

State of Oregon, County of Klamath  
Recorded 01/12/05 3:29 p m  
Vol M05 Pg 02587-90  
Linda Smith, County Clerk  
Fee \$ 36<sup>00</sup> # of Pgs 4

*js 005-7*  
**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain Trust Deed made, executed and delivered by **NATHAN ALLEN BIGBY and JANE BIGBY**, as the **GRANTOR**; **FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON** is the **TRUSTEE**; and **AZELINE WITT**, as the **BENEFICIARY**, under that Trust Deed dated April 24, 2003 in Volume No. M03 at Page 27832 in the Official Records of Klamath County, State of Oregon, given to secure payment of a Promissory Note in the amount of fifteen thousand five hundred dollars (\$15,500.00), with interest thereon at the rate of thirteen percent (13%) per annum, until paid.

The Deed of Trust covers the following described real property located in Jackson County, State of Oregon:

**SEE EXHIBIT "A" ATTACHED**

The Note and Trust Deed are delinquent. The default for which foreclosure is made is Grantor's failure to pay the following:

1. Failure to pay the assessments due the Klamath Irrigation District in the sum of one thousand one hundred seventy-six dollars (\$1,176.00);
2. Failure to pay the monthly payments on the Note beginning with the month of June 2004, and all subsequent months.
3. Failure to pay and failure to furnish proof that the real property taxes are paid.
4. Failure to pay the insurance and failure to furnish proof that Azeline Witt is named as an additional insured.
5. Failure to pay attorney fees and collection costs.

By reason of Grantor's defaults, the Beneficiaries have declared all sums owing on the obligation secured by the Trust Deed immediately due and collectible, said sums being the following:

*The sum of eighteen thousand four hundred ninety-nine dollars (\$18,499.00), with interest paid to May 1, 2005.*

*Notice is given that the Beneficiary and Trustee, by reason of the defaults, have elected and do elect to foreclose the Trust Deed by advertisement and sale pursuant to ORS Sections 86.705 to 86.795 and to cause to be sold at public auction to the highest bidder for cash the interest in the above-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 of the Grantor or his successors in interest acquired after execution of the Trust Deed, to satisfy the obligations secured by the Trust Deed and the expenses of sale, including the compensation of the Trustee, as provided by law and the reasonable fees of Trustee's attorneys.*

**SAID SALE WILL BE HELD AT THE HOUR OF 10:00 A.M., STANDARD TIME, as established by Section 187.110 of the Oregon Revised Statutes on **WEDNESDAY, JUNE 15, 2005, ON THE FRONT STEPS OF THE OFFICES OF JUSTIN THRONE, ATTORNEY AT LAW, LOCATED AT 280 WEST MAIN STREET, KLAMATH FALLS, OREGON, 97601**, which is the hour, date and place fixed by the trustee for said sale.**

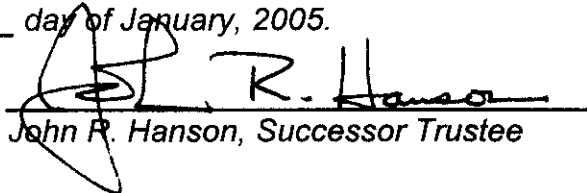
*Other than as shown of record, neither the Beneficiary or the Trustee has any actual notice of any person having or claiming to have a lien upon or interest in the real property subsequent to the interest of the Trustee in the Trust Deed, or of any successor in interest to the Grantor or of any lessee or of any person in possession or occupying the property.*

*NOTICE IS FURTHER GIVEN that any person named in Section 86.753 of the Oregon Revised Statutes has the right, at any time prior to five (5) 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, and by curing any other default complained of herein that is capable by 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 the Trustee's fees and attorney's fees, not exceeding the amounts provided by Section 86.753 of the Oregon Revised Statutes.

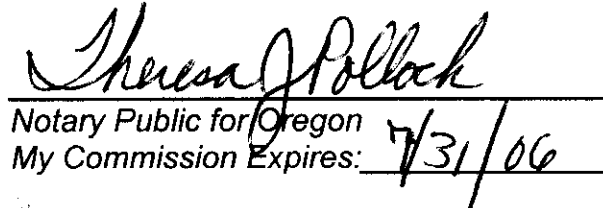
In construing this Notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to grantor, as well as any other person owing an obligation, the performance of which is secured by said Trust Deed, and the words "trustee" and "beneficiary" include the respective successors in interest, if any.

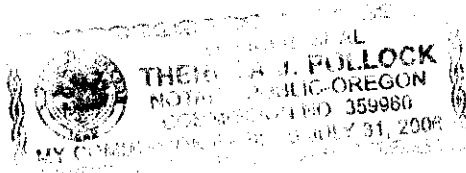
DATED this 10 day of January, 2005.

  
John R. Hanson, Successor Trustee

STATE OF OREGON       )  
                                      )ss.  
County of Jackson     )

On the 10<sup>th</sup> day of January, 2005, before me personally appeared John R. Hanson, Successor Trustee, and acknowledged the foregoing instrument to be his voluntary act and deed.

  
Notary Public for Oregon  
My Commission Expires: 7/31/06



**LEGAL DESCRIPTION:**

A parcel of land situated in the SE 1/4 of the NE 1/4 of Section 25, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Westerly right of way line of State Highway No. 39, said point being South 1,796.87 feet and South 89°47'00" West 30.00 feet from the Northeast corner of Section 25; running thence South 89°47'00" West 343.50 feet; thence South 193.47 feet to the lands described in Book 100 page 457, Deed records of Klamath County, Oregon; thence along the Northerly boundary of said described lands, East 343.50 feet to the Westerly right of way line of State Highway No. 39; thence along said right of way line, North 194.76 feet to the point of beginning. (Being Parcel 3 of Partition No. 36-85)