

04 SEP 16 AM 10:52

Vol M04 Page 61868

State of Oregon, County of Klamath  
Recorded 09/16/04 10:52 a m  
Vol M04 Pg 61868-69  
Linda Smith, County Clerk  
Fee \$ 26.00 # of Pgs 2

NOTICE OF DEFAULT AND ELECTION TO SELL	
RE: Trust Deed from Hung Chanh Tran & Suezan M. Tran	Grantor
to Richard L. Biggs, Esq.	Trustee
AFTER RECORDING RETURN TO	
Richard L. Biggs, Esq. PMB 267 6327-C SW Capitol Highway Portland OR 97239	

*1st 433697*

**RICHARD L. BIGGS, SUCCESSOR TRUSTEE, HEREBY GIVES NOTICE OF DEFAULT AND ELECTION TO SELL:**

Reference is made to that certain trust deed made by Hung Chanh Tran and Suezan M. Tran, as grantor, to First American Title, as trustee, in favor of Washington Mutual Finance nka CitiFinancial Inc. a Maryland corporation (successor by merger with Western Credit Services Co., an Oregon corporation, doing business as Washington Mutual Finance) as beneficiary, dated January 17, 2002, recorded January 18, 2002, in the mortgage records of Klamath County, Oregon, as Volume M02, page 3708, covering the following described real property situated in the above-mentioned county and state, to-wit:

Lot 4, Block 6, ALTAMONT ACRES, in the County of Klamath, State of Oregon, EXCEPTING THEREFROM the following: Beginning at the Northwest corner of Lot 4 in Block 6; thence South 0°20' East along the West line of Lot 4, 71 feet; thence South 89°40' East 146 feet; thence North 0°20' West, 71 feet to the North line of said Lot 4; thence North 89°40' West 146 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that portion conveyed to Klamath County for roadway purposes in Volume M65, page 1197, records 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 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 grantor 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 grantor's failure to pay when due the following sums:

Monthly payments for April 2004 through September 2004, plus expenses, for a total of \$6,315.08, plus real property taxes for 2002-2003 through and including 2003-2004 and that portion of 2004-2005 that may be due.

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:

As of September 9, 2004, the principal sum of \$77,705.45, plus interest ; plus any sums advanced by the beneficiary or beneficiary's successor in interest for the protection of the above described property, plus attorney and trustee's fees incurred by reason of said default.

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 to cause to be sold at public auction to the highest bidder for cash the interest in the 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

*265*

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 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 11:00 a.m.**, in accord with the standard of time established by ORS 187.110 on **January 25, 2005, at the following place: Klamath County Courthouse, front entrance, 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.

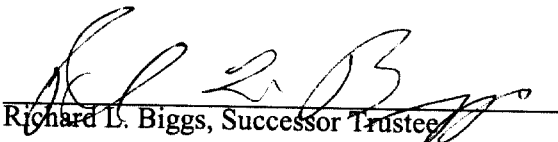
Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property, except:

<u>NAME AND LAST KNOWN ADDRESS</u>	<u>NATURE OF RIGHT, LIEN OR INTEREST</u>
None.	

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

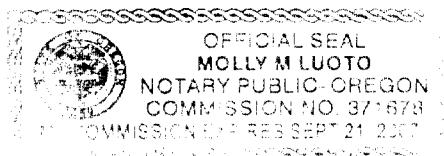
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.


Dated September 9, 2004

  
Richard L. Biggs, Successor Trustee

STATE OF OREGON, County of Multnomah ) ss.

This instrument was acknowledged before me on Sept. 9, 2004  
By Richard L. Biggs.



  
Notary Public for Oregon  
My Commission Expires: 9-21-07