

mtc- 62372

Vol M03 Page 68548**NOTICE OF DEFAULT AND
ELECTION TO SELL**

RE: Trust Deed from

Ora M. Eberlien**Grantor**

To.

Nancy L. Peterson**Trustee.**

After recording return to:

Laura J. Walker

Cable Huston Benedict et al

1001 SW Fifth Street #2000

Portland Oregon, 97204

State of Oregon, County of Klamath

Recorded 09/15/03 3:14 p. mVol M03 Pg 68548-50

Linda Smith, County Clerk

Fee \$ 31.00 # of Pgs 3**SPACE RESERVED FOR RECORDER'S USE**

Reference is made to that certain trust deed made by Ora M. Eberlien as grantor, to Nancy L. Peterson, as trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, July 8, 1997 recorded on July 11, 1997, in the records of Klamath County, Oregon Vol. M97, Page 21880 covering the following described real property situated in the above- mentioned county and state, to wit:

The Easterly 125 feet of Lot 96 of CASITAS, according to the official plat thereof on file in the office of the County Clerk of Klamath County Oregon

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 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:

Three monthly payments of \$641.63 each due for the months of February 2002 through August 2003 with interest accruing thereon at the contract rate of 8.49 per annum or \$18.42 per diem until paid in full, plus costs and attorneys fees.

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	\$79,210.91
Interest as of August 31, 2003:	\$ 3,886.62
Foreclosure Guarantee	\$ 390.00
Beneficiary is also entitled to costs and attorney fees.	

31/11

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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 compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

This sale will be held at the hour of 2:00 o'clock, p.m., in accord with the standard of time established by ORS 187.110 on **January 29, 2004**, at the Klamath County Courthouse, 316 Main Street, 2nd floor, 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:

SEE ATTACHED EXHIBIT A

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 or 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.

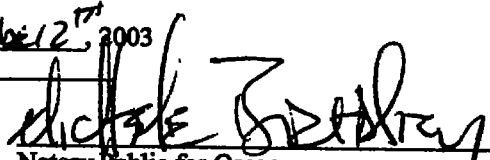
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective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

DATED 12th of September, 2003


Trustee

STATE OF OREGON, COUNTY OF Multnomah ss
This instrument was acknowledged before me on September 12th, 2003
By Laura J. Walker




Notary Public for Oregon
My commission expires 03/30/04

68550

EXHIBIT A

**Roger Eberlein
845 N. Tegner
Wickenburg AZ 85390**

**Janet Luke
10884 Wright Avenue
Klamath Falls OR 97603**

**Marlee Conover
#38 Road 3142
Aztec NM 87410**

**Carter – Jones Collection
1143 Pine Street
Klamath Falls OR 97601**

**CitiBank
P.O. Box 769004
San Antonio, TX 78245-9004**

**Discover Card
PO Box 30395
Salt Lake City UT 84130-0395**

**State of Oregon
Department of Human Services
500 Summer Street NE E25
Salem OR 97232**