

MTC-64361

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AFTER RECORDING RETURN TO:
 Hershner, Hunter, Andrews,
 Neill & Smith, LLP
 Attn: Carol B. Mart
 P.O. Box 1475
 Eugene, OR 97440
 (TS #21669.30043)

State of Oregon, County of Klamath
 Recorded 03/17/2004 10:52 AM
 Vol M04 Pg 15220-21
 Linda Smith, County Clerk
 Fee \$ 26.00 # of Pgs 2

**TRUSTEE'S NOTICE OF DEFAULT AND ELECTION TO SELL
 UNDER TERMS OF TRUST DEED**

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. PARTIES:

Grantor: WAYNE A. POWELL and CAROL D. POWELL
 Trustee: WILLIAM L. SISEMORE
 Successor Trustee: NANCY K. CARY
 Beneficiary: STERLING SAVINGS BANK, successor to Klamath First Federal Savings and Loan Association

2. DESCRIPTION OF PROPERTY: The real property is described as follows:

Lot 9 in Block 202 of MILLS SECOND ADDITION, to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

3. RECORDING. The Trust Deed was recorded as follows:

Date Recorded: November 3, 1995
 Volume M95, Page 30153
 Official Records of Klamath County, Oregon

4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$409.00 each, due the 15th of each month, for the months of November 2003 through March 2004; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.

5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$40,191.91 plus interest at the rate of 8% per annum from October 15, 2003; plus late charges of \$48.54; plus advances and foreclosure attorney fees and costs.

6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed.

7. TIME OF SALE.

Date: July 22, 2004
 Time: 11:00 a.m. as established by ORS 187.110
 Place: Front of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

AM
 2600

8. **RIGHT TO REINSTATE.** Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

DATED: March 15, 2004.

STATE OF OREGON)
) ss.
COUNTY OF LANE)

Nancy K. Cary, Successor Trustee

The foregoing instrument was acknowledged before me on March 15, 2004, by NANCY K. CARY.

Notary Public for Oregon
My Commission Expires: 11-23-07

