

Vol M04 Page 61730

Recording Requested By:
Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

State of Oregon, County of Klamath
Recorded 09/15/04 3:24 p m
Vol M04 Pg 61730-33
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

When Recorded Return To:

Aspen Title & Escrow, Inc.
525 Main Street
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

Aspen: 591666
COVER SHEET

DOCUMENT:

Notice of Default and Election to Sell

GRANTOR:

Jennifer L. Aspaas, Trustee

GRANTEE:

Russell L. Davis and Patricia L. Davis

04 SEP 15 PM 3:24

36

After recording return to:
 Bishop, White, Miersma & Marshall, P. S. fka Bishop, Lynch & White, P.S.
 720 Olive Way, #1301
 Seattle, WA 98101-1801
 Attn:

Ref: Davis, 349-x4481.01

NOTICE: UNLESS YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF WITHIN 30 DAYS AFTER RECEIPT OF THIS DOCUMENT, THIS OFFICE WILL ASSUME THE DEBT TO BE VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN THE 30-DAY PERIOD THAT THE DEBT OR ANY PORTION THEREOF IS DISPUTED, VERIFICATION OF THE DEBT WILL BE OBTAINED AND WILL BE MAILED TO YOU. UPON WRITTEN REQUEST WITHIN 30 DAYS, THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR, WILL BE PROVIDED.

NOTICE: WE ARE ATTEMPTING TO COLLECT A DEBT, ANY INFORMATION OBTAINED WILL BE USED FOR PURPOSES OF DEBT COLLECTING.

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by RUSSELL L. DAVIS and PATRICIA L. DAVIS, husband and wife, as grantor, to Todd Nemitz, as trustee, in favor of United Companies Funding, Inc., as beneficiary, dated April 28, 1998, recorded April 29, 1998, in the mortgage records of Klamath County, Oregon, in BOOK: M-98 PAGE: 14357, and re-recorded May 1, 1998, in the mortgage records of Klamath County, Oregon, in Book: M98 PAGE: 14726. The Beneficial interest in said Deed of Trust was assigned to Deutsche Bank National Trust Company fka Bankers Trust Company of California, N.A. as Custodian or Trustee Under the Applicable Custodial or Trust Agreement by an instrument recorded September 13, 2004 in the mortgage records of Klamath County, Oregon in BOOK: M-04 PAGE: 60875; covering the following described real property situated in said county and state, to-wit:

Lot 8, Tract No. 1302, EVERGREEN MEADOWS, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

Together with an affixed Manufactured Home Title Elimination under the mortgage records of Klamath County, Oregon in Book: M98 Page: 35300.

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 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 in interest with respect to provision therein which authorizes 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:

1.

Monthly Payments:

Delinquent monthly payments from March 1, 2000 through September 1, 2004

55	Payment(s) at	\$824.21	\$45,331.55
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Late Charges:

54	Late Charge(s) at for each monthly payment not made within 15 days of its due date:	\$5.00	270.00
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TOTAL MONTHLY PAYMENTS AND LATE CHARGES	\$45,601.55
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2. Delinquent Real Property Taxes, if any.

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:

Unpaid balance is \$173,203.56 as of September 14, 2004. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,500.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice.

Notice hereby is 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 11:00 a.m., in accord with the standard of time established by ORS 187.110 on January 26, 2005, at the following place: at the front entrance to the County Courthouse, located at 316 Main Street, 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), paying all advances authorized under the deed of trust, including all costs and expenses incurred in enforcing the obligation and trust deed, 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.

DATED: September 14th, 2004

STATE OF WASHINGTON)

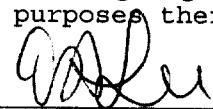
)

ss.

COUNTY OF KING)


Jennifer L. Aspaas, Trustee

On this 14th day of September, 2004, personally appeared Jennifer L. Aspaas, who acknowledged that she signed the within foregoing instrument as her free and voluntary act and deed for the uses and purposes therein mentioned.


PRINTED NAME: Esther Lee

Notary Public for Washington
My commission expires: 8-1-07

For Information Call:

Bishop, White, Miersma & Marshall, P. S. fka Bishop, Lynch & White, P.S.
720 Olive Way, Suite 1301

Seattle, WA 98101

(206) 622-7527

Ref: 349-x4481

FORBASE\OREGON\NOD.FRM REV 9/14/04

