

2009-000465

Klamath County, Oregon



00058753200900004650030037

01/15/2009 11:46:01 AM

Fee: \$31.00

AFTER RECORDING RETURN TO:  
Erich M. Paetsch, OSB# 99335  
Saalfeld Griggs PC  
P. O. Box 470  
Salem, Oregon 97308-0470  
Telephone: (503) 399-1070  
**ATE 66390**

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by James S. Berger and Idyll R. Berger, as grantors, to First American Title as trustee, in favor of West Coast Bank, as beneficiary, dated February 12, 2007, recorded February 20, 2007, in the mortgage records of Klamath County, Oregon, as Document No. 2007-002865, and covering the following described real property situated in the above-mentioned county and state, to wit:

Lot 4, Pine Meadow Village Phase 1 – Tract 1281, according to the official plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

Real property commonly known as 34547 Castle Drive, Chiloquin, OR 97624.

The undersigned hereby disclaims any liability for any incorrectness of the above-described street address or other common designation.

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 mortgage records of the county or counties in which the above-described real property is situated; and appointing Erich M. Paetsch as Successor Trustee; further, that 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 the grantor or other person owing an obligation, the 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:

**Loan No. 48012331:**

Failure to pay the total balance due and owing upon the maturity date of October 1, 2008.

By reason of default, the beneficiary hereby declares all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to wit:

Principal balance	\$241,131.73
Interest	\$8,472.87
Total	\$249,604.60*

\*Total does not include interest at the rate of \$43.5376 per diem from December 11, 2008, late charges, expenditures, trustee fees, and attorney fees and costs.

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 without warranty express or implied which the grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the 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 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 2:00 o'clock p.m. in accord with the standard of time established by ORS 187.110 on Thursday, May 21, 2009, at the following place: Front entrance of the Klamath County Courthouse, 316 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 the grantor or of any lessee or other person in possession of or occupying the property, except:

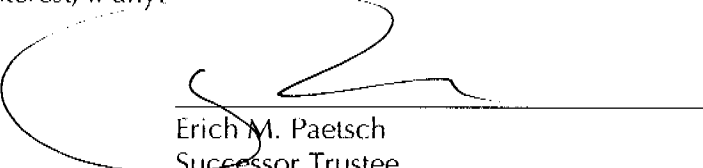
James S. Berger 5270 SE Sunny Hills Prineville, OR 97754	Debtor
Idyll R. Berger 5270 SE Sunny Hills Prineville, OR 97754	Debtor
James S. Berger 34547 Castle Drive Chiloquin, OR 97624	Debtor
Idyll R. Berger 34547 Castle Drive Chiloquin, OR 97624	Debtor
Occupant(s) 34547 Castle Drive Chiloquin, OR 97624	Occupant(s)

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 and attorney fees not exceeding the amounts provided by ORS 86.753.

Pursuant to ORS 86.757, not later than 15 days before the sale date specified herein, the trustee shall provide a statement of information upon receipt of a written request from any interested party.

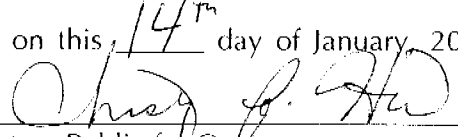
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective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

DATED: This 14 day of January, 2009.

  
Erich M. Paetsch  
Successor Trustee

STATE OF OREGON, County of Marion ) ss.

This instrument was acknowledged before me on this 14<sup>th</sup> day of January, 2009, by Erich M. Paetsch, Successor Trustee.

  
Notary Public for Oregon

My commission expires: Sept. 17, 2012

