

EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from
Artner

To

Grantor

Pacific Trust Deed Servicing Co.

Trustee

After recording, return to (Name, Address, Zip):

Rogue River Mortgage, LLC

Lynn Costantino

PO Box 706

Grants Pass, OR 97526

27023

2008-000728

Klamath County, Oregon



00038669200800007280030034

SPACE RESEF
FOR
RECORDER'S I

01/17/2008 08:39:02 AM

Fee: \$31.00

Reference is made to that certain trust deed made by Eric Artner

Pacific Trust Deed Servicing Company, Inc., an Oregon Corporation, as grantor, to
in favor of Rogue River Mortgage, LLC, as trustee,
dated February 1, 2007, as beneficiary,
Klamath County, Oregon, in Book 27023, Page 1, recorded on February 16, 2007, in the Records of
and/or as ~~Instrument~~ ☒ instrument ~~2007-002810~~ No. 2007-002810 (indicate which), covering the following
described real property situated in the above-mentioned county and state, to-wit:

EXHIBIT "A"

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 when due the following sums:

The October 2, 2007 monthly installment in the amount of \$3,000.00 and each month thereafter, plus buyer's fees of \$30.00, plus late charges of \$900.00.

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:

The unpaid principal balance in the amount of \$300,000.00 with interest thereon at 12% per annum from September 2, 2007 until paid, plus late charges of \$900.00.

(OVER)



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 the hour of 11:00 o'clock, A M., in accord with the standard of time established by ORS 187.110 on June 11, 2008, at the following place: Law office of Justin Thorne, 250 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, 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 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

NONE

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 January 15, 2008

Patrick J. Kelly, Successor Trustee
717 NW 5th Street
Grants Pass, OR 97526
(541) 474-1908

PATRICK J. KELLY

☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Josephine ss.

This instrument was acknowledged before me on January 15, 2008
by Patrick J. Kelly

This instrument was acknowledged before me on _____
by _____
as _____
of _____

Sharon Deardorff
Notary Public for Oregon

My commission expires 9-11-2008



EXHIBIT "A"

The NE1/4 NW1/4 lying Southwesterly of State Highway 140 in Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, LESS AND EXCEPT that portion deeded to the State Highway Commission, recorded April 29, 1968 in Volume M68, page 3409, Microfilm Records of Klamath County, Oregon.