

'01 JUL 23 PM 3:13

K57143

Vol MQ1 Page

36335

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Jack E. Daniel, as grantor, to Amerititle, as trustee, in favor of Security Bank, as beneficiary, dated September 12, 2000, recorded June 19, 2000, in Volume MQ1, Page 22181, assigned to Oregon Housing and Community Services Department, State of Oregon, recorded on June 19, 2000, in the mortgage records of Klamath County, State of Oregon, covering the following described real property situated in said county and state, to-wit:

UNIT 10360, MCGUIRE AVENUE, TRACT 1336, FALCON HEIGHTS CONDOMINIUMS-STAGE 1, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, 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 situated; 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 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 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:

7 PAYMENTS OF \$419.00 (\$2,933.00)
LATE CHARGES OF (\$100.52)
TOTAL (\$3,033.52)

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:

PRINCIPAL BALANCE OF (\$61,160.55)

INTEREST FROM 12/1/00 TO 7/16/01 @ 7.25%
WITH PER DIEM OF \$12.0884 THEREAFTER (\$2,756.16)

TRUSTEE'S FEE OF (\$550.00)

TRUSTEE'S COSTS (ITEMIZED)

TITLE REPORT (\$341.00)
RECORDING FEES (\$175.00)
PUBLICATION (\$700.00)
CERTIFIED MAILING (\$30.00)
SERVICE (\$150.00)

TOTAL: (\$65,862.71)

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 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 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 compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said 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 Friday December 1, 2001, at the following place: Outside the front entrance, to the Klamath Falls Municipal Court, 500 Klamath Ave Klamath Falls, OR 97601, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for set sale.

Other than as shown of record, neither the said beneficiary nor 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

**PARTIES IN POSSESSION AND CLAIMING
RIGHT TO POSSESSION, IF ANY***Possible interest in the property*

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 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 ORS 86.753.

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: July 19, 2001.

Susan J. Robinson
Susan J. Robinson, Successor Trustee

(If the signer of the above is a corporation,
use the form of acknowledgment opposite.)

STATE OF WASHINGTON)
COUNTY OF KING)

The foregoing instrument was acknowledged
before me this 19th DAY OF
July, 2001, by Susan J.
Robinson..

**DANA ALLISON LINDER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
SEPTEMBER 9, 2004**

Dana A. Linder
DANA A. LINDER
Notary Public for the
State of Washington
My commission
expires: 9/9/2004

STATE OF OREGON, County of _____) ss.
The foregoing instrument was acknowledged before me this
_____, 2001, by _____,
_____, president, and by _____,
_____, secretary of _____
a _____ corporation, on behalf of the corporation.

Notary Public for Oregon

(SEAL)

My commission expires:

**NOTICE OF DEFAULT AND
ELECTION TO SELL**

(FORM No. 884)
STEVENS-NESS LAW PUB. CO., PORTLAND, OR.

Re: Trust Deed From
Jack Daniel

Grantor

To

Susan J. Robinson
Successor Trustee

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON, _____)
County of _____) ss.

I certify that the within instrument was
received for record on the _____ day of
_____, 2001, at _____
o'clock _____ M., and recorded in book/reel/volume
No _____ on page _____ or as
fee/file/instrument/microfilm/reception No. _____
Record of Mortgages of said County.

Witness my hand and seal of County affixed.

By _____ NAME _____ TITLE _____ Deputy

AFFIDAVIT
OF
MILITARY STATUS

Trustee's Sale No. 60115.025

The undersigned, being first duly sworn, upon oath deposes and says on information and belief:

1. That the affiant is a party to a Deed of Trust with:
Jack E. Daniel

who is/are the GRANTOR OR SUCCESSOR GRANTOR(S) under a certain Deed of Trust securing certain real property located in the county of Klamath, State of Oregon.
2. That the said GRANTOR is not now in any branch of the Armed Forces of the United States.
3. That the undersigned agrees to immediately notify the TRUSTEE herein of any information or facts which come within his knowledge which are contrary to the above assertions.

This affidavit is made for the purpose of inducing Susan J. Robinson to proceed with the Trustee's sale under a Deed of Trust in which the undersigned has an interest, knowing that the TRUSTEE will rely upon the truth and accuracy of the statements contained herein in handling such sale.

Dated: 6/21, 2001

OREGON HOUSING AND COMMUNITY
SERVICES DEPARTMENT

By:

Its:

Mary Starly
Loan Servicing Spec.

36338

STATE OF Oregon)
COUNTY OF Marion) ss

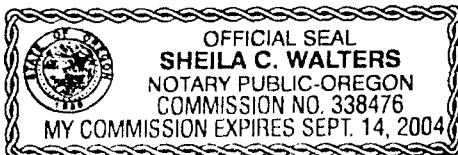
The foregoing instrument was acknowledged before me this 21 day of June, 2001, by MARY Stanley

My commission expires: 09-14-2004

Sheila C Walters
Notary Public

NOTE: The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, prohibits the termination of the rights of a PURCHASER under a contract for purchase of real estate, or a GRANTOR under a Deed of Trust, if such purchaser has entered military service after making such contract or Deed of Trust, except by court action. Violation of the prohibition is made a misdemeanor punishable by a fine and/or imprisonment.

It is essential that you satisfy yourself that your GRANTORS/OWNERS are not in military service before instructing TRUSTEE to proceed through a TRUSTEE'S SALE.



State of Oregon, County of Klamath
Recorded 07/23/01 at 3:13 p. m.
In Vol. M01 Page 36335
Linda Smith,
County Clerk Fee \$ 36.00