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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

2008-004489

Klamath County, Oregon



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03/27/2008 03:11:46 PM

Fee: \$26.00

RE: Trust Deed from

Serene R. Barrett

To

Grantor

Aspen Title & Escrow, Inc.

(Matthew T. Parks as successor)

832 Klamath Avenue

Klamath Falls, OR 97601

Trustee

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

Matthew T. Parks

Attorney at Law

832 Klamath Avenue

Klamath Falls, OR 97601

SPACE RES
FOR
RECORDEDReference is made to that certain trust deed made by Serene R. BarrettAspen Title & Escrow, Inc.

, as grantor, to _____, as trustee,

in favor of Leslie C. Draper and Evelyn E. Draper with rights of survivorship, as beneficiary,dated October 5, 1998, recorded on October 6, 1998, in the Records ofKlamath County, Oregon, in ☒ book ☐ reel ☒ volume No. M98 at page 36715,and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. _____ (indicate which), covering the following

described real property situated in the above-mentioned county and state, to-wit:

The S 1/2 of Lot 28, FAIR ACRES SUBDIVISION NO. 1, in the County of Klamath, State of Oregon. EXCEPTING THEREFROM the East 5 feet conveyed to Klamath County for widening of Kane Street by instrument recorded in Book 49, Page 474, Deed Records of Klamath County, Oregon.
CODE 41 MAP 3809-35DB TL 3100

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: (1) Monthly payment in the sum of \$346.55 due November 6, 1998 with same payment due the 6th day of each month thereafter; (2) Failure to pay real property taxes before the same have become past due or delinquent and to promptly deliver receipts therefore to the beneficiary; (3) Assessment by South Suburban Sanitary District from October 1998; (4) Assessment for/by any irrigation district for property.

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:

- (1) Principal in the sum of \$43,554.16 together with interest on said sum at the rate of 6% per annum from November 1998 until paid;
- (2) Real property taxes past due or delinquent;
- (3) All assessments past due or delinquent;
- (4) All costs and expenses, including evidence of the title and the Beneficiaries' or Trustee's attorney fees.

(OVER)

Returned to County

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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 1:00 o'clock, P. M., in accord with the standard of time established by ORS 187.110 on July 31, 2008, at the following place: 832 Klamath Avenue

Klamath Falls 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

Serene Barrett, 1236 Kane Street, Klamath Falls, OR 97603, Grantor and Party in Possession

Joe A. Jones, 4835 Shasta Way, Klamath Falls, OR 97603, Judgment entered in Klamath County Circuit Court Case No. 98-3466CV

Judgment entered in Klamath County Circuit Court Case No. 98-3504CV

McMahan's Furniture, 6320 S. 6th St, Klamath Falls, OR Judgment entered in Klamath County Circuit Court Case No. 99-469CV

Additional Parties in possession, if any, Right of Occupancy or Possession
1236 Kane Street, Klamath Falls, OR 97603

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 March 27, 2008

Matthew T. Parks

Successor ☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on March 27, 2008
by Matthew T. Parks, Successor Trustee

This instrument was acknowledged before me on _____

by _____

as _____

of _____

Susan J. Roberts

Notary Public for Oregon

My commission expires

11/25/08

