

2007-000753

Klamath County, Oregon



01/16/2007 02:44:14 PM

Fee: \$26.00

RETURN TO:
Brandsness, Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

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

1st 958832

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

Michael Gardner and Lydia Gardner, Grantor; First American Title Insurance Company of Oregon, Trustee; and Bruce E. Brink, Beneficiary, recorded in Official/Microfilm Records, Volume M06, Page 13447, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 21111 Darrow, Klamath Falls, Oregon ("Property"):

See attached Exhibit "A"

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Failed to make the full monthly payment due on July 30, 2006 and monthly payments thereafter;
failed to pay 2006-2007 Klamath County real property taxes.

By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

The sum of \$88,454 plus interest thereon at the rate of 8.5% from July 31, 2006, until paid; plus unpaid accrued interest of \$7.57; plus 2006-2007 Klamath County real property taxes in the amount of \$455.89 plus interest and penalties, if any, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on May 31, 2007, at the hour of 10:00 a.m. o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Offices of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described Property, which the grantor had or had power to convey at the time of the execution by grantor of the said Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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 sum 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 ORS 86.753.

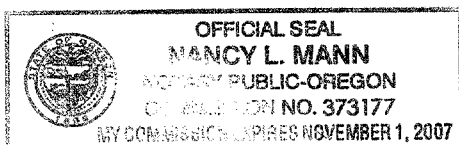
In construing this notice, the singular includes the plural, the word "grantor" includes each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: January 15, 2007.

Michael P. Rudd, Successor Trustee
411 Pine Street
Klamath Falls, OR 97601

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 15 day of January, 2007, the above-named Michael P. Rudd and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon
My Commission expires: 11-1-07

Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

ALL THAT PORTION OF LOT 594 IN BLOCK 108, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 55 FEET EAST FROM THE SOUTHWEST CORNER OF LOT 595 BLOCK 108 OF SAID ADDITION; THENCE EAST ALONG THE NORTH LINE OF DARROW AVENUE 45 FEET TO THE SOUTHWEST CORNER OF LOT 593 OF SAID BLOCK AND ADDITION; THENCE NORTH AT RIGHT ANGLES TO DARROW AVENUE, AND BETWEEN THE LOT LINE OF LOTS 593 AND 594 OF SAID BLOCK 70 FEET; THENCE WEST AND PARALLEL WITH DARROW AVENUE 45 FEET; THENCE SOUTH AT RIGHT ANGLES TO DARROW AVENUE 70 FEET TO THE PLACE OF BEGINNING.

Tax Parcel Number: R479789