

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

2009-002917

Klamath County, Oregon



00061557200900029170020020

02/26/2009 08:47:50 AM

Fee: \$26.00

RE: Trust Deed from

Joseph Sweet

151352 Conestoga Rd

La Pine, OR 97739

To

Grantor

AmeriTitle

Trustee

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

Linda Reed Haas

45 NW Park Place

Bend, OR 97701

SPACE RESI
FOR
RECORDERReference is made to that certain trust deed made by Joseph Sweet

, as grantor, to

AmeriTitle

, as trustee,

in favor of Suzanne Humes

, as beneficiary,

dated May 2, 2008, recorded on May 22, 2008

, in the Records of

County, Oregon, in ☐ book ☐ reel ☐ volume No. _____

at page _____

and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☒ reception No. 2008 007461 (indicate which), covering the following described real property situated in the above-mentioned county and state, to-wit:

Lot 7 in Block 4, Wagon Trail Acreages No. 2, according to the
official plat thereof on file in the office of the County Clerk
of Klamath County, Oregon

151352 Conestoga Road, La Pine, OR 97739

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: and/or perform the following:

- 1) Failure to repair/restore the damaged/destroyed Greenhouse and to apply the insurance proceeds received to reconstruction of that Greenhouse - value \$11,821.⁰⁰
- 2) Failure to pay the home owners assn. assessments in the sum of \$480.⁰⁰
- 3) Failure to pay 2001/2008 real property taxes in the sum of \$1,582.40, plus interest.

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:

\$150,000.⁰⁰ plus interest at 5.875% (simple) from September 28, 2008
to February 28, 2009 in the sum of \$3,716.⁷⁹, plus interest until paid

(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 July 6, 2009, at the following place: Geethouse, Steps, Klamath Falls, 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

None

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 July 17, 2009

Kimberly Hendrix

☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Deschutes ss. 2009

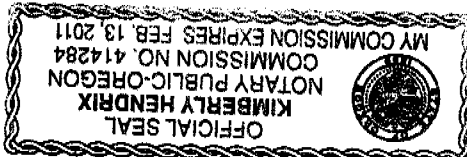
This instrument was acknowledged before me on July 6, 2009

by Linda Reed Hays

by _____

as _____

of _____



Notary Public for Oregon
My commission expires 2/13/11