

Recording Requested By:  
Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

State Of Oregon, County Of Klamath

**M05-63424**

09/02/2005 10:25:10 AM

# Of Pages 4 Fee: \$36.00

When Recorded Return To:

Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

ATE 10707

## COVER SHEET

**DOCUMENT: Notice of Default and Election to Sell**

**GRANTOR: Kelly D. Sutherland**

**GRANTEE: Linda J. Walden**

**DATE: 9-02-2005**

This document is being recorded as an  
accommodation only. No information  
contained herein has been verified.

**Aspen Title & Escrow, Inc.**

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AFTER RECORDING RETURN TO:  
Shapiro & Sutherland, LLC  
12500 SE 2nd Circle, Suite 120  
Vancouver, WA 98684  
05-18203

## **NOTICE OF DEFAULT AND ELECTION TO SELL**

A default has occurred under the terms of a trust deed made by Linda J. Walden, as grantor to AmeriTitle, as trustee, in favor of Trustees of the Jensen Living Trust, as beneficiary, dated August 1, 1997, recorded August 18, 1997, in the mortgage records of Klamath County, Oregon, in Volume M97, at Page 27090, beneficial interest having been assigned to Western United Life Assurance Company, as covering the following described real property:

See complete Legal Description attached hereto as Exhibit "A"

**COMMONLY KNOWN AS:** 12121 Highway 66, Klamath Falls, OR 97601

Kelly D. Sutherland, Successor Trustee, hereby certifies 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 except as permitted by ORS 86.735(4).

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:

Monthly payments in the sum of \$419.00, from February 18, 2005, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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:

\$39,805.09, together with interest thereon at the rate of 8% per annum from January 18, 2005, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclosure said 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 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.

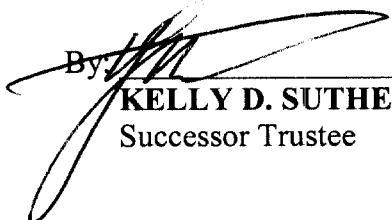
Said sale will be held at the hour of 11:00 AM, in accordance with the standard time established by ORS 187.110 on January 11, 2006, at the following place: at the main entrance of the Klamath County Courthouse, located at 316 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

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 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 attorneys fees not exceeding the amounts provided by said ORS 86.753.

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.

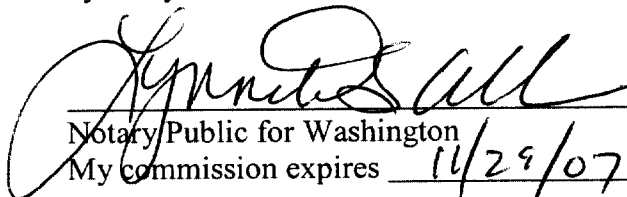
The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

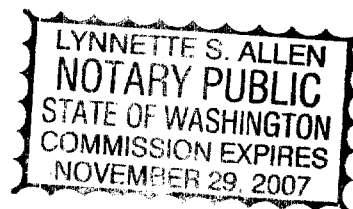
Dated: 8/31/05

By  KELLY D. SUTHERLAND  
Successor Trustee

STATE OF WASHINGTON            )  
  ) SS.  
COUNTY OF CLARK            )

SUBSCRIBED AND SWORN to before me this 31st day of August, 2005,  
by Kelly D. Sutherland, Successor Trustee.

  
\_\_\_\_\_  
Notary Public for Washington  
My commission expires 11/29/07



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

The following described real property in Klamath County, Oregon:

A portion of the NE1/4 NE1/4 of Section 32 and of the NW1/4 NW1/4 of Section 33, Township 39 South, Range 8 East of the Willamette Meridian, described as follows:

PARCEL NO. 1: Beginning at a point 25 feet West of the Section corner common to Sections 28, 29, 32 and 33, Township 39 South, Range 8 East of the Willamette Meridian, thence South 0 degrees 21' East parallel to the Section line a distance of 558.25 feet, more or less, to the South line of property described in Deed Volume 324, page 146, Records of Klamath County, Oregon; thence South 89 degrees 50' West a distance of 95 feet to the Northeast corner of the C.S. Hull tract; thence South 0 degrees 32' West along the said Hull tract line fence 760.32 feet, more or less, to the Northerly line of the State Highway #66; thence North 72 degrees 38' East along said Highway line 346.44 feet to a stake, thence North 0 degrees 21' West to the Southeast corner of property described in Deed Volume 324 at page 146, Klamath County Records; thence South 89 degrees 50' West a distance of 225 feet, more or less, to the point of beginning; SAVING AND EXCEPTING a tract containing 1 acre, more or less, out of the Southeast corner of the above described tract having a frontage on the Highway of 110 feet; and further described as follows:

Beginning on the Highway at a point 110 feet Southwest of the Southeast corner of the above tract; thence Northeasterly along the Highway 110 feet to the Southeast corner thereof; thence North 0 degrees 21' West 388 feet; thence West to a point North 0 degrees 21' West of the point of beginning; thence South to the point of beginning.

PARCEL NO. 2: That portion of the NW1/4 of NW1/4 of Section 33, Township 39 South, Range 8 East of the Willamette Meridian, described as follows: Beginning on the North right of way line of the Klamath Falls-Ashland Highway at a point from which the Northwest corner of said Section 33 bears North 25' 40' West a distance of 1,230.25 feet thence South 72 degrees 38' West along the North right of way line of said highway a distance of 160.7 feet, thence North 0 degrees 21' West 190 feet to the true point of beginning, which point of beginning is on the Easterly boundary of a parcel of land deeded to R.A. Jameson, et ux, in a Deed dated August 2, 1943, and recorded November 15, 1943, in Volume 159 at page 581 of Deed Records, Klamath County, Oregon, thence North 9 degrees 21' West 210 feet, thence South 89 degrees 39' West 153.4 feet, thence South 0 degrees 21' East 210 feet; thence North 89 degrees 39' East to the point of beginning.