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mtc-62349

RECORDING INFORMATION:

RE: Trust Deed from

Lewis P. Laird and Donna R. Laird (Grantors)  
PO Box 267  
Crescent, OR 97733

TO:

Scott K. Warner (Successor Trustee)  
Yturri Rose LLP  
PO Box "S"  
Ontario, OR 97914

After recording return to:

Yturri Rose LLP  
PO Box S  
Ontario, OR 97914

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State of Oregon, County of Klamath  
Recorded 08/02/04 10:57 a.m.  
Vol M04 Pg 50536-38  
Linda Smith, County Clerk  
Fee \$ 31.00 # of Pgs 3

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain Trust Deed made by LEWIS P. LAIRD and DONNA R. LAIRD, as Grantors, to KLAMATH COUNTY TITLE CO., now known as First American Title Co., 422 Main Street, Klamath Falls, OR 97601, as Trustee, in favor of RICHARD W. HOCKEMA and MARLENE HOCKEMA, as Beneficiaries, dated March 14, 1997, recorded March 17, 1997, in Volume M97, Page 7752, Microfilm Records of Klamath County, Oregon. The beneficial interest in said Trust Deed was assigned to Orchard Federal Savings Bank, by assignment, recorded October 6, 1998, in Volume M98, Page 36780, Microfilm Records of Klamath County, Oregon. The beneficial interest of Orchard Bank, a Division of Household Bank, f.s.b. (formerly Orchard Federal Savings Bank) in said Deed of Trust was assigned to Intermountain Community Bank, a Division of Panhandle State Bank, by assignment, recorded April 29, 2004, in Volume M04, Page 26064, Microfilm Records of Klamath County Oregon, covering the following described real property situated in Klamath County, Oregon, to-wit:

A portion of Lot 1, PINNEY'S ACRES, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1; thence North 40 degrees 38'35" East, 311.99 feet to a 5/8 inch iron rod; thence South 89 degrees 21'15" East, 107.50 feet to a 5/8 inch iron rod; thence South 00 degrees 38'45" West, 288.78 feet to an iron rod on the South line of said Lot 1; thence North 89 degrees 17'00" West, along the South line of said lot, 308.03 feet to the point of beginning.

TOGETHER WITH access easement as contained in Warranty Deed, dated January 6, 1981, recorded January 12, 1981, in Volume M81, page 476, Deed Records of Klamath County, Oregon, as follows:

A 30 foot wide strip of land for access lying adjacent to and easterly from the West line of the above described parcel bound on the North and South by the respective North and South property lines of said parcel.

Scott K. Warner of Yturri Rose LLP, PO Box S, Ontario, OR 97914, was appointed Successor Trustee by the Beneficiary July 28, 2004.

The undersigned hereby certified 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 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 Grantors or other person owing an obligation, the 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 Grantors' failure to pay when due the following sums:

Failure to make the monthly payment of \$186.97, for the months of November and December, 2003, January, February, March, April, May and June, 2004, for a total of \$1,495.76.

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:

The principal sum of \$24,469.91, plus accrued interest in the sum of \$1,184.35, plus interest continuing to accrue at the rate of 7.3000% per annum from June 28, 2004, until paid, plus trustee's fees, attorney's fees, foreclosure costs, and sums advanced by the beneficiary pursuant to the terms of said Trust Deed.

Notice is hereby 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 to cause to be sold at public auction to the highest bidder for cash the interest in the described property which the Grantors have, or had the power to convey, at the time of the execution by Grantors of the Trust Deed, together with any interest the Grantors or Grantors' 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 compensations of the Trustee as provided by Law, and the reasonable fees of Trustee's attorneys.

The sale will be held at the hour of 10:00 o'clock, A.M., PST, in accord with the standard of time established by ORS 187.110 on December 20, 2004, at the following place: on the front steps 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 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 the Grantors 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 |
|--------------------------------------------------------------------------------------------------------|-----------------------------------|
| State of Oregon<br>County of Klamath Tax Collector<br>305 Main Street<br>Klamath Falls, OR 97601       | Personal property tax warrant     |
| Peirson, LaMont, Carlson and Gregg, P.C.<br>1011 Liberty Street S.E.<br>PO Box 2780<br>Salem, OR 97308 | Decree of Dissolution             |
| Maria Laird<br>115 Pinney Street<br>Crescent, OR 97733                                                 | Occupant                          |

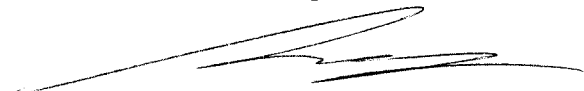
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiary of the entire amount then due (other than such 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

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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's fees not exceeding the amounts provided by ORS 86.753.

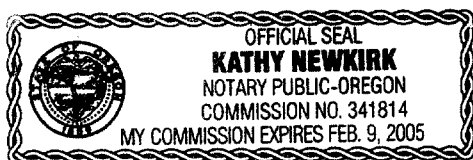
In construing this Notice, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by the Trust Deed, and the words "Trustee" and "Beneficiary" include their respective successors in interest, if any.

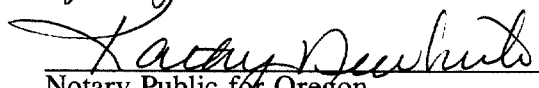
DATED July 29, 2004.

  
\_\_\_\_\_  
Scott, K. Warner, OSB #93509, Successor Trustee  
Yturri Rose LLP  
PO Box "S"  
Ontario, OR 97914  
Telephone: (541) 889-5368

STATE OF OREGON            )  
                                          ) ss.  
County of Malheur         )

This instrument was acknowledged before me on July 29, 2004, by Scott K. Warner, as Successor Trustee.



  
\_\_\_\_\_  
Kathy Newkirk  
Notary Public for Oregon  
My Commission Expires: 2-9-05

**IMPORTANT NOTICE REQUIRED BY 15 USC §1692g**

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.