

**NOTICE OF DEFAULT AND ELECTION TO SELL**

RE: Trust Deed from Aaron Nevel and Laura Nevel, Grantor

To RobertJ. Digiacommo and Susan L. Digiacommo, with full rights of survivorship,  
Beneficiary

AFTER RECORDING RETURN TO: Successor Trustee  
Scott D. MacArthur, P.C.  
635 Main Street  
Klamath Falls, OR 97601

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to that certain trust deed made by AARON NEVEL AND LAURA NENEL, as grantor, to AMERITITLE, INC., as trustee, in favor of ROBERT J. DIGIACOMO and SUSAN L. DIGIACOMO with full rights of survivorship, as beneficiary, dated October 15, 2003, recorded October 16, 2003, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M03 at page 76996, covering the following described real property situated in said county and state, to-wit:

A portion of Lot 2, Block 64, NICHOLS ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the most Easterly corner of said Lot 2, and running Northwesterly parallel with 8<sup>th</sup> Street, 120 feet; thence Southwesterly at right angles to 8<sup>th</sup> Street 48.74 feet; thence Southeasterly parallel with 8<sup>th</sup> Street 120 feet; thence Northeasterly at right angles with 8<sup>th</sup> Street 48.75 feet to the place of beginning.

Tax Account No. 3809-029DC-20900-000 Key No. 370486

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 situate; 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:

Payments in the amount of \$425.00 per month for December 2004 and since July 2005.

Failure to keep the property free of liens as evidenced by Lien in favor of the State of Oregon, Employment Department filed March 9, 2005 in the amount of \$196.13 plus interest, as listed below.

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: \$37,416.72 as of June 20, 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 January 6, 2006, 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
Aaron Nevel 727 Lincoln Street Klamath Falls, OR 97601	Default upon Trust Deed
Laura Nevel 727 Lincoln Street Klamath Falls, OR 97601	Default upon Trust Deed
Aaron Nevel P.O. Box 987 Klamath Falls, OR 97601	Default upon Trust Deed

Laura Nevel  
P.O. Box 987  
Klamath Falls, OR 97601

Default upon Trust Deed

Oregon Employment Department  
875 Union Street, N.E. Room 107  
Salem, OR 97311-0030

State Tax Warrant, Warrant No. B22406  
Recorded March 9, 2005  
Volume M-05, Page 15550, \$196.13  
plus Interest

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.

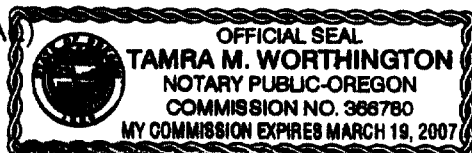
DATED: August 26, 2005.

  
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Scott D. MacArthur  
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of August, 2005, by Scott D. MacArthur.

(SEAL)



Before me: Tamra M. Worthington  
Notary Public for Oregon  
My Commission Expires: March 19, 07