

04 JUN 16 PM 2:47

1st 405/15

After recording, return to:

Greenen & Greenen, PLLC  
1104 Main St., Suite 400  
Vancouver, WA 98660

Vol M04 Page 38754

State of Oregon, County of Klamath

Recorded 06/16/2004 2:47 p m

Vol M04 Pg 38754-56

Linda Smith, County Clerk

Fee \$ 31<sup>00</sup> # of Pgs 3

**NOTICE OF DEFAULT AND ELECTION TO SELL**

GRANTOR: JEFFREY L. ANDERSON and LISA G. ANDERSON, husband and wife  
BENEFICIARY: HOLDEN WATERS and JANET WATERS  
TRUSTEE: RONALD W. GREENEN

TO: JEFFREY L. ANDERSON and LISA G. ANDERSON, husband and wife  
2420 Montelius Street  
Klamath Falls, OR 97601

Reference is made to that certain trust deed made by JEFFREY L. ANDERSON and LISA G. ANDERSON, husband and wife, as grantors, to Amerititle, as trustee, in favor of RAYMOND A. MARCELLA and ANTOINETTE T. MARCELLA, or the survivor thereof, as beneficiaries, dated April 30, 1998, signed May 7, 1998 and recorded May 27, 1998, in the mortgage records of Klamath County, Oregon, in Volume No. M98 at Page 17985, covering the following described real property situated in said county and state, to-wit:

THE SOUTH ONE-HALF OF LOT 8 IN BLOCK 6 OF TRACT 1083, CEDAR TRAILS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON; APN: 794876

More commonly known as: 13243 Shamrock Lane, Klamath Falls, OR 97603.

The undersigned hereby certifies that he has no knowledge of any assignments of the trust deed by the trustee or by the beneficiary or any appointments of a successor trustee 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 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:

**38755**

a. Failure to pay monthly payments July 6, 2003 through June 6, 2003 at \$218.21 each:

**\$2,618.52**

b. Failure to pay real property taxes (for years 2000 through 2004) plus interest and penalties, if any:

**592.32**

**Total:**

**\$3,210.84**

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 ESTIMATED sums being the following, to-wit:

Principal Balance	<b>\$3,210.84</b>
Title report:	<b>175.00</b>
Postage & Copying:	<b>40.00</b>
Trustee's fee	<b>200.00</b>
Attorney's fee	<b>800.00</b>
Long distance telephone	<b>10.00</b>
Recording fees	<b>150.00</b>
Service and Posting:	<b>100.00</b>
<b>Total Due to Cure Default:</b>	<b>\$4,685.84</b>

The principal sum owing on the obligation secured by the Trust Deed is **\$6,244.06** as of June 11, 2004.

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 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 10:30 o'clock a.m., in accordance with the standard of time established by ORS 187.110 on the 18<sup>th</sup> day of November, 2004 at the entrance of the Klamath County Courthouse, at 316 Main Street, in Klamath Falls, Oregon, which is the hour, date and place last set for said sale.

Other than as shown of record, neither the said beneficiary nor 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:

38756

NAME AND LAST KNOWN ADDRESS  
13243 Shamrock Lane (OCCUPANTS, if any)  
Keno, OR 97627  
(PROPERTY ADDRESS)


NATURE OF RIGHT, LIEN OR INTEREST  
May have a tenancy interest in the subject real property

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five (5) 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 Deeds, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: June 14, 2004.

GREENEN & GREENEN, PLLC

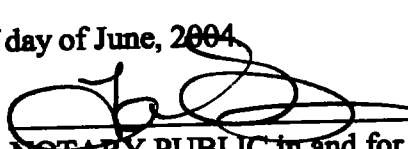
  
Ronald W. Greenen, Trustee, OSB #02152  
1104 Main St., Suite 400  
Vancouver, WA 98660  
(360) 694-1571

STATE OF WASHINGTON )  
 ) ss.  
County of Clark )

On this day personally appeared before me Ronald W. Greenen, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my and official seal this 14 day of June, 2004

TAMESHA J. LUIS  
NOTARY PUBLIC  
STATE OF WASHINGTON  
COMMISSION EXPIRES  
JANUARY 15, 2007

  
NOTARY PUBLIC in and for the State of  
Washington, residing at Vancouver.  
My commission expires: 1-15-07