

After Recording Return To:

Glenn H. Prohaska
4425 SW Corbett Avenue
Portland, Oregon 97201

Vol. M01 Page 61570

State of Oregon, County of Klamath
Recorded 12/03/01 11:19 a m.
Vol M01, Pg 61570-71
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

01 DEC 3 AM 11:19

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MTc 55898

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by **Billy G. Smith**, as grantor(s), **Glenn H. Prohaska**, as trustee, in favor of **Conseco Bank, Inc.**, as beneficiary, dated August 19, 1999, recorded August 25, 1999, in the mortgage records of Klamath County, Oregon, as Fee No. Vol. M99, Page 34315, covering the following described real property situated in the above-mentioned county and state, to-wit:

NW ¼ of the NW ¼ of the SW ¼ of Section 7, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, SAVING AND EXCEPTING THEREFROM the Easterly 30 feet thereof conveyed to Klamath County in Deed recorded July 24, 1979, in Volume M79, page 17530, Microfilm Records of Klamath County, Oregon.

which has the address commonly known as 13570 Whispering Pines Drive, Keno, Oregon 97627.

The undersigned, **Glenn H. Prohaska**, 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 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 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:

\$ 16,133.95 Total delinquent monthly payments and late chgs. due as of 11/10/2001
\$ 16,133.95 **TOTAL AMOUNT REQUIRED TO REINSTATE AS OF 11/10/2001**

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:

\$ 150,945.86 Principal balance of loan
\$ 150,945.86 **TOTAL AMOUNT DUE AS OF 11/10/2001**

RE: Trust Deed from Billy G. Smith, GRANTOR(s)
TO: Glenn H. Prohaska, SUCCESSOR TRUSTEE

Notice hereby is 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 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 11:00 o'clock A.M., in accord with the standard of time established by ORS 187.110 on **April 17, 2002**, at front steps of Klamath County Courthouse 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 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

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 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.

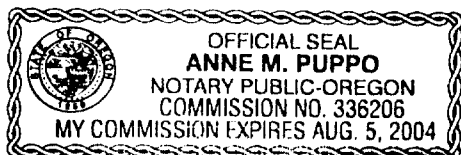
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective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

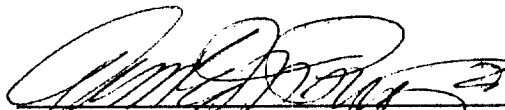
DATED this date: November 28, 2001


Glenn H. Prohaska, Trustee

STATE OF OREGON, County of Multnomah) ss.

Personally appeared before me the above named Glenn H. Prohaska on November 28, 2001 and acknowledged the foregoing to be his voluntary act and deed.




NOTARY PUBLIC FOR OREGON
My Commission expires August 5, 2004