

2008-016065

Klamath County, Oregon



12/03/2008 03:05:14 PM

Fee: \$21.00

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

15r 979962

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

Reference is made to a certain trust deed ("Trust Deed") made, as follows:

Sierra Developments LLC, Grantor; First American Title Insurance Company of Oregon, Trustee; and Dan R. and Sydney R. Kurtz, Beneficiary, recorded in Official/Microfilm Records, Volume M06, Page 07853, Klamath County, Oregon, covering the following-described real property in Klamath County, Oregon, commonly known as 5428 North Hills Drive, Klamath Falls, OR 97603 ("Property"):

Parcel 1 of Land Partition 41-02, replat of Lot 6 in Block 3 of Tract 1152 - North Hills, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

The defaults for which foreclosure is made is grantor's failure to pay when due the following sums:

Failed to make the quarterly payment of \$2,975 due July 17, 2007 through and including the quarterly payment due April 17, 2008; failed to make the balloon payment due July 17, 2008 of all unpaid principal and interest, and failed to pay 2007-2008 Klamath County Real Property taxes in the amount of \$404.23.

By reason of said defaults, the beneficiary has declared all sums owing on the obligations secured by said Trust Deed immediately due and payable, said sums being the following, to-wit:

Principal in the amount of \$168,761.10 plus interest thereon from April 17, 2007 until paid; late charges in the amount of \$743.75; and 2007-2008 Klamath County Real Property taxes in the amount of \$404.23 plus interest and penalties, if any, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by beneficiary pursuant to the terms of said trust deed.

WHEREFORE, notice hereby is given that the undersigned trustee will, on April 16, 2009, at the hour of 10:00 o'clock a.m., in accord with the standard of time established by ORS 187.110, at the following place: Offices of Brandsness, Brandsness & Rudd, P.C., 411 Pine Street, Klamath Falls, Oregon, sell at public auction to the highest bidder for cash the interest in the above-described Property, which the grantor had or had power to convey at the time of the execution by grantor of the said Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust Deed, to satisfy the obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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 sum 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's fees not exceeding the amounts provided by said ORS 86.753.

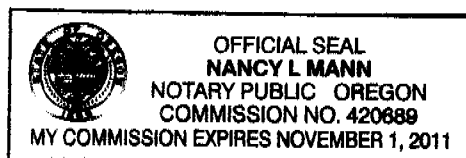
In construing this notice, the singular includes the plural, the word "grantor" includes each and every grantor, any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said Deeds of Trust, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Dated: December 2, 2008.

Andrew C. Brandsness, Successor Trustee  
411 Pine Street  
Klamath Falls, OR 97601

STATE OF OREGON, County of Klamath ) ss.

Personally appeared before me this \_\_\_\_ day of December, 2008, the above-named Andrew C. Brandsness and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon  
My Commission expires 1-1-11

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