

01 DEC 3 AM 10:01

Vol M01 Page 61441

State of Oregon, County of Klamath  
Recorded 12/03/01 10:01 a m.  
Vol M01, Pg 61441-43  
Linda Smith, County Clerk  
Fee \$ 3 # of Pgs 31

## NOTICE OF DEFAULT AND NOTICE OF SALE

**NOTICE** is hereby given that the obligation, the performance of which is secured by the herein-described deed of trust, is in default and that the beneficiary has elected to foreclose the trust deed by advertisement and sale in the manner provided in ORS 86.705 to ORS 86.795.

The information required by statute is as follows:

1. No action has been instituted to recover the debt or any part of it then remaining secured by the trust deed, or, if such action has been instituted, the action has been dismissed;

2. The Grantor is: **DONALD DAVIS** also known as **DONALD R. DAVIS**

3. The Trustee is: **AMERITITLE COMPANY, Successor in Interest to MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY**

4. The Successor Trustee is: **CARLYLE F. STOUT III**

5. The Beneficiary is: **PREMIER WEST BANK, Successor by Merger to BANK OF SOUTHERN OREGON**

6. The description of the real property covered by the trust deed is as follows:

Parcel 1 of Partition No. 57-94 filed January 9, 1995, in the Office of the County Clerk of Klamath County, Oregon, and being located in the Southwest Quarter of the Southwest Quarter of Section 18, Township 34 South, Range 7 East, of the Willamette Meridian, Klamath County, Oregon. Klamath County Assessor's Account No. 3407-018CC-00101, Common Street Address: 43441 Highway 62, Chiloquin, OR 97620

7. The trust deed was recorded on the April 1, 1996, at Volume M96, Page 8994, in the Official Records of Klamath County, Oregon, also known as Document No. 15704 in said Official Records. The Trust Deed was modified on two occasions, the first occurring on November 30, 1998, pursuant to a modification which was recorded on December 7, 1998, in the Official Mortgage Records of Klamath County, Oregon, at Volume M98, Page 44532 (the First Modification) and the second modification was dated October 16, 2000, and recorded on October 20, 2000, in Volume M00, on Page 38469, in the Official Mortgage Records of Klamath County, Oregon, (the Second Modification).

-1- NOTICE OF DEFAULT AND NOTICE OF SALE

31- Rt: Carlyle Stout III

8. The default for which this foreclosure is made is as follows:

(a) Failure to make the principal payment in the sum of \$84,289.68, due on June 30, 2001, together with all interest at the rate of 7.5% per annum thereon from July 12, 2000:

(b) Failure to pay a late charge in the sum of \$4,214.48, representing 5% of the payment due on June 30, 2001;

(c) Breach by Grantor of other loan agreements with Beneficiary as follows:

(1) Loan No. 1207490003: Failure to make the monthly payments due in a timely manner, including the monthly payments due August 18, 2001, in the sum of \$1,983 and a like payment on the 18<sup>th</sup> of each and every month thereafter, and failure to pay a late charge in the sum of \$95.04, representing 5% of the monthly payment, for the payment due in August, 2001 and each and every month thereafter;

(2) Loan No. 1207490009: Failure to make the payment due August 1, 2001, in the sum of \$697.77 and failure to make a like payment on the 1<sup>st</sup> of each and every month thereafter and failure to pay a late charge in the sum of \$34.89 because the above-referenced payment was not made within 16 days of its due date.

(d) Failure to pay the beneficiary its reasonable attorney's fees incurred concerning the above-referenced defaults and breaches of the loan documents.

9. The sum owing on the obligation secured by trust deed is as follows: \$84,289.68, with interest thereon at the rate of 7.5% per annum from July 12, 2000, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed.

10. The beneficiary elects to sell the property to satisfy the obligations secured by the trust deed.

11. The property will be sold in the manner prescribed by law on the 26th day of April, 2002, at 10:50 o'clock a.m., standard time, as established by ORS 187.110 at the steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Klamath County, Oregon.

12. Interested persons are hereby notified of the right under ORS 86.753 to have this proceeding dismissed and the trust deed reinstated by payment of the entire amount then due, together with costs, trustee's and attorney's fees, and by curing any other default complained of in the notice of default, at any time prior to five (5) days' before the date last set for the sale.

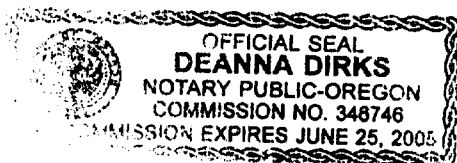
13. In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

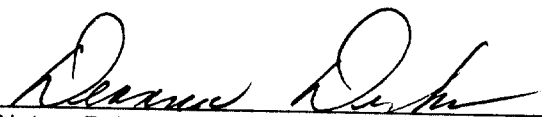
DATED this 29<sup>th</sup> day of November, 2001.

  
 Carlyle F. Stout III  
 Attorney at Law/Successor Trustee

STATE OF OREGON     )  
                                   )ss.  
 County of Jackson    )

Personally appeared Carlyle F. Stout III and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 29th day of November, 2001.



  
 Notary Public for Oregon  
 My Commission Expires: 6/25/2005

(dee\clients\premier\davis\90007\default notice)