

EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

**AMENDED
NOTICE OF DEFAULT
AND ELECTION TO SELL**

2008-015764**Klamath County, Oregon**

RE: Trust Deed from
RUTH BOWEN



00056687200800157640040049

11/25/2008 08:53:56 AM

Fee: \$36.00

To Grantor

Amerititle (Neal G. Buchanan
Attorney at Law as Successor)
435 Oak Avenue
Klamath Falls, OR 97601

Trustee

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

Reference is made to that certain trust deed made by RUTH BOWEN

Amerititle, An Oregon Corporation (Neal G. Buchanan, Attorney, Successor), as grantor, to
in favor of John N. Brooks & Lorelei Brooks, Husband and Wife, or the Survivor thereof, as trustee,
dated January 6, 2005, recorded on January 18, 2005, in the Records of
Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. M05 at page 03696,
~~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:

See Legal Description attached hereto marked Exhibit "A" Legal Description and
incorporated by this reference herein as if fully set forth. By appointment of
Successor Trustee dated May 22, 2006 and recorded May 23, 2006 at Vol M06, at
page 10390, records of Klamath County, Oregon, Neal G. Buchanan, Attorney at
Law was appointed Successor Trustee.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appoint-
ments 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:

1. Failure to pay monthly payment in the sum of \$838.22 due August 6, 2008, with a like payment
due the 6th day of each month thereafter;
 2. Failure to pay real property taxes before the same became past due and delinquent and to
promptly deliver receipts therefore to the beneficiary.
 3. Failure to keep the premises free from liens or assessments as required by paragraph 5
of the Trustee Deed.
 4. Failure to maintain insurance and to provide copies to the beneficiaries as provided for
by paragraph 4 of the Trustee Deed.
- 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:
1. Principal in the sum of \$105,239.64 together with interest on said sum at the rate of
6% per annum from July 10, 2008 until paid.
 2. Real property taxes past due or delinquent.
 3. Cost to Beneficiary of removing liens.
 4. Cost to Beneficiary of placing insurance coverage.
 5. All costs and expenses, including evidence of title and the Beneficiaries' or Trustee's
attorney fees.

(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 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110 on April 6, 2009, at the following place: 435 Oak Avenue, 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 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

See Exhibit B, attached hereto and incorporated by this reference as if fully set forth

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 November 25, 2008

Neal G. Buchanan
Neal G. Buchanan

Successor ☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath

This instrument was acknowledged before me on 11-25-08 ss.
by Neal G. Buchanan, Successor Trustee

This instrument was acknowledged before me on _____
by _____
as _____
of _____



Margaret John
Notary Public for Oregon
My commission expires 9-12-2010

03699

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

Lot 5, Block 34, ORIGINAL TOWN of Klamath Falls (formerly Linkville), according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, EXCEPT a strip of land two feet in width off the Easterly side of said lot, ALSO SAVING AND EXCEPTING the 20 foot alley off the Southeasterly side of said lots 5 and 6 conveyed to the Town of Klamath Falls by Deed recorded in Book 17 at page 46, Records of Klamath County, Oregon.

Tax Account No: 3809-032AC-01000-000

Key No: 476247

PARCEL 2:

A strip of land two feet in width off the Easterly side of said Lots 5 and a strip of land two feet in width off the Westerly side of said Lot 6, in said Block 34, ORIGINAL TOWN OF KLAMATH FALLS (formerly Linkville), according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, except a strip 20 feet in width off the rear end of said lots.

Tax Account No: 3809-032AC-01100-0U1

Key No: 786162

EXHIBIT B
NAME AND LAST KNOWN ADDRESS
AND NATURE OF RIGHT, LIEN OR INTEREST

Ruth Bowen,
4832 Red Tail
Klamath Falls, OR 97601

Grantor & Party in possession

City of Klamath Falls
c/o Richard Whitlock
City Attorney
500 Klamath Avenue
Klamath Falls, OR 97601

City Lien docketed 3-15-2006

David M. Storey
P. O. Box 98
Midland, OR 97634

Judgment entered in Klamath
County Circuit Court Case
No. 0701337 CV

Matthew Parks
Attorney at Law
832 Klamath Avenue
Klamath Falls, OR 97601

Trust Deed recorded V2007,
page 14561

Additional Parties in
Possession if any,
200 Main St
Klamath Falls, OR 97601

Right of Occupancy or
possession