

05 APR 18 PM 11:12

Vol M05 Page 26856

Re: Trust Deed

From: KATHRYN DIMICK and BENJAMIN V. HERNANDEZ, Successors in Interest of JOHN H. SPARKES, TRUSTEE OF THE JOHN H. SPARKES LIVING TRUST, Grantor.

To: CARL D. AND NORMA STANFIELD,

Dated: August 6, 2002.

State of Oregon, County of Klamath
Recorded 04/18/2005 11:12 m
Vol M05 Pg 26856-58
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

AFTER RECORDING RETURN TO:

O/c MacArthur & Bennett, P.C.
635 Main Street
Klamath Falls, OR 97601

NOTICE OF DEFAULT AND ELECTION TO SELL (AMENDED)

Reference is made to that certain trust deed made by JOHN H. SPARKES, TRUSTEE OF THE JOHN H. SPARKES LIVING TRUST as Grantor, and assumed by Kathryn Dimick and Benjamin V. Hernandez by consent agreement dated June 5, 2004, to ASPEN TITLE ANDESCROW, INC as Trustee, in favor of Carl D. Stanfield and Norma Stanfield, as Beneficiaries, an estate in fee simple dated August 6, 2002, and recorded August 7, 2002 in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M02 at page 44424, covering the following described real property situated in said county and state, to-wit:

Lots 6, 7, 8 and 9 of WEST CHILOQUIN and the alley adjoining said Lots 6 and 7, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon, and a portion of Lot 1 of Block 6 of WEST CHILOQUIN according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon LESS the following:

Beginning at the Southwesterly corner of said Lot 1; thence Easterly along the line between lots 1 and 2 to the Westerly line of Wasco Avenue; thence Northerly along said Westerly line 69 feet; thence Westerly parallel to the line between Lots 1 and 2 to the Easterly line of an alley as shown on the plat; thence Southerly along said line to the point of beginning.

Tax Account No.: 3407 034CA 08100-000 and 3407 034CA 08200-000

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 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:

Payment in the amount of \$1,191.96 plus interest for February, March and April 2005.

Current insurance and copy of current policy.

Property taxes in the amount of \$1,778.24.

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: \$111,827.99 as of March 14, 2005, 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 cash 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 August 10, 2005, at the following place: 635 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

Kathryn Dimick and Benjamin Hernandez
320 Chocktoot
Chiloquin, OR 97624

Default on Trust Deed M-02-44424

Kathryn Dimick
43643 Hwy 62
Chiloquin, OR 97624

Default on Trust Deed M-02-44424

Benjamin V. Hernandez
P.O. Box 1049
Chiloquin, OR 97624

Default on Trust Deed M-02-44424

John H. Sparkes, Trustee of the
John H. Sparkes Living Trust
P.O. Box 439
Chiloquin, OR 97624

Default on Trust Deed M-02-44424

Eileen Sparkes
P.O. Box 557
Chiloquin, OR 97624

Grantor of Trust Deed M-03-28390

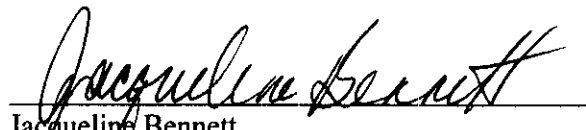
Sysco Food Services of Portland
26250 sw Parkway Center Drive
Wilsonville, OR 97070

Judgment Creditor, dated 3/24/05
Klamath County Case # 0500370CV
Docketed 3/28/05

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.

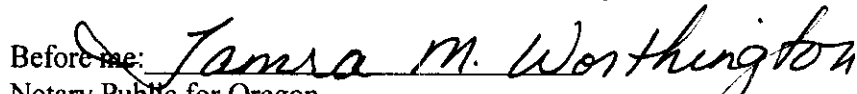
In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the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

DATED: April 18, 2005.


Jacqueline Bennett
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 18th day of April, 2005, by Jacqueline Bennett.

Before me: 
Notary Public for Oregon
My commission expires: March 19, 07

