

MTC 8/4/76

Charles Hemmingway, Grantor
1928 Applegate Avenue
Klamath Falls, OR 97601

2008-011793

Klamath County, Oregon



00051833200800117930060069

08/20/2008 11:34:54 AM

Fee: \$46.00

John W. Weil, Successor Trustee
1001 S.W. Fifth Avenue, Suite 2150
Portland, Oregon 97204

After recording return to:

John W. Weil
1001 S.W. Fifth Avenue, Suite 2150
Portland, Oregon 97204

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to the deed of trust made by Charles Hemmingway, as grantor, to John W. Weil, as successor trustee, in favor of Oakwood Acceptance Corporation, the beneficiary under that certain deed of trust dated April 29, 1998, recorded on May 1, 1998 in Volume M98, Page 14604 in the Microfilm Records of Klamath County, Oregon which beneficiary's interest under said deed of trust was assigned to Chase Manhattan Trust Company National Association by assignment recorded April 29, 1999, in Volume M99, page 16097 in the Microfilm Records of Klamath County, Oregon covering the following described real property situated in the above-mentioned county and state, to-wit:

LOTS 26 AND 27 Block 3 INDUSTRIAL ADDITION to the City of Klamath Falls,
according to the official plat thereof on file in the office of the County Clerk of
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 grantor's successor in interest, performance of which is secured by the trust deed, with respect to provisions therein which authorize sale in the event of default of such provision. The default for which foreclosure is made is grantors' failure to pay when due the following sums:

Failure to make monthly payments of \$595.50 each due on the 1st day of August, 2007 through February 1, 2008; and failure to make monthly payments of \$815.50 each due on the 1st day of March, 2008 through August 1, 2008.

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:

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\$66,571.64, plus \$10,293.34 interest, late charges and miscellaneous fees through July 18, 2008; plus 9% interest thereon; plus attorney and trustee's fees and costs; plus \$360.00 foreclosure guaranty.

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 grantors have, or have the power to convey, at the time of the execution by grantors of the trust deed, together with any interest grantor or grantors' successor 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 **11:00 A.M.**, in accord with the standard of time established by ORS 187.110 on **January 16, 2009**, at the following place: main lobby of the **Klamath County Courthouse, 316 Main St., Klamath Falls OR 97601** 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 grantors or of any lessee or other person in possession of or occupying the property.

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

The total amount due on the debt as of the date of this communication is \$78,084.98. Unless you notify this office in writing within 30 days after receiving this communication that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this communication that you dispute the validity of the debt or any portion thereof, this office will obtain a verification of debt and mail you a copy of the verification. If you request this office in writing within 30 days from receiving this communication this office will provide you with the name and address of the original creditor, if different from the current creditor.

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**NOTICE:
YOU ARE IN DANGER OF LOSING
YOUR PROPERTY IF YOU DO NOT
TAKE ACTION IMMEDIATELY**

This notice is about your mortgage loan on your property at 1928 Applegate Avenue, Klamath Falls, OR 97601.

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called "foreclosure."

The amount you would have to pay as of August 18, 2008 to bring your mortgage loan current was \$12,589.73. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call (877) 776-0006 to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe. You may also get these details by sending a request by certified mail to John W. Weil, Successor Trustee, 1001 SW Fifth Avenue, Suite 2150, Portland, OR 97204.

**THIS IS WHEN AND WHERE
YOUR PROPERTY WILL BE SOLD
IF YOU DO NOT TAKE ACTION:**

Date and time: January 16, 2009 at 11:00 a.m.

Place: Klamath County Courthouse
 316 Main Street
 Klamath Falls, OR 97601

**THIS IS WHAT YOU CAN DO
TO STOP THE SALE:**

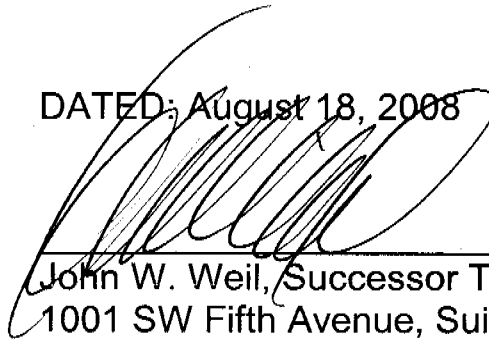
1. You can pay the amount past due or correct any other default, up to five days before the sale.

2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call John W. Weil at (503) 226-0500 to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided, the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at (800)SAFE-NET ((800) 723-3638). You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at (503) 620-0222 or toll-free in Oregon at (800) 452-8260 or you may visit its website at www.osbar.org. Legal assistance may be available if you have low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: August 18, 2008



John W. Weil, Successor Trustee
1001 SW Fifth Avenue, Suite 2150
Portland, OR 97204
Telephone: (503) 226-0500

NOTICE

FAIR DEBT COLLECTIONS PRACTICES ACT

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT, OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THAT THIS DEBT IS VALID. IF YOU NOTIFY THIS OFFICE OF ANY SUCH DISPUTE IN WRITING WITHIN 30 DAYS FROM RECEIVING THIS NOTICE, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGMENT, IF ANY, AND WILL MAIL YOU A COPY OF SUCH VERIFICATION OR JUDGMENT. IF REQUESTED BY YOU IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

ANY OBJECTIONS, COMMUNICATIONS, DISPUTES OR REQUESTS FOR INFORMATION SHOULD BE DIRECTED TO HOOPER, ENGLUND & WEIL, 1001 SW 5TH, SUITE 2150, PORTLAND, OR 97204-2150, 503/226-0500.