

WTC - 64269

Vol M04 Page 28139

State of Oregon, County of Klamath  
 Recorded 05/07/2004 3:13 p m  
 Vol M04 Pg 28139-42  
 Linda Smith, County Clerk  
 Fee \$ 36.00 # of Pgs 4

After recording return to:  
 Amy Gilbert  
 PRESTON GATES & ELLIS LLP  
 222 SW Columbia St., Suite 1400  
 Portland, OR 97201

Trustee:	Linda Johannsen
Beneficiary:	All Service Mortgage, Inc.,
Grantor(s):	James E. Palmer ( deceased) and Maryanna Palmer, as tenants by the entirety.
Reference:	43425-50046/James E. Palmer (deceased)

## NOTICE OF DEFAULT AND ELECTION TO SELL

**The Fair Debt Collection Practices Act requires that we state the following: This is an attempt to collect a debt and any information obtained will be used for that purpose.**

Reference is made to that certain trust deed made by James E. Palmer ( deceased) and Maryanna Palmer, as tenants by the entirety. as grantor(s), to Mountain Title Company of Klamath County, as trustee, in favor of All Service Mortgage, Inc., as beneficiary, dated August 2, 1995, recorded August 8, 1995, in Volume M95, Page 21049, which was last assigned to Franklin Credit Management Corporation on March 26, 2002, in Volume M02, Page 17506, all, in the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to wit:

See Attached Legal Description.

PROPERTY ADDRESS: 9332 Reeder Road, Klamath Falls, OR 97603

3600 PM

Linda Johannsen, Trustee, 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 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 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: monthly payments of \$575.00 beginning August 28, 2003; plus late charges of \$21.04 each month beginning September 13, 2003; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

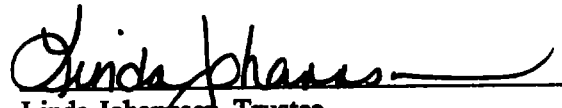
By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to wit: \$54,894.34 with interest thereon at the rate of 11.875 percent per annum beginning July 28, 2003; plus late charges of \$21.04 each month beginning September 13, 2003, until paid; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein, or Grantors failure to pay real property taxes or insurance as required by the trust deed.

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

Said sale will be held Friday, September 10, 2004, at the hour of 11:00 A.M., in accordance with the standard of time established by ORS 187.110, at the following place: inside the main lobby of the Klamath County Courthouse 316 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

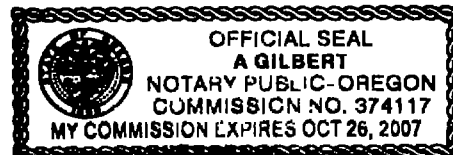
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) 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.

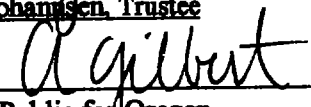
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective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

  
Linda Johansen, Trustee

State of Oregon                    )  
  )ss.  
County of Multnomah            )

This instrument was acknowledged before me  
On May 10th, 2004, by  
Linda Johansen, Trustee



  
Notary Public for Oregon  
My Commission expires: 10.26.07

NOTICE OF DEFAULT AND ELECTION TO SELL James E. Palmer (deceased), Grantor TO Linda Johansen, Trustee Client-Matter No.       43425-50046	
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**LEGAL DESCRIPTION**

**28142**

**PARCEL 1:**

All of Government Lot 1 of Section 31, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING portion heretofore taken by or conveyed to the United States for right of way for irrigation canals.

**PARCEL 2:**

That portion of Government Lot 1 (SE1/4 SE1/4) of Section 30, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, lying South of U.S.R.S. Diversion Canal.