

**M05-65893**

Klamath County, Oregon

10/06/2005 08:13:17 AM

Pages 2 Fee: \$31.00

Kathleen Benvegno  
28575 Kootenai Street  
Sprague Rvier, OR 97639

John W. Weil, Successor Trustee  
1100 S.W. Sixth Avenue, Suite 1507  
Portland, Oregon 97204

**After recording return to:**

John W. Weil  
1100 S.W. Sixth, Suite 1507  
Portland, Oregon 97204

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Reference is made to the deed of trust made by Kathleen Benvegno, as grantor, to John W. Weil, as successor trustee, in favor of Oakwood Acceptance Corporation, as beneficiary, dated July 1, 1999, recorded on July 20, 1999, in Volume M99, Page 28886 in the Records of Klamath County, Oregon, which deed of trust was duly assigned to Vanderbilt Mortgage and Finance, Inc. by assignment recorded August 1, 2005 in Volume M05, Page 59689 in the Records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to-wit:

LOTS 163 AND 164 IN BLOCK 31 OF FORUTH ADDITION TO NIMROD RIVER PARK,  
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE  
COUNTY CLERK OF KLAMATH COUNTY, OREGON.

Tax Map Reference: r3611-008b0-001500

Together with the manufactured home located thereon described as a 1994 Fleetwood  
SpringPointe, Serial No. ORFLR48A1798OSP.

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 grantor's successor in interest, performance of which is secured by the trust deed, with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantors' failure to pay when due the following sums:

Failure to make monthly payments of \$452.63 each due on the 9<sup>th</sup> day of October, 2004 through September 26, 2005.

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:

\$50,655.47, plus \$5,381.66 interest, late charges and miscellaneous fees through September 26, 2005; plus 8.99% interest thereon; plus attorney and trustee's fees and costs; plus \$180.00 property report.

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,

216 ✓  
+5

and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantors have, or have the power to convey, at the time of the execution by grantors of the trust deed, together with any interest grantor or grantors' successor 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 **11:00 A.M.**, in accord with the standard of time established by ORS 187.110 on **March 17, 2006**, at the following place: main lobby of the **Klamath County Courthouse, 316 Main Street, Klamath Falls, OR 97601**, which is the hour, date and place last set for the sale.

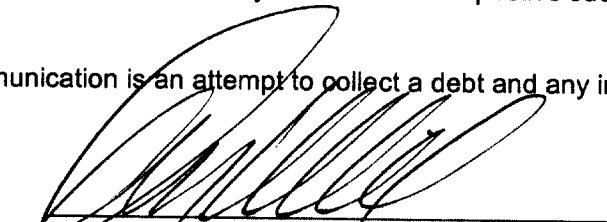
Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to grantors or of any lessee or other person in possession of or occupying the property.

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.

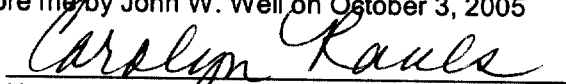
We are a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

DATED: October 3, 2005

  
John W. Weil, Successor Trustee  
1100 SW Sixth Avenue, Suite 1507  
Portland, OR 97204  
Telephone: (503) 226-0500

STATE OF OREGON    )  
                                  ) ss.  
County of Multnomah    )

This instrument was acknowledged before me by John W. Weil on October 3, 2005

  
Notary Public for Oregon  
My Commission Expires: 8-30-2006

