

2008-011009

Klamath County, Oregon



00050879200800110090030037

08/04/2008 10:58:24 AM

Fee: \$31.00

AFTER RECORDING RETURN TO:
Erich M. Paetsch, OSB# 99335
Saalfeld Griggs PC
P. O. Box 470
Salem, Oregon 97308-0470
Telephone: (503) 399-1070
ATE 65936

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Elwynn Kirby, as grantor, to Aspen Title & Escrow, Inc. as trustee, in favor of West Coast Bank, as beneficiary, dated January 24, 2008, recorded January 29, 2008, in the mortgage records of Klamath County, Oregon, as Document No. 2008-001205, and covering the following described real property situated in the above-mentioned county and state, to wit:

Lot 32, Tract No. 1432, Quail Point Estates, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

Real property commonly known as 770 Hogue Drive, 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 mortgage records of the county or counties in which the above-described real property is situated; and appointing Erich M. Paetsch as Successor Trustee; further, that 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 the grantor or other person owing an obligation, the 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:

Loan No. 48014314:

Failure to make monthly payments under the terms and conditions of the Promissory Note and other Loan Documents.

By reason of default, the beneficiary hereby declares all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to wit:

Principal balance	\$272,069.51
Interest	\$3,521.99
Late charges	\$83.85
Total	\$275,675.35*

*Total does not include interest at the rate of \$55.9046 per diem from June 2, 2008, late charges, expenditures, trustee fees, and attorney fees and costs.

\$ 31.00 -A

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 without warranty express or implied which the grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the 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 compensation of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of 10:10 o'clock a.m. in accord with the standard of time established by ORS 187.110 on Thursday, December 4, 2008, at the following place: Front Entrance of the 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 the grantor or of any lessee or other person in possession of or occupying the property, except:

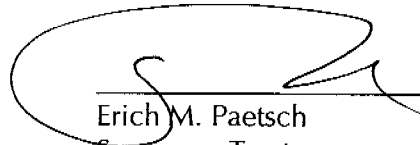
Elwynn C. Kirby 1346 E. Glencoe St. Compton, CA 90221	Debtor
Elwynn C. Kirby 770 Hogue Dr. Klamath Falls, OR 97601	Debtor
Occupant(s) 770 Hogue Dr. Klamath Falls, OR 97601	Occupant(s)

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 and attorney fees not exceeding the amounts provided by ORS 86.753.

Pursuant to ORS 86.757, not later than 15 days before the sale date specified herein, the trustee shall provide a statement of information upon receipt of a written request from any interested party.

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.

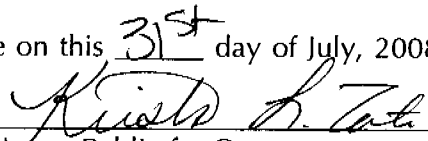
DATED: This 31st day of July, 2008



Erich M. Paetsch
Successor Trustee

STATE OF OREGON, County of Marion) ss.

This instrument was acknowledged before me on this 31st day of July, 2008, by Erich M. Paetsch, Successor Trustee.



Notary Public for Oregon
My commission expires: Sep. 16, 2011

