

04 MAY 27 AM 11:05

WTC-64761

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**NOTICE OF DEFAULT AND  
ELECTION TO SELL**

RE: Trust Deed from

**Robert J. Thomas**

**Grantor**

To.

**Nancy L. Peterson**

**Trustee.**

After recording return to:

**Laura J. Walker**

**Cable Huston Benedict et al**

**1001 SW Fifth Avenue #2000**

**Portland Oregon, 97204**

State of Oregon, County of Klamath

Recorded 05/27/2004 11:06 2 m

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Linda Smith, County Clerk

Fee \$ 26<sup>00</sup> # of Pgs 2

**SPACE RESERVED FOR RECORDER'S USE**

Reference is made to that certain trust deed made by Robert J. Thomas as grantor, to Nancy L. Peterson as trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, dated November 25, 1997 recorded on December 9, 1997 as M97, page 40026, Microfilm Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to wit:

**Lots 36 and 37, Block 49, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT 2, 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:

**Two monthly payments of \$640.16 each due for the months of March 2004 through April 2004 with interest accruing thereon at the contract rate of 8.49% per annum or \$18.65 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** **\$ 80,158.22**

**Interest as of April 25, 2004:** **\$ 969.80**

**Preliminary Title Report** **\$ 393.00**

**Beneficiary is also entitled to costs and attorney fees.**

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

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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 10:00 o'clock, a.m., in accord with the standard of time established by ORS 187.110 on October 1, 2004, at the Klamath County Courthouse, 316 Main Street, 2<sup>nd</sup> 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:

Reginald R. Davis  
Klamath County Counsel  
403 Pine Street, Third Floor  
Klamath Falls, OR 97601  
Money Judgment, Klamath  
County Case No. 96-01410-cv

Candice R. Thomas  
5640 Blue Heron Dr.  
Bonanza, OR 97623

Kings County Family  
Support Division  
PO Box 1289  
Hanford, CA 93232

Klamath County Tax  
Collector  
Local Government Center  
305 Main Street  
Klamath Falls, OR 97601  
Personal Property Tax  
Warrant (2)  
Acct. # P881092


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 21<sup>st</sup> of May, 2004

  
Trustee

STATE OF OREGON, COUNTY OF Multnomah )ss  
This instrument was acknowledged before me on May 21<sup>st</sup>, 2004  
By Laura J. Walker

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

