

03 MAR 14 PM 3:36

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Vol M03 Page 15650

RE: Trust Deed from  
STEPHEN KING

State of Oregon, County of Klamath  
Recorded 03/14/2003 3:36 p.m.  
Vol M03 Pg 15650-52  
Linda Smith, County Clerk  
Fee \$ 31 # of Pgs 3

To \_\_\_\_\_ Grantor  
  
AMERITITLE  
(NEAL G. BUCHANAN, Attorney at Law as  
Successor Trustee) \_\_\_\_\_ Trustee

After recording, return to (Name, Address, Zip):  
DC NEAL G. BUCHANAN  
435 Oak Avenue  
Klamath Falls, OR 97601

Reference is made to that certain trust deed made by STEPHEN KING

\_\_\_\_\_, as grantor, to  
AMERITITLE, an Oregon corporation \_\_\_\_\_, as trustee,\*  
in favor of KEITH E. MCCLUNG \_\_\_\_\_, as beneficiary,  
dated February 23, 2000 \_\_\_\_\_, recorded on February 29, 2000 \_\_\_\_\_, in the Records of  
Klamath \_\_\_\_\_ County, Oregon, in book/reel/volume No. M00 \_\_\_\_\_ at page 6226 \_\_\_\_\_, and/or as  
fee/file/instrument/microfilm/reception No. N/A \_\_\_\_\_ (indicate which), covering the following described real property  
situated in the above-mentioned county and state, to-wit:

The S1/2 of Tract 44, ALTAMONT SMALL FARMS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, EXCEPTING THEREFROM a 10 foot strip along the Westerly boundary of said Lot, conveyed for road purposes.

\*Neal G. Buchanan, Attorney at Law, was appointed Successor Trustee by APPOINTMENT OF SUCCESSOR TRUSTEE dated June 12, 2002 and recorded 1-14-03 at Vol. M03, page 02549, mortgage records of Klamath County.

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 Records of the county or counties in which the above-described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the 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 grantor or other person owing an obligation, 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: a portion of the monthly payment due June 28, 2001, together with the payment due in the amount of \$702.03 plus collection costs payable July 28, 2001 together with a payment in the like amount for each and every month thereafter; failure to provide proof of insurance on the premises as required by paragraph 4 of the Trust Deed; failure to pay when due all taxes, assessments and other charges

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: Principal and interest in the sum of \$87,273.60 together with interest on the unpaid principal balance at the rate of 10% per annum from June 13, 2002 until paid; real property taxes due and owing; all costs, fees and expenses of the Trust Deed, including the cost of title search as well as the other costs and expenses of the trustee incurred in connection with or in enforcing the obligation secured by the Trust Deed together with trustee's and attorney's fees actually incurred



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 grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest 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 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110 on July 31, 2003, at the following place: 435 Oak Avenue 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 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

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED BY THIS REFERENCE HEREIN AS IF FULLY SET FORTH

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 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 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.

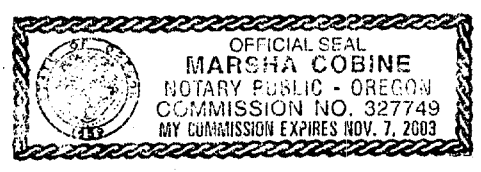
DATED March 14, 2003

Signature of Neal G. Buchanan, Successor Trustee

Trustee Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss. This instrument was acknowledged before me on by Neal G. Buchanan as Successor Trustee of

Signature of Marsha Cobine, Notary Public for Oregon, My commission expires 11-7-03



## EXHIBIT A

Name and Last Known AddressNature of Right, Lien or Interest

Stephen King  
5711 Altamont Dr.  
Klamath Falls, Oregon 97603  
and  
2727 S. 6th St.  
Klamath Falls, OR 97601

Grantor, Party in Possession

Klamath County Building Department  
Attn: Reginald Davis, County Counsel  
305 Main Street  
Klamath Falls, Oregon 97601

Klamath County Case No. 0201625CV  
Judgment entered June 27, 2002

Telescope Casual Furniture, Inc.  
P.O. Box 299  
Granville, NY 12832

Judgment, Case No. 0201845CV  
entered August 15, 2002

Donald R. Slayton  
Slayton, Cox & Seligson  
142 W. 8th Ave.  
Eugene, Oregon 97401

attorneys for Telescope Casual Furniture, Inc.

State of Oregon  
Attn: Hardy Myers, Attorney General  
Department of Justice  
Justice Building  
Salem, Oregon 97310

OR Department of Consumer and Business Services  
Lien for Civil Penalty Order \$3,684.00 8-31-01  
for Workers Compensation Division recorded M02,  
page 51119 re: Order #26075AB

Warrant ODR R028153199

OR Employment Dept. Warrant and Writ of Execution  
recorded March 22, 2002, M02, page 16817

Old Republic Surety Company  
P.O. Box 1635  
Milwaukee, Wisconsin 53201

Jackson County Jugment Case No. 000715-L-2  
recorded Klamath County M00, page 24421

Jan D. Sokol  
Stewart, Sokol, et al.  
1500 Benjamin Franklin Plaza  
One S.W. Columbia Street  
Portland, Oregon 97258

Attorney for Old Republic Surety Company

SAIF Corporation  
Harlan Jones, Registered Agent  
400 High St. S.E.  
Salem, Oregon 97312

Notice of Lien recorded M01, page 13298  
Klamath County

Klamath County  
Attn: Reginald Davis, County Counsel  
305 Main Street  
Klamath Falls Oregon 97601

2000-01 taxes  
2001-02 taxes  
2002-03 taxes  
Distraint Warrant reference R029411450  
recorded M03, p. 07391