

'04 DEC 15 AM 9:52

Vol M04 Page 85758

State of Oregon, County of Klamath
Recorded 12/15/04 4:52 a m
Vol M04 Pg 85758-60
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 JACQUELYNE M. MESSER, Grantor, AMERITITLE as trustee, and LESLIE E. NORTHCUTT & NORMA V. NORTHCUTT, are the beneficiaries under that certain trust deed dated November 1, 1996, and recorded November 4, 1996, in Volume No. M96 page 34754, Microfilm Records of Klamath County, Oregon, covering the following-described real property.

In Klamath County, Oregon:

The East Half of Lots 19 and 20 in Block 14 of INDUSTRIAL 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.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default of which the foreclosure is made is grantor's failure to pay when due the following sums:

Payments totaling \$7,265.66 plus interest in the amount of \$6.4479 per day from December 15, 2004, plus the following real property taxes: Taxes for the fiscal year 2002-2003, partially paid, balance due \$292.20 plus interest, taxes for the fiscal year 2003-2004, delinquent in the amount of \$379.23 plus interest, taxes for the fiscal year 2004-2005, a lien now due and payable, in the amount of \$385.73 plus interest. Account No: 3809-033BA-17300-000; Key No. 416035.

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:

\$29,321.02 plus interest in the amount of \$6.4479 per diem from December 15, 2004, plus the following real property taxes: Taxes for the fiscal year 2002-2003, partially paid, balance due \$292.20 plus interest, taxes for the fiscal year 2003-2004, delinquent in the amount of \$379.23 plus interest, taxes for the fiscal year 2004-2005, a lien now due and payable, in the amount of \$385.73 plus interest. Account No: 3809-033BA-17300-000; Key No. 416035.

WHEREFORE, notice hereby is given that the undersigned trustee will on April 28, 2005, at the hour of 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110, at the office of Justin Throne, 280 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy

NOTICE OF DEFAULT
AND ELECTION TO SELL
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pc Justin Throne
Attorney at Law
280 Main Street
Klamath Falls OR 97601

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the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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 to 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 of 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.

We are attempting to collect a debt and any information we obtain will be used for that purpose. The debt described in the Notice of Sale is assumed to be valid unless debtor disputes within 30 days and that, if disputed, debt collector will obtain and furnish to debtor the verification. If written request is made within 30 days by debtor, name of original lender will be given if different than the current creditor.

Written requests should be addressed to: Justin Throne, Attorney at law, 280 Main street, Klamath Falls OR 97601.

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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: 12/15/04



Trustee

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON]
] ss.
 County of Klamath]

I, JUSTIN THRONE, being duly sworn, depose and say and certify that:

At all times hereinafter mentioned I was and am now a resident of the State of Oregon, a competent person over the age of eighteen years and not the beneficiary or his successor of interest named in the attached original notice of sale given under the terms of that certain trust deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons at their respective last known addresses, to-wit:

Jacqueline M. Messer
 aka Jacqueline M. De France
 PO Box 81061
 Billings MT 59108

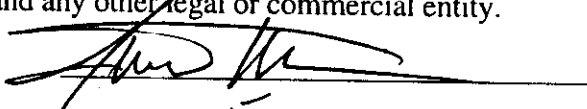
Gregory M. Mickle
 PO Box 529
 Terrebonne OR 97760

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice (c) any person, including the Department of Revenue or any other state agency, having a lien or interest, subsequent to the trust deed if the lien or interest appears of record of the beneficiary has actual notice of the lien or interest, and (d) any person request notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be true copy of the original notice of sale by JUSTIN THRONE, attorney for the trustee named in said notice; each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office at Klamath Falls, Oregon, on December 15, 2004, as mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

SUBSCRIBED AND SWORN to before me this 15 day of December, 2004.


 Notary Public of Oregon
 My Commission expires:

Justin Throne
 Attorney at Law
 280 Main Street
 Klamath Falls OR 97601