

08 SEP 25 PM 2:32

After recording return to:  
BISHOP, LYNCH & WHITE, P.S.  
720 Olive Way, #1301  
Seattle, WA 98101-1801  
Attn:

ATE 57125

Ref: Kane, 544-X2635.01

Vol M03 Page 71541  
State of Oregon, County of Klamath  
Recorded 09/25/03 2:32 p m  
Vol M03 Pg 71541-44  
Linda Smith, County Clerk  
Fee \$ 36<sup>00</sup> # of Pgs 4

NOTICE: UNLESS YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF WITHIN 30 DAYS AFTER RECEIPT OF THIS DOCUMENT, THIS OFFICE WILL ASSUME THE DEBT TO BE VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN THE 30-DAY PERIOD THAT THE DEBT OR ANY PORTION THEREOF IS DISPUTED, VERIFICATION OF THE DEBT WILL BE OBTAINED AND WILL BE MAILED TO YOU. UPON WRITTEN REQUEST WITHIN 30 DAYS, THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR, WILL BE PROVIDED.

NOTICE: WE ARE ATTEMPTING TO COLLECT A DEBT, ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTING.

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain trust deed made by Robert F. Kane, a married person, as grantor, to , as trustee, in favor of Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for American Home Mortgage and Investments, Inc., as beneficiary, dated February 7, 2003, recorded February 12, 2003, in the mortgage records of Klamath County, Oregon, in VOL M03 PAGE 08757, covering the following described real property situated in said county and state, to-wit:

See Legal Description attached hereto as Exhibit "A" and incorporated herein by this reference.

Commonly known as: 19419 US HWY 97 S., Klamath Falls, OR 97603

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 mortgage records of the county or counties in which the above-described real property is situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said 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 the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest with respect to provision therein which authorizes 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:

1.

**Monthly Payments:**

Delinquent monthly payments from April 1, 2003 through September 1, 2003

6	Payment(s) at	\$2,338.00	\$14,028.00
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**Late Charges:**

5	Late Charge(s) at	100.66	
	for each monthly payment not		
	made within 15 days of its due		503.30
	date:		

TOTAL MONTHLY PAYMENTS AND LATE CHARGES			\$14,531.30
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2. Delinquent Real Property Taxes, if any.

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:

Unpaid balance is \$334,042.59 as of September 23, 2003. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said 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 said 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 successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said 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.

Said sale will be held at the hour of 11:00 a.m., in accord with the standard of time established by ORS 187.110 on January 28, 2004, at the following place: at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

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), paying all advances authorized under the deed of trust, including all costs and expenses incurred in enforcing the obligation and trust deed, 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 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 said 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 said trust

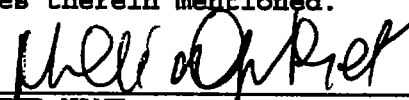
deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: September 23<sup>rd</sup>, 2003

  
 \_\_\_\_\_  
 David Powell, Trustee

STATE OF WASHINGTON                    )  
   ) ss.  
 COUNTY OF KING                        )

On this 23<sup>rd</sup> day of September, 2003, personally appeared David Powell, who acknowledged that he signed the within foregoing instrument as his free and voluntary act and deed for the uses and purposes therein mentioned.

  
 \_\_\_\_\_  
 PRINTED NAME:                   Melissa G. Tervet

Notary Public for Washington  
 My commission expires:

For Information Call:  
 Bishop, Lynch & White, P.S.  
 720 Olive Way, Suite 1301  
 Seattle, WA 98101  
 (206) 622-7527  
 Ref: 544-X2635  
 FORBAREOREGONWOD.FRM REV 9/23/03



## Exhibit A

**A piece or parcel of land situate in portions of Government Lots 1 and 2 in Section 34, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:**

**Beginning at a point on the Southeasterly right of way line of U.S. Highway 97 as the same is presently located and constructed, from which point the meander corner of the 1858 Meander Line common to Sections 27 and 34, Township 40 South, Range 8 East of the Willamette Meridian bears North 15° 58' 10" West 174.6 feet distant; thence South 15° 58' 10" East along the adjusted 1858 Meander Line, as established during Record Survey No. 1938, 19.1 feet to Angle Point No. 1; thence South 31° 07' 05" West along said Meander Line 808.45 feet to Angle Point No. 2; thence South 23° 06' 50" East along said meander line 769.6 feet to Angle Point No. 3; thence South 5° 38' 20" West along said meander line 300.0 feet to a point; thence North 57° 38' West 931.63 feet to a point on the Southerly right of way line of U.S. Highway 97 as the same is presently located and constructed; thence North 32° 22' 00" East along said Southeasterly right of way line 1,641.36 feet to the point of beginning.**

**Said Parcel is also referred to as Parcel 1 of Land Partition 14-86.**