

M06-08213

Klamath County, Oregon

04/26/2006 03:21:34 PM

Pages 3 Fee: \$31.00

After recording, return to:

Kilmer, Voorhees & Laurick, P.C.
732 NW 19th Avenue
Portland, OR 97209
Attn: James P. Laurick

1st 782006

(Space Reserved for Recorder's Use)

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Shirl Mitchell and John Boyd, as the grantors, to Nancy L. Peterson, as the trustee, in favor of Green Tree Financial Servicing Corporation, as the beneficiary, dated August 4, 1998, recorded on September 2, 1998, in the Records of Klamath County, Oregon ☐ book ☐ reel ☐ volume No. M98 at page 32337, and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. ____ covering the following described real property situated in the above-mentioned county and state, to wit:

Parcel 3 of Land Partition 14-97, being a portion of a tract of land situated in the NE1/4 of the NE1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

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 other person owing an obligation, performance of which is secured by the trust deed, or by the 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 the following sums:

SEE ATTACHED EXHIBIT "A"

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:

SEE ATTACHED EXHIBIT "A"

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, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor-in-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 1:00 o'clock, PM, in accord with the standard of time established by ORS 187.110 on September 29, 2006, at the following place: Klamath County Courthouse, 316 Main Street, Klamath Falls, OR 97601, in the city of Klamath Falls, county of Klamath, state of Oregon, which is the hour, date, and place last set for sale.

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Page 1 of 2

31F

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 grantor of any lessee or other person in possession of or occupying the property, except:

Name and Last Known address

Shirl Mitchell and John Boyd
3027 Crest Street
Klamath Falls, OR 97603

Nature of Right, Lien, or Interest

Grantors on certain Deed of Trust

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.

Dated: 4-24-06

[Signature]

Successor ☒ Trustee ☐ Beneficiary (indicate which)

STATE OF Oregon)
County of Mitchell) ss

This instrument was acknowledged before me on this 24th day of April
by James P. Lammick
as Successor Trustee
of Green Tree Financial Corporation

[Signature]
Notary Public for Oregon
My commission expires: 6-16-2010

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EXHIBIT A**DEFAULT AMOUNT**

Payment Date	Amount	Insurance
11/15/05	\$554.33	\$25.93
12/15/05	\$554.33	\$25.93
01/15/06	\$554.33	\$25.93
02/15/06	\$554.33	\$25.93
03/15/06	\$554.33	\$25.93
04/15/06	\$554.33	\$25.93
		\$
		\$
		\$
TOTAL	\$3,325.98	\$155.58

TOTAL DEFAULT: \$3,481.56

TOTAL DUE AND OWING

Principal	\$70,358.34
Interest	\$3,153.50
Late Charges	<u>\$15.00</u>
Total	\$73,526.84
Per diem of \$15.40	

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