

2008-011130

Klamath County, Oregon



00051021200800111300030036

08/05/2008 03:01:36 PM

Fee: \$31.00

AFTER RECORDING RETURN TO:

Shapiro & Sutherland, LLC

5501 N.E. 109th Court, Suite N

Vancouver, WA 98662

08-100818

ATE 66041

NOTICE OF DEFAULT AND ELECTION TO SELL

A default has occurred under the terms of a trust deed made by Allen D. Bergstrom and Cynthia L. Bergstrom, as tenants by the entirety, as grantor to First American Title, as trustee, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Gateway Business Bank, dba Mission Hills Mortgage Bankers, as beneficiary, dated January 10, 2006, recorded January 17, 2006, in the mortgage records of Klamath County, Oregon, as Microfilm No. M06-00924, beneficial interest having been assigned to EverHome Mortgage Company, as covering the following described real property:

See complete Legal Description attached hereto as Exhibit "A"

COMMONLY KNOWN AS: 4300 Carlon Way, Klamath Falls, OR 97603

Kelly D. Sutherland, Successor Trustee, hereby certifies that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said 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 said trust deed, or by their 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:

Monthly payments in the sum of \$1,213.87, from April 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

\$174,206.70, together with interest thereon at the rate of 6% per annum from March 1, 2008, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclosure said 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 execution by him of the trust deed, together with any interest the grantor or his successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said

431-A

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.

Said sale will be held at the hour of 10:00 AM PT, in accordance with the standard time established by ORS 187.110 on December 8, 2008, at the following place: at the main entrance of the Klamath County Courthouse, located at 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 said sale.

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 said 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 attorneys fees not exceeding the amounts provided by said ORS 86.753.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 said trust deed, and the words "trustee" and beneficiary" include their respective successors in interest, if any.

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated: Aug. 4, 2008

By: [Signature]
KELLY D. SUTHERLAND
Successor Trustee

STATE OF WASHINGTON)
) SS.
COUNTY OF CLARK)

SUBSCRIBED AND SWORN to before me this 4th day of August, 2008,
by Kelly D. Sutherland, Successor Trustee.

[Signature]
Notary Public for Washington
My commission expires 11/29/2011

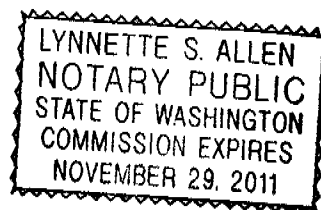


Exhibit A

A portion of Lots 25, 26 and 27, SUMMER HEIGHTS, a platted subdivision, according to the official plat thereof in file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at a point which is North 90 feet and East 5 feet from the Southwest of corner of Lot 26, SUMMERS HEIGHTS; thence North on a line which is parallel to and 5.0 feet East from the West line of Lot 26 a distance of 185.6 feet, more or less, to the Southerly right of way of the U.S.R.S. A-3 lateral; thence North $76^{\circ}18'$ East a distance of 82.7 feet, more or less, to its intersection with the East line of Lot 26 extended; thence South along said East line extended to a point which is 15.0 feet North of the Northeast corner of Lot 26; thence East along a line parallel to and 27.0 feet North of the North line of Lots 25 and 24 a distance of 160 feet to the West line of Hilldale Street; thence South along said West line a distance of 27.0 feet to the Northeast corner of Lot 24; thence West along the North line of Lots 24 and 25 a distance of 99.8 feet to a point; thence South parallel to the East line of Lot 25, a distance of 44.7 feet to a point; thence West parallel to the South line of Lots 25 and 26 a distance of 140.2 feet, more or less, to the point of beginning.

CODE: 041 MAP:3909-014BC TL: 04200 KEY: 572534