

2008-012674

Klamath County, Oregon



00052970200800126740020024

09/11/2008 08:11:36 AM

Fee: \$26.00

**AFTER RECORDING RETURN TO:**

Patrick M. Terry  
PO Box 547  
North Bend, OR 97459

**SEND TAX STATEMENTS TO:**

Patrick M. Terry  
PO Box 547  
North Bend, OR 97459

**NOTICE OF DEFAULT**

NOTICE IS HEREBY GIVEN: That in accordance with that certain Trust Deed entered into by AmeriTitle, Inc., PO Box 1609, Roseburg, Oregon 97470, as Trustee, and you, Dana Hicks, PO Box 297, Crescent, Oregon 97733, as Grantor/Borrower, in favor of Rodney A. Dalton, Trustee for the Rodney A. Dalton Pension Trust, whose address is PO Box 849, Winchester, Oregon 97495, as Beneficiary/Lender, on September 4, 2007, and recorded in the Records of Klamath County, Oregon, as Volume 2007, Page 015942, on September 11, 2007, (the "Trust Deed"), encumbering certain real property commonly known as 137314 Hwy 97 N, Crescent, Oregon 97733, and more particularly described as:

A portion of the SW 1/4 NE 1/4 of Section 30, Township 24 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the corner common to Sections 19, 20, 29 and 30, Township 24 South, Range 9 East of the Willamette Meridian, and running South 87° 41 1/2' West 1,722.76 feet, more or less, to a point on the Westerly right of way line of the Dalles-California Highway; thence South 15° 34' West 450.0 feet along said Westerly right of way line; thence North 74° 26' West 80 feet; thence South 15° 34' West 1,021.26 feet to the TRUE POINT OF BEGINNING; thence South 74° 26' East 80 feet; thence North 15° 34' East 70 feet; thence North 74° 26' West 80 feet; thence South 15° 34' West 70 feet, to the true point of beginning.

the Real Property Map & Tax Lot Number is R-2409-030AC-02000, and the Property ID Number is R152818, (the "Trust Property"), there has been a default: 1) Your failure to make payments as described in the Trust Deed and the Promissory Note of even date secured by the Trust Deed; 2) Your failure to pay the property taxes when due. The beneficial interest under the aforementioned Trust Deed has been assigned to William S. Harsh, by Assignment, recorded on July 7, 2008, in Volume 2008, Page 009739, Records of Klamath County, Oregon. As a result of the aforementioned default, all funds due William S. Harsh by you are declared immediately due and payable and William S. Harsh has elected to cause the Trust Property to be sold to satisfy the obligations secured by the Trust Deed.

On or about August 8, 2008, the Successor Beneficiary, William S. Harsh, caused a Notice Of Substitution Of Trustee to be filed in Klamath County, Oregon, naming Patrick M. Terry, Attorney at Law, OSB#02573, 880 California, PO Box 547, North Bend, Oregon 97459, as Successor Trustee to the Trust Deed.

The foreclosure sale shall take place at 10:00 a.m. on Friday, January 23, 2009, at the front entrance of the Courthouse of Klamath County located at 316 Main Street, Klamath Falls, Oregon 97601.

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## IMPORTANT NOTICE

**IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION**, and you have the right under ORS 86.753 to have the proceeding dismissed and the Trust Deed reinstated by payment of the entire amount then due, together with costs, trustee's and attorney's fees, and by curing any other default complained of in this NOTICE OF DEFAULT, at any time prior to five days before the date last set for the sale.

The amount due is Twenty-Eight Thousand, One Hundred Fifty-Two Dollars and Seventy-Six Cents (\$28, 152.76) as of September 5, 2008, and will increase until your account becomes current.

To find out the amount you must pay, or to arrange for payment to stop the foreclosure, or if your property is in foreclosure for any other reason, contact the Trustee as follows: Patrick M. Terry, Attorney-at Law, 880 California, PO Box 547, North Bend, Oregon 97459, (541) 756-2056.

**If you have any questions, you should contact a lawyer.**

**Notwithstanding the fact that your property is in foreclosure, you may offer your property for sale, provided the sale is concluded prior to the conclusion of the foreclosure.**

**REMEMBER, YOU MAY LOSE YOUR LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION.**

DATED this 3<sup>rd</sup> day of September, 2008.

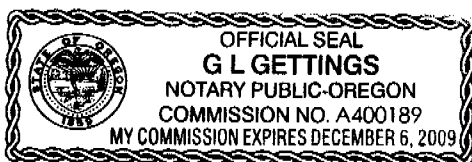


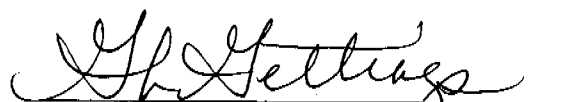
PATRICK M. TERRY, OSB#02573

STATE OF OREGON           )  
  ) ss.  
County of Coos            )

On September 3<sup>rd</sup>, 2008, before me, the undersigned, a Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared Patrick M. Terry, known to me to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that he signed and sealed the said instrument as his free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



  
NOTARY PUBLIC FOR OREGON  
My commission expires 12-6-2009