

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

RE: Trust Deed from

Kenny Earl and Rosellen M. Earl

To

Grantor

David Brian Giarretto

Amerititle

Trustee

After recording, return to (Name, Address, Zip):

David B. Giarretto

2008-014386

Klamath County, Oregon



00055059200800143860020020

SPACE RESE  
FOR  
RECORDER

10/21/2008 04:04:11 PM

Fee: \$26.00

Reference is made to that certain trust deed made by Kenny Earl and Rosellen M. Earl

David Brian Giarretto & Amerititle, as grantor, to  
 in favor of David Brian Giarretto, as trustee,  
 dated 2/04/03, recorded on 2/04/03, in the Records of  
 Klamath County, Oregon, in ☒ book ☐ reel ☐ volume No. M03 (2003) at page 6939,  
 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:

2128 Angle St. Klamath Falls, OR 97601  
 Buena Vista Addition, Block 46, Lot 1 & 2 SLY 65'

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: \$2,300.00 in principal

Interest, & Fees as of  
 10/17/08

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: \$28,806.30 as of 10/17/08

(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 10 o'clock, A M., in accord with the standard of time established by ORS 187.110 on 3/1/09, at the following place: 37222 Medac Point Rd  
Chiloquin, OR 97601 in the City of Chiloquin, 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

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 10/21/08

David Giarretto

David Giarretto

☐ Trustee ☒ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on October 21, 2008  
 by DAVID BRIAN GIARRETTO

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

by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_

Susie Costic

Notary Public for Oregon

My commission expires March 13, 2010

