

After recording return to:

AmeriTitle, Inc.  
P.O. Box 1609  
505 Southeast Main Street  
Roseburg, OR 97470

Vol M01 Page 52414

'01 OCT 15 PM 3:15

MTL 55389

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by ABUNDANT HARVEST FARMS, INC., a Nevada corporation as grantor, to AmeriTitle, Inc. as trustee, in favor of BARNEY BURKS & EULA B. BURKS, Trustees of THE BARRY H. BURKS IRREVOCABLE TRUST DATED SEPTEMBER 30, 1988, as to an undivided 40% interest and WAYNE K. BURKS & KAY E. BURKS, TRUSTEES OF THE WAYNE K. BURKS and KAY E. BURKS LIVING TRUST DATED FEBRUARY 11, 1993, as to an undivided 60% interest as beneficiary, dated January 11, 2001 and recorded January 22, 2001, in Volume M01 at Page 2579, Deed Records of Klamath County, Oregon, and Re-Recorded January 25, 2001, in Volume M01 at Page 3041, Deed Records of Klamath County, Oregon covering the following described real property situated in said county and state:

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

COMMONLY KNOWN AS: 20700 Hwy 39  
Merrill, OR 97633

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 deed 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 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 provisions; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payments in the amount of \$3,500.00, due for June, 2001, through present, plus late charges, delinquent property taxes and advances by beneficiary, if any.

By reason of default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being \$246,969.90, plus interest, accrued late charges and advances.

Notice is hereby 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, and to cause to be sold at public auction to the highest bidder for cash in the form of a Cashier's Check the interest in the said described property which the grantor had, or had the power to convey, at the time of 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.

52415

Sale will be held at the hour of 10:00 o'clock A.M., Pacific Time as established by Oregon Revised Statutes on March 14, 2002 at the offices of AmeriTitle, Inc. located at 222 South Sixth Street, in the City of Klamath, County of Klamath, and State of Oregon, which is the hour, date and place fixed by the trustee for said 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.

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 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 this 12<sup>th</sup> day of October, 2001.

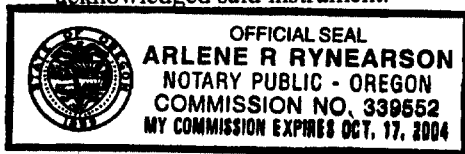
AmeriTitle, Inc., Trustee

By Barbara L. Thomas  
Barbara L. Thomas, Assistant Secretary

STATE OF OREGON  
COUNTY OF Douglas

} SS:

Personally appeared on October 12, 2001, Barbara L. Thomas, Assistant Secretary of AmeriTitle, Inc., who acknowledged said instrument.



Before me:  
Arlene R. Rynearson  
Notary Public of Oregon

BLT: jws

EXHIBIT "A"  
LEGAL DESCRIPTION

52416

All of Government Lot 2, Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM that portion conveyed by instrument recorded July 8, 1940 in Volume 130, page 306, Deed Records of Klamath County, Oregon, more particularly described as follows:

A parcel of land lying in the NE1/4 NE1/4 of Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, and being a portion of that tract of land which was conveyed by that certain deed from Sheriff to Klamath County, recorded in Book 76, pages 208-210, Klamath County Record of Deeds; the said parcel being described as follows: Beginning at a point on the East line of said Section 3, which point is on the Northeasterly right of way line of the Dalles-California Highway, said point being 30.0 feet distant from land measured at right angles to the center line of said highway, at Engineer's Station 45+20.9; said point also being 691.7 feet South of the Northeast corner of said Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence North 00 degrees 23' East along the Easterly line of said tract, a distance of 362.5 feet; thence North 79 degrees 12' West a distance of 471.5 feet to a point on the Northeasterly right of way line of the Dalles-California Highway; thence Southeasterly along the said Northeasterly right of way line on a 1940.0 foot radius curve right (whose long chord bears South 46 degrees 01' 30" East 616.4 feet) a distance of 629.2 feet; thence South 36 degrees 44' East along said highway right of way line a distance of 28.5 feet to the point of beginning.

AND EXCEPTING THEREFROM those portions thereof described in Deeds to the United States of America recorded November 16, 1908, June 15, 1914, and August 12, 1936 in Volume 24 Page 615, Volume 42 Page 250, and Volume 256 Page 219, respectively.

AND EXCEPTING THEREFROM that portion thereof described in Deed to Klamath County recorded September 3, 1922 in Volume 59 Page 164.

AND EXCEPTING THEREFROM that portion lying within the right of way of the Dalles-California Highway.

State of Oregon, County of Klamath  
Recorded 10/15/01 at 3:15 p. m.  
In Vol. M01 Page 52414  
Linda Smith,  
County Clerk Fee\$ 31<sup>00</sup>