

2008-009569

Klamath County, Oregon

NOTICE OF DEFAULT
AND ELECTION TO SELL



00049085200800095690020029

07/01/2008 09:10:46 AM

Fee: \$26.00

RE: Trust Deed from
Brandon E. Birri and Jennifer L. Birri

To Grantor

First American Title Insurance Company
Of Oregon

Trustee

After Recording, return to:
Duane Wm. Schultz
219 NW "E" St
Grants Pass, OR 97526

The subject trust deed made by BRANDON E. BIRRI and JENNIFER L. BIRRI, as grantor, to FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, as trustee, in favor FORREST D. JAMISON and DOLORES M. JAMISON, as beneficiary, dated August 17, 2006, recorded on August 23, 2006, in the Records of Klamath County, Oregon, Instrument No. 2006-016980 covering the following described real property situated in the above-mentioned county and state:

Legal: LOT 36 AND THE EASTERLY 60 FEET OF LOT 35 IN BLOCK 3 OF RIVERVIEW ADDITION ACCORDING TO THE OFFICIAL THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.

Situs: 2129 DOVER AVE., KLAMATH FALLS, OR 97601

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 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 in grantor's failure to pay when due the following sums:

Monthly installment payments of \$529.06 each from October 28, 2007 to date, and continuing until paid, property taxes for 2006 and 2007, and insurance.

By reason of 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,:

\$ 51,271.94, plus interest at the rate of 12 % from October 28, 2007, plus foreclosure costs, late fees, attorney fees, disbursements, and any amounts needed to protect Beneficiary's interest in the subject property.

Notice is hereby 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 the power to convey, at the time of 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 4:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110 on November 4, 2008, at the following place: Front Door of Klamath County Courthouse, 316 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

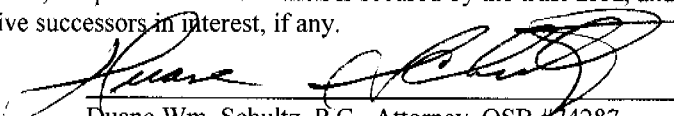
Nature of Right, Lien or Interest

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 necessary to cure the default, by paying all cost 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: June 24, 2008


Duane Wm. Schultz, P.C., Attorney, OSB #74287
Successor Trustee

STATE OF OREGON, County of Josephine) ss.

This instrument was acknowledged before me on June 24, 2008, by Duane Wm. Schultz, as Successor Trustee.


Nancy S. Gordon
Notary Public for Oregon

