· LUTC 84800

AFTER RECORDING RETURN TO:

Hershner Hunter, LLP

Attn: Lisa M. Summers

P.O. Box 1475 Eugene, OR 97440 2009-005443 Klamath County, Oregon



04/20/2009 03:08:10 PM

Fee: \$31.00

TRUSTEE'S NOTICE OF DEFAULT AND ELECTION TO SELL UNDER TERMS OF TRUST DEED

The Trustee under the terms of the Trust Deed described herein, at the direction of the Beneficiary, hereby elects to sell the property described in the Trust Deed to satisfy the obligations secured thereby. Pursuant to ORS 86.745, the following information is provided:

1. PARTIES:

Grantor:

LAROY D. FLANDERS

Trustee:

AMERITITLE, INC.

Successor Trustee:

NANCY K. CARY

Beneficiary:

VIRGIL S. WILSON AND LEAH H. WILSON, TRUSTEE,

UNDER THE WILSON FAMILY TRUST DATED

FEBRUARY 28, 2006

2. DESCRIPTION OF PROPERTY: The real property is described as follows:

Lot 1, Block 3, PLAT NO. 1204, LITTLE RIVER RANCH, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

3. RECORDING. The Trust Deed was recorded as follows:

January 16, 2007

2007-000736

Date Recorded: January 17, 2007 Recording No. 2007-000826

Official Records of Klamath County, Oregon

- 4. DEFAULT. The Grantor or any other person obligated on the Trust Deed and Promissory Note secured thereby is in default and the Beneficiary seeks to foreclose the Trust Deed for failure to pay: Monthly payments in the amount of \$685.14 each, due the 17th of each month, for the months of September 2008 through March 2009; plus late charges and advances; plus any unpaid real property taxes or liens, plus interest.
- 5. AMOUNT DUE. The amount due on the Note which is secured by the Trust Deed referred to herein is: Principal balance in the amount of \$60,900.00; plus interest at the rate of 11.250% per annum from December 14, 2008; plus late charges of \$239.75; plus advances and foreclosure attorney fees and costs.
- 6. ELECTION TO SELL. The Trustee hereby elects to sell the property to satisfy the obligations secured by the Trust Deed.

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7. TIME OF SALE.

Date:

September 10, 2009

Time:

11:00 a.m.

Place:

Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon

RIGHT TO REINSTATE. Any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee conducts the sale, to have this foreclosure 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, by curing any other default that is capable of being cured by tendering the performance required under the obligation or Trust Deed and by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the trustee's and attorney's fees not exceeding the amount provided in ORS 86.753.

DATED: April 16, 2009.

Nancy K. Cary, Successor Trustee

Herskner Hunter, LLP PQ/Box 1475

Eugene OR 97440

STATE OF OREGON

) ss.

COUNTY OF LANE

)

The foregoing instrument was acknowledged before me on April 16, 2009, by NANCY K. CARY.

> OFFICIAL SEAL CARRIN R. ZOLLINGER NOTARY PUBLIC-OREGON COMMISSION NO. 401159 MY COMMISSION EXPIRES JAN. 27, 2010

My Commission Expires: 1/27/2010

(TS #31562.000012)

Telephone: (541) 686-0344