## NOTICE OF DEFAULT AND ELECTION TO SELL

State of Oregon, County of Klamath
Recorded 10/15/04 9:23 a m
Vol M04 Pg 70/52-4
Linda Smith, County Clerk
Fee \$ 3/0° # of Pgs 3

RE: Trust Deed from Dorena A. Coon, Grantor

Beneficiary Amerititle, Inc.

To Paul A. Barker and Anselma Barker, or the survivor, Beneficiary

AFTER RECORDING RETURN TO:
Scott D. MacArthur, Successor Trustee
MacArthur & Bennett, P.C.
280 Main Street
Klamath Falls, OR 97601

## NOTICE OF DEFAULT AND ELECTION TO SELL

KNOW ALL MEN BY THESE PRESENTS, that DORENA A. COON, is the grantor, and AMERITITLE, INC., is the trustee, and PAUL A. BARKER and ANSELMA BARKER, or the survivor, is the beneficiary under that certain trust deed dated August 9, 2001, and recorded on August 15, 2001, in book/reel/volume No. M01 at page 41181 of the Mortgage Records of Klamath County, Oregon.

A portion of Lots 3 and 4 of Block 7 of FIRST ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the Office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Northwesterly boundary of said Lot 3, which is South 38 degrees 45' West a distance of 46 feet from the most Northerly corner of said Lot 3; thence South 51 degrees 15' East 37.8 feet, more or less, to the edge of an existing concrete sidewalk; thence South 39 degrees 13' East along the edge of said sidewalk a distance of 1 foot; thence South 51 degrees 25' East along the edge of said sidewalk 71.2 feet, more or less, to a point on the Southeasterly boundary of said Lot 3, from which the most Southerly corner of said Lot 3 bears South 38 degrees 34' West a distance of 6 feet; thence South 38 degrees 45' West a distance of 40 feet to a point which is North 38 degrees 45' East a distance of 18 feet from the most Southerly corner of said Lot 4; thence Northwesterly at right angles to Doty Street a distance of 110 feet; thence Northeasterly along the Southeasterly line of Doty Street a distance of 40 feet, more or less to the point of beginning.

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.

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 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:

Payments in the amount of \$362.18 per month from August, 2004 through the present.

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: \$40,353.27 as of August 30, 2004, plus interest.

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 Oregon Revised Statutes Sections 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for case the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed, together with any interest the grantor or his 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 compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney.

Said sale will be held at the hour of 10:00 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on March 1, 2005, at the following place: 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or 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:

## NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN OR INTEREST

Dorena A. Coon 3488 Chandler Circle Bay Point, CA 94565 Default upon Trust Deed

Dorena A. Coon 712 Doty Street Klamath Falls, OR 97601 Default upon Trust Deed

Notice is further given that any person named in Section 86.753 of Oregon Revised

Statutes has the right, at any time prior to five days before the trustee conducts 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 Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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: October 14, 2004.

Scott D. MacArthur Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this // day of Office , 2004, by Scott D. MacArthur.

OFFICIAL SEAL

TAMRA M. WORTHINGTON

NOTARY PUBLIC-OREGON
COMMISSION NO. 366780
MY COMMISSION EXPIRES MARCH 19, 2007

Before me: Janua M. Washkung to Notary Public for Oregon
My Commissioner Expires: Masch 19, 07