

State of Oregon, County of Klamath
Recorded 10/07/2002 2:55 p m.
Vol M02, Pg 57189-93
Linda Smith, County Clerk
Fee \$ 41⁰⁰ # of Pgs 5

'02 OCT 7 PM2:55

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by JOSEPH E. SILVA AND JENNIFER E. SILVA, husband and wife, Grantor, MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY as the trustee, and CHARLES D. WHITTEMORE AND BONNIE J. WHITTEMORE, husband and wife, are the beneficiaries under that certain trust deed dated July 31, 1992, and recorded August 19, 1992, in Volume No. M92, page 18564, Microfilm Records of Klamath County, Oregon; the beneficial interest under said trust deed was assigned October 31, 1995, at Volume M95, page 29730, Microfilm Records of Klamath County Oregon, to Charles D. Whittemore, Trustee of the Whittemore Living Trust. Said trust deed covers the following-described real property:

See Attached Exhibit "A."

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default of which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments in the amount of \$226.00 due and payable on October 7, 2000, and each and every month thereafter, plus interest in the amount of 9 percent per annum as set forth below, plus late fees, plus real property taxes for the fiscal year, 2001-2002 in the amount of \$388.46 plus interest, plus real property taxes for the fiscal year 2002-2003, a lien not yet due and payable. Account No: 3909-007CA-100801-000.

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 amount of \$15,094.42 as of September 26, 2002, plus interest in the amount of \$226, plus interest in the amount of \$3.722 per day from September 26, 2002, plus real property taxes for the fiscal year, 2001-2002 in the amount of \$388.46 plus interest, plus real property taxes for the fiscal year 2002-2003, a lien not yet due and payable. Account No: 3909-007CA-100801-000.

WHEREFORE, notice hereby is given that the undersigned trustee will on February 20, 2003, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the office of Richard Fairclo, 280 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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

NOTICE OF DEFAULT
AND ELECTION TO SELL
Page -1-

oc Richard Fairclo
Attorney at Law
280 Main Street
Klamath Falls OR 97601

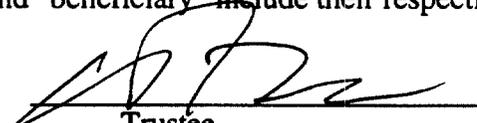
57190

portion of the principal as would not then to 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 of 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.

We are attempting to collect a debt and any information we obtain will be used for that purpose.

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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: 10/7/12


Trustee

57191

EXHIBIT "A"

A parcel of land situated in Lots 19 and 20, Block 4, LENOX ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 20; thence North $01^{\circ} 10'$ East on the East line of Diamond Street, 56.00 feet; thence South $88^{\circ} 44' 59''$ East, 63.50 feet; thence South $01^{\circ} 10'$ West, 13.10 feet; thence South $88^{\circ} 44' 59''$ East, 45.50 feet; thence South $01^{\circ} 10'$ West 42.90 feet to a point on the South line of said Lot 20; thence North $88^{\circ} 44' 59''$ West on said South line 109.00 feet to the point of beginning.

57192

VALIDATION NOTICE

1. The amount of your debt is \$15,320.42 plus interest in the amount of \$3.722 per day from September 26, 2002.
2. The name of your creditor is CHARLES D. WHITTEMORE, TRUSTEE OF THE WHITTEMORE LIVING TRUST.
3. If you dispute this debt or any portion thereof, you must notify our office within thirty (30) days after you have received this notice or we will assume that the debt is valid.
4. If you send us written notice within the thirty (30) days that you dispute this debt or any portion thereof, we will obtain verification of the debt, or a copy of the judgment and send you a copy of the verification or judgment.
5. If you send us a written request within the thirty (30) days of receiving this notice, we will send you the name and the address of the original creditor if it is different from the creditor listed herein.

Richard Fairclo
Attorney at Law
280 Main Street
Klamath Falls, Oregon 97601

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON]
] ss.
County of Klamath]

I, RICHARD FAIRCLO, being duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and am now a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor of interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the foregoing notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons at their respective last known addresses, to-wit:

Joseph E. Silva
3621 1/2 Diamond Street
Klamath Falls OR 97601

Jennifer E. Silva
3621 1/2 Diamond Street
Klamath Falls OR 97601

Transamerica Financial Services
PO Box 5607
1070 NW Bond Street, Suite 204
Bend Oregon 97701

Carter-Jones Collection LLC
1143 Pine Street
Klamath Falls OR 97601

Companion Pet Clinic
2343 Gettle Street
Klamath Falls OR 97603

State of Oregon
Circuit Court Clerk
316 Main Street
Klamath Falls OR 97601

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice (c) any person, including the Department of Revenue or any other state agency, having a lien or interest, subsequent to the trust deed if the lien or interest appears of record of the beneficiary has actual notice of the lien or interest, and (d) any person request notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be true copy of the original notice of sale by RICHARD FAIRCLO, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office at Klamath Falls, Oregon, on October 3, 2002, as mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

SUBSCRIBED AND SWORN to before me this 7 day of October, 2002

[Handwritten signature]

[Handwritten signature]
Notary Public of Oregon
My Commission expires:

