

NOTICE OF DEFAULT AND ELECTION TO SELL
Re: Trust Deed
From: JOHN H. SPARKES, TRUSTEE OF THE
JOHN H. SPARKES LIVING TRUST, Grantor.
To: CARL D. AND NORMA STANFIELD,
Dated: August 6, 2002.

State of Oregon, County of Klamath
Recorded 01/29/2004 2:53 p m
Vol M04 Pg 5610-12
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

AFTER RECORDING RETURN TO:
MacArthur & Bennett, P.C.
280 Main Street
Klamath Falls, OR 97601

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by JOHN H. SPARKES, TRUSTEE OF THE JOHN H. SPARKES LIVING TRUST as Grantor, to ASPEN TITLE AND ESCROW, INC as Trustee, in favor of Carl D. Stanfield and Norma Stanfield, as Beneficiaries, an estate in fee simple dated August 6, 2002, and recorded August 7, 2002 in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M02 at page 44424, covering the following described real property situated in said county and state, to-wit:

Lots 6, 7, 8 and 9 of WEST CHILOQUIN and the alley adjoining said Lots 6 and 7, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon, and a portion of Lot 1 of Block 6 of WEST CHILOQUIN according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon LESS the following:
Beginning at the Southwesterly corner of said Lot 1; thence Easterly along the line between lots 1 and 2 to the Westerly line of Wasco Avenue; thence Northerly along said Westerly line 69 feet; thence Westerly parallel to the line between Lots 1 and 2 to the Easterly line of an alley as shown on the plat; thence Southerly along said line to the point of beginning.

Tax Account No. : 3407 034CA 08100-000 and 3407 034CA 08200-000

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 situated; 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.

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 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:

Payment in the amount of \$1,191.96 plus interest for January, 2004.

Taxes for the fiscal year 2003-2004, in the sum of \$1,184.47 and for 2002-2003 in the amount of \$55.77, for a total of \$1,240.24, plus interest.

Hazard insurance lapsed and proof of insurance delinquent since August 1, 2003.

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: \$127,209.08 as of January 6, 2004, plus interest.

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 Oregon Revised Statutes Sections 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 him of the trust deed, together with any interest the grantor or his 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 compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney.

Said sale will be held at the hour of 10:00 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on June 14, 2004, at the following place: 280 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or the said 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

John H. Sparkes, Trustee
of the John H. Sparkes Living Trust
P.O. Box 373
Chiloquin, OR 97624

Default on Trust Deed M-02-44424

John Hardy Sparkes
P.O. Box 373
Chiloquin, OR 97624

Individually
Petitioner in Dissolution Klamath Co Case
No. 03-3832CV

Eileen Rose Sparkes
P.O. Box 373
Chiloquin, OR 97624

Individually
Petitioner in Dissolution Klamath Co Case
No. 03-3832CV

Eileen Sparkes, Trustee
of the John H. Sparkes Living Trust
P.O. Box 373
Chiloquin, OR 97624

Grantor of Trust Deed M-03-28390

William Kalita,
Individually and as Trustee of the William Kent
Kalita Family Trust dated Nov. 15, 1999.
P.O. Box 431
Chiloquin, OR 97624

Beneficiary of Trust Deed M-03-28390

05612

State of Oregon Employment Department
875 Union Street NE, Room 107,
Salem OR 97311

Tax Warrant #78892, M-03-78932

Southern Oregon Credit Service
P.O. Box 4070
841 Stewart Avenue
Medford, OR 97501

Judgment Lien M-03-93457

City of Chiloquin
P.O. Box 196
Chiloquin OR 97624

Municipal Lien

Rebecca Whitney Smith
905 Main Street Suite 200
Klamath Falls, OR 97601

Attorney for Petitioner Klamath Co. Case No.
03-3832CV

Robert S. Hamilton
409 Pine Street
Klamath Falls, OR 97601

Attorney for Respondent Klamath Co. Case
No. 03-3832CV

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 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 Section 86.753 of Oregon Revised Statutes.

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

DATED: January 29, 2004.


Jacqueline Bennett
Successor Trustee

STATE OF OREGON, County of Klamath ss.

The foregoing instrument was acknowledged before me this 29 day of January, 2004, by Jacqueline Bennett.

Before me: 
Notary Public for Oregon

My commission expires: March 19, 07

