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'05 JAN 28 PM 3:32

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from

ELIZABETH ANN ADA

To

Grantor

FIRST AMERICAN TITLE

(NEAL G. BUCHANAN ATTORNEY AT LAW, SUCCESSOR)

Trustee

After recording, return to (Name, Address, Zip):

NEAL G. BUCHANAN

435 Oak Ave.

Klamath Falls, OR 97601

Vol M05 Page 06607

State of Oregon, County of Klamath
Recorded 01/28/05 3:32 P m
Vol M05 Pg 06607-9
Linda Smith, County Clerk
Fee \$ 3.00 # of Pgs 3

Reference is made to that certain trust deed made by Elizabeth Ann Ada

_____, as grantor, to
First American Title Insurance (Neal G. Buchanan, Attorney at Law, as successor) _____, as trustee,
in favor of Donald E. Wilhite and Geraldine L. Wilhite or the survivor thereof _____, as beneficiary,
dated November 9, 2001 _____, recorded on November 9, 2001 _____, in the Records of
Klamath _____ County, Oregon, in book/reel/volume No. M01 _____ at page 57730 _____, and/or as
fee/file/instrument/microfilm/reception No. _____ (indicate which), covering the following described real property
situated in the above-mentioned county and state, to-wit:

Lot 3, Block 7, of Tract No. 1025 Winchester, according to the official plat thereof on file
in the office of the County Clerk of Klamath County, Oregon.

Map Lot No. 3909-011CD-11700

Property ID No. 556231

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 Records of the county or counties in which the above-described real property is situated. Further, 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 grantor or other person owing an obligation, 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 installment payment due the 9th day of August, 2004; such monthly installment payment consisting of interest only payments at the rate of 13% per annum on the unpaid balance (\$35,000.00) from July 28, 2004; together with late payment fees consisting of 5% of any installment not received within 15 days of the date due; and failure of the grantor to pay certain liens, charges and judgments contrary to paragraph 5 of the Trust Deed; and the grantor's conveyance of the fee interest in the property contrary to the restraint on alienation contained in the Trust Deed; and all costs and expenses including evidence of title and the beneficiaries' or trustee's attorney fees.

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: Unpaid principal balance in the sum of \$35,000.00 together with interest thereon at the rate of 13% per annum from July 28, 2004 until paid; together with a late fee equal to 5% of any installment not received within 15 days of the due date; together with payment of all liens, assessments and other charges that have been levied or assessed upon or against the property; together with all costs and expenses, including evidence of title and the beneficiaries' or trustee's attorney fees.

(OVER)

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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 grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or 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 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110 on June 15, 2005, at the following place: Law Offices of Neal G. Buchanan,
435 Oak Avenue 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 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

SEE THE ATTACHED EXHIBIT A, attached hereto and incorporated herein by this reference herein as if fully set forth.

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 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 JANUARY, 2005

Neal G. Buchanan
 NEAL G. BUCHANAN

Successor ☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on January, 2005
 by Neal G. Buchanan

This instrument was acknowledged before me on _____
 by _____
 as _____
 of _____

Marsha Cobine
 Notary Public for Oregon
 My commission expires 11-7-07



EXHIBIT A

<u>Name and Last Known Address</u>	<u>Nature of Right, Lien or Interest</u>
Elizabeth Ann Ada 5396 Hwy. 66 #B Klamath Falls, OR 97601	Trust Deed Grantor
Elizabeth Ann Ada 208 East Main St. Klamath Falls, OR 97601	"
Aaron Powless 4738 Sturdivant Ave. Klamath Falls, OR 97603	Fee owner
Klamath Irrigation District 6640 KID Lane Klamath Falls, OR 97603	Notice of Lien recorded 5-6-03 Vol. M03, Page 30052, records of Klamath County, Oregon
Credit Services of OR P.O. Box 1208 Roseburg, OR 97470	Judgment in Klamath County Circuit Court Case No. 0204273CV entered 2-6-03
Jeffrey J. Hasson Attorney for Credit Services of OR 12707 N.E. Halsey St. Portland, OR 97230	attorney fee Judgment in Klamath County Circuit Court Case No. 0204273CV
Klamath County Planning Dept. c/o Reginald Davis, County Counsel 305 Main Street Klamath Falls, OR 97601	Judgment in Klamath County Circuit Court Case No. 0403411CV entered 10-27-04
Carter-Jones Collection Service, Inc. c/o Kent Pederson, Registered Agent 1143 Pine Street Klamath Falls, OR 97601	Judgment in Klamath County Circuit Court Case No. 0200560CV entered 11-2-04 and pending Case No. 0404102CV