

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**

**2008-009954**  
**Klamath County, Oregon**



RE: Trust Deed from  
 Robert L. Hodges, affiant of the estate of  
 Effie Hodges, Klamath Cty. #799 CV,  
 2111 Darrow Ave., Klamath Falls, OR 97601  
 To Grantor  
 Aspen Title and Escrow, Inc.  
 Trustee

SPACE RES. 07/10/2008 08:12:26 AM Fee: \$26.00  
 FOR RECORDER

After recording, return to (Name, Address, Zip):  
 Daniel H. Rosenhouse  
 Oregon Dept. of Justice  
 1515 SW 5<sup>th</sup> Ave., Suite 410  
 Portland, OR 97201

Reference is made to that certain trust deed made by Robert L. Hodges, affiant of the estate of Effie Hodges, Klamath Cty #799 CV, as grantor, to Aspen Title and Escrow, Inc.\* as trustee, in favor of State of Oregon Senior & Disabled Services Division, as beneficiary, dated October, 2000, recorded on December 11, 2000, in the Records of Klamath County, Oregon, in  book  reel  volume No. M-00 at page 44214, 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:

Beginning at a point which is the Southeast corner of School District # 31 property, which point of beginning is more particularly described as a point South 877 feet and West 30 feet from the one-quarter corner common to Sections 14 and 15, Township 39 South, Range 9 East of the Willamette Meridian, as used in descriptions in Deed Records of Klamath County to School District #31, Volume 21, Page 172, which point of beginning is also South 898.6 feet and West 30 feet from an iron pin, which iron pin is described as the one-quarter corner common to said Sections 14 and 15 in the Elmwood Park Subdivision plat; thence North 89°37' West along the South line of School District #31 property, a distance of 360.0 feet; thence South 121.0 feet; thence South 89°37' East 360.0 feet to an intersection with the West right of way line of Summers Lane; thence North along the said West right of way line of Summers Lane 121.0 feet to the point of beginning, Klamath Falls, Oregon.

CODE 024 MAP 3909-015D0 TL 00300 KEY #579378

\*Daniel H. Rosenhouse was appointed Successor Trustee by document recorded June 2, 2008 as document no. 2008-007957, 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 when due the following sums:

Failure to pay monthly payments in the sum of \$400.00 for the July 15, 2004 and subsequent payments.

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:

\$22,525.56	Principal
\$10,819.68	Accrued interest to April 15, 2008

(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 one o'clock, P. M., in accord with the standard of time established by ORS 187.110 on November 13, 2008, at the following place: On the front steps of the Klamath County Courthouse, 316 Main St. 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

Jewel A. King, 5716 Summers Lane, Klamath Falls, OR 97603

Charles Hodges, 925 SW 11<sup>th</sup> St., Hermiston, OR 97838

June Montgomery, 12739 SE Mill St., Portland, OR 97233

George Hodges, PO Box 8428, Phoenix, AZ 85066

Edward Hodges, 1663 Greensprings Dr., Klamath Falls OR 97601

Patty Matney, 1608 Dorothy Ave., Longview, WA 98632

Dorothy Lotches, 2095 Neal Ave., Kingman, AZ 86409

Successor to Grantor

Possible heir to Grantor

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 July 7, 2008

*Daniel H. Rosenhouse*

Daniel H. Rosenhouse

Trustee  Beneficiary (indicate which)

STATE OF OREGON, County of Multnomah) ss.

This instrument was acknowledged before me on July, 2008

by Daniel H. Rosenhouse

This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_



*Toni C. Kemple*

Notary Public for Oregon

My commission expires 8-27-2011