** and **KAREN VAN DONK**, Husband and Wife, as tenants by the entirety, as grantor, and **JOSEPHINE-CRATER TITLE COMPANIES, INC.**, an Oregon corporation, as trustee, in favor of **RON H. MILLER AND JACKIE L. MILLER**, Trustees of the Miller Family Trust dated July 25, 1999, as beneficiary, dated April 30, 1999, recorded April 30, 1999, in the official records of Klamath County, Oregon, in Volume M99, Page 16433, Microfilm 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 incorporated herein.

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 \$600.00 (INTEREST ONLY) each commencing February 26, 2001, and thereafter.

(b) Past due late penalty charges of \$930.00 beginning with 10/25/99 to 2/21/01.

(c) Late penalty charges in the amount of \$90 for each monthly payment not made within 15 days of due date.

(d) delinquent taxes for the year 1999/2000 in the amount of \$712.46, plus interest; and delinquent taxes for the year 2000/2001 in the amount of \$962.66, 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 \$40,000.00 with accrued interest thereon at the rate of 18.000 percent per annum beginning 2/21/01 until paid.

(b) Past due late penalty charges of \$930.00 beginning with 10/25/99 to 2/21/01.

(c) Late penalty charges in the amount of \$90 for each monthly payment not made within 15 days of due date.

(d) delinquent taxes for the year 1999/2000 in the amount of \$712.46, plus interest; and delinquent taxes for the year 2000/2001 in the amount of \$962.66, plus interest;

(e) 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.

(f) 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 August 31, 2001, at the front steps of AmeriTitle, 222 South Sixth Street, Klamath Falls, Oregon 97601, Oregon, which is the hour, date and place last set for the sale.

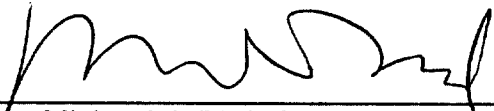
Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the Trust Deed, or of any successor in interest to the 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.

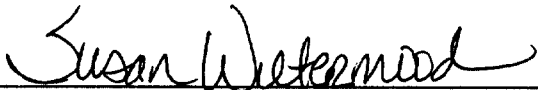
DATED this 11<sup>th</sup> day of April, 2001.

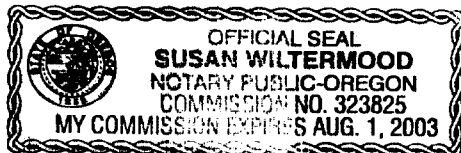
  
 Michael J. Bird, Successor Trustee

STATE OF OREGON                    )  
   ) ss.  
 County of Josephine            )

On this 11<sup>th</sup> day of April, 2001, 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



## EXHIBIT 'A'

The following described real property situate in Klamath County, Oregon:

Lot 1 in Block 7 Chemult, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, and also beginning at the Southeast corner of Lot 1 Block 7, Chemult; thence South 70°41' West 150 feet; thence North 19°20' West 52.6 feet, more or less, to the Southwest corner of said Lot 1, thence East along the Southerly line of said Lot 1, 159 feet to the point of beginning, being a portion of the SW ¼ of the SW ¼ of Section 21, Township 27 South, Range 8 East of the Willamette Meridian.

Beginning at an axle on the Westerly right of way line of the Dalles-California Highway which marks the Southeast corner of Lot 1 Block 7 of Chemult, Oregon, and running thence South 19°14' East along the Westerly right of way line of the Dalles California Highway a distance of 50 feet to an iron pin; thence South 70°36' West a distance of 150 feet to a point; thence North 19°24' West a distance of 50 feet to an iron pin; thence North 70°36' East a distance of 150 feet, more or less, to the point of beginning, in the SW ¼ of the SW ¼ of Section 21, Township 27 South, Range 8 East of the Willamette Meridian.

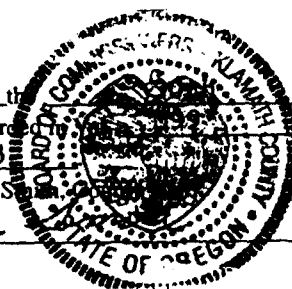
STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ day  
of April A.D., 1999 at 2:19 o'clock P. M., and duly recorded to \_\_\_\_\_  
of Mortgages on Page 16433

FEE \$20.00

INDEXED  
D ✓ I ✓

by Linda Smith  
Linda Smith



State of Oregon, County of Klamath  
Recorded 04/12/01, at 11:28 a. m.  
In Vol. M01 Page 15416  
Linda Smith,  
County Clerk Fee 36.00

EXHIBIT A  
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