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mtc-69452

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After recording return to:

AmeriTitle, Inc.  
P.O. Box 1609  
1495 NW Garden Valley Blvd  
Roseburg, OR 97470

State of Oregon, County of Klamath  
Recorded 04/21/2005 2:57p m  
Vol M05 Pg 28184-85  
Linda Smith, County Clerk  
Fee \$ 26.02 # of Pgs 2

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by RUSSELL MAILLOUX and LARRY CALDWELL, not as tenants in common but with full rights of survivorship as grantor\*, to Aspen Title & Escrow, Inc. as trustee, in favor of BARBARA A. JOHNSON, Successor Trustee of the Nellie L. Packard Trust dated June 3, 1993 as beneficiary, dated December 12, 1999 and recorded December 14, 1999, in Volume M99 at Page 49101, Deed Records of **Klamath County**, Oregon, covering the following described real property situated in said county and state:

Lots 35 and 36, Block 7, ST. FRANCIS PARK, in the County of Klamath and State of Oregon.

\*Grantors interest was assumed by Orville Lee Inselman by Bargain & Sale Deed recorded February 28, 2001 in Volume M01 at Page 7801, Klamath County Deed Records.

COMMONLY KNOWN AS: **4667 Boardman Avenue**  
**Klamath Falls, OR 97603**

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 deed 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 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 provisions; the default for which foreclosure is made is grantor's failure to pay when due the following sums:

Monthly payments in the amount of \$440.26, due for March, 2005, through present, plus late charges, delinquent property taxes and advances by beneficiary, if any.

By reason of default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being \$56,881.23, plus interest, accrued late charges and advances.

Notice is hereby 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, and to cause to be sold at public auction to the highest bidder for cash in the form of a Cashier's Check the interest in the said described property which the grantor had, or had the power to convey, at the time of 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 compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

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Sale will be held at the hour of 10:00 o'clock A.M., Pacific Time as established by Oregon Revised Statutes on September 7, 2005 at the offices of AmeriTitle, Inc. located at 300 Klamath Avenue, in the City of Klamath Falls, County of Klamath, and State of Oregon, which is the hour, date and place fixed by the trustee for said 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 the grantor or of any lessee or other person in possession of or occupying the property.

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 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 this 15<sup>th</sup> day of April, 2005.

AmeriTitle, Inc., Trustee

By Barbara L. Thomas  
Barbara L. Thomas, Assistant Secretary

STATE OF OREGON

COUNTY OF Douglas

} ss:

Personally appeared on April 15, 2005, Barbara L. Thomas, Assistant Secretary of AmeriTitle, Inc., who acknowledged said instrument.

Before me:

Arlene R. Rynearson  
Notary Public of Oregon  
My Commission Expires: 10-17-2008

BLT: BT

