

2008-016836

Klamath County, Oregon



00057940200800168360020021

12/29/2008 09:23:31 AM

Fee: \$26.00

**Grantor:**

Adron O. Wood  
P.O. Box 585  
Keno, Oregon 97601

**Trustee:**

Sydnee B. Dreyer  
823 Alder Creek Drive  
Medford, Oregon 97504

**After Recording Return To:**

Sydnee B. Dreyer  
823 Alder Creek Drive  
Medford, Oregon 97504

AR-7190 ATE 66245

**NOTICE OF DEFAULT AND ELECTION TO SELL**

Notice is hereby provided regarding that certain trust deed made by ADRON O. WOOD, grantor, to SYDNEE B. DREYER, trustee, in favor of GEORGIA A. FORSTER, TRUSTEE OF THE FORSTER FAMILY TRUST DATED APRIL 29, 2003, AS TO AN UNDIVIDED 36.60% INTEREST AND JACK A. STATON AND LINDA A. STATON, OR SURVIVOR OF THEM, AS TO AN UNDIVIDED 63.40% INTEREST, beneficiary, dated DECEMBER 19, 2006, recorded on JANUARY 2, 2007, in the Records of Klamath County, Oregon, as instrument No. 2007-000037, covering the following described real property situated in the above-mentioned county and state, to wit: \*

Lots 7 and 8, Block 2, KLAMATH RIVER ACRES, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

CODE: 097 MAP: 3908-031B0 TL: 08200 KEY: 499758

The undersigned hereby certifies that no assignment 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).

Grantor or other person owing an obligation has defaulted, such performance being 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:

As of July 2, 2008, Grantor has failed to pay installments of interest due on the 2<sup>nd</sup> day of each month in the amount of \$2,445.00 for the months of July, August, September, October, November, and December 2008, for the sum of \$14,670.00, real property tax payments for 2008-2009 in the sum of \$2,106.26, and attorney fees incurred as a result of Grantor's default in the sum of \$2,451.44.

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:

\$244,500.00 plus interest thereon at the rate of twelve percent (12%) per annum from July 2, 2008, until paid, plus the further sum of \$14,670.00 for accrued interest due prior to December 2, 2008, plus real property taxes in the amount of \$2,106.26, plus attorney fees in the amount of \$2,451.44, for a total sum owing of \$263,727.70.

\* This trust deed was modified by instrument on December 17, 2007, recorded on December 21, 2007 as Document No. 2007-21321. The beneficial interest of Jack and Linda Staton was assigned by instrument, to the Staton Living Trust, dated December 13, 2007, recorded on January 11, 2008 as Doc. No. 2008-00453.

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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 compensation 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 o'clock, P.M., in accord with the standard of time established by ORS 187.110 on May 22, 2009, at the front steps of the Klamath Falls Courthouse located at 316 E. Main Street, 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:

Robert R. Smith &  
Scott G. Smith  
P.O. Box 5383  
Central Point, Oregon 97502

Nature of Right, Lien or Interest:

Trust Deed,  
Dated: December 13, 2007  
Recorded: December 21, 2007  
Book: 2007  
Page: 21322  
Grantor: Adron O. Wood  
Trustee: Lawyers Title Insurance  
Corporation, a Nebraska Corporation  
Beneficiary: Robert R. Smith &  
Scott G. Smith  
Amount: \$40,000.00

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 amount provided by ORS 86.753.

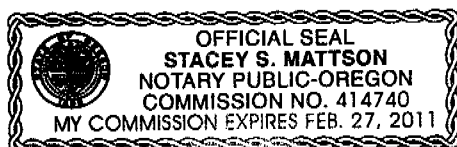
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective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

DATED: December 22, 2008

Sydnee B. Dreyer  
Sydnee B. Dreyer, Trustee

STATE OF OREGON                     )  
  ) ss.  
County of Jackson                 )

This instrument was acknowledged before me on December 22 by Sydnee B. Dreyer.



Stacey Mattson  
Notary Public for Oregon  
My commission expires 2/27/11