

AFTER RECORDING, RETURN TO:

pk: Douglas R. Wilkinson
PO Box 70167
Eugene, OR 97401-0139

State of Oregon, County of Klamath
Recorded 09/14/04 8:32a m
Vol M04 Pg 61096-97
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

Send Tax Statements to:
NO CHANGE

NOTICE OF DEFAULT AND ELECTION TO SELL

Pursuant to ORS 86.735 and ORS 86.745, Douglas R. Wilkinson, Trustee, gives the following notice:

1. Douglas R. Wilkinson, Successor Trustee of a Deed of Trust dated September 25, 1985 and recorded on October 25, 1985 in Volume M85, Page 17398, Reception 54775, Mortgage Records of Klamath County, Oregon, hereby gives notice of default and notice of sale pursuant to the terms of said Deed of Trust. The mailing address of the Successor Trustee is 1011 Harlow Road, Suite 300, Springfield, OR 97477.
2. The Grantors of said Deed of Trust are Rodney Land and Helen Land, husband and wife, and the Beneficiary is Gaylord M. Carter and Robyn A. Carter, husband and wife.
3. The real property is described as follows:

All that portion of the SE 1/4 of Section 1, Township 32 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying West of the West right of way line of the Central Pacific Railway Company right of way, said West line being parallel to and distant 550 feet Westerly from the center line of said company's railway measured at right angles thereto.
4. The Grantors have defaulted by failing to make payments of the indebtedness secured by said Deed of Trust, which payments are past due. Property taxes are past due for the years 2000-2001 and 2002-2003.
5. The sum owing on the obligation secured by the Deed of Trust is \$93,023.82, plus, interest from August 15, 2004 at a rate of 12% per annum, plus any sums advanced by the Beneficiary pursuant to the terms of the Deed of Trust.
6. The Beneficiary has elected to sell the property secured by the Deed of Trust to satisfy the obligation noted above.
7. The sale will be held on **January 20, 2005 at 10:00 a.m.**, at the reception area of the law offices of William M. Ganong, 514 Walnut Avenue, Klamath Falls, OR 97601
8. Pursuant to ORS 86.753, the Grantor, the Grantor's successor in interest to all or any part of the trust property, any beneficiary under a subordinate trust deed, or any person having a

subordinate trust deed or any person having a subordinate lien or encumbrance of record on the property may cure the default or defaults at any time prior to five days before the date last set for the sale. If the sale consists of a failure to pay, when due, sums secured by paying the entire amount due at the time of cure under the terms of the obligation, other than such portion as would not then be due had no default occurred. Any other default of the trust deed that is capable of being cured may be cured by tendering the performance required under the obligation or trust deed. In any case, and in addition to paying the sum or tendering the performance necessary to cure the default, the person effecting the cure shall pay to the beneficiary all costs and expenses actually incurred in enforcing the obligation and trust deed together with trustees and attorneys fees in the amount of (a) a total of \$1,000 for both trustee's fees and attorneys fees, or the amount actually charged by the trustee and attorney, whichever is less, if the trust deed is a residential trust deed; or (b) reasonable attorney fees and trustee's fees actually charged by the trustee and attorney if the trust deed is not a residential trust deed. Any person entitled to cure the default may, either before or after reinstatement, request any court of competent jurisdiction to determine the reasonableness of the fee demanded or paid as a condition of reinstatement. The court may award attorney fees to the prevailing party. An action to determine reasonable attorney fees or trustee's fees under ORS 86.753(1) shall not forestall any sale or affect its validity.

DATED this 10th of September, 2004

Douglas R. Wilkinson
Douglas R. Wilkinson, Successor Trustee

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged before me on September 10th, 2004, by Douglas R. Wilkinson, Successor Trustee.

Susan A. Kime
Notary Public for Oregon

My Commission Expires: 3-16-07

