

2009-005986

Klamath County, Oregon



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04/30/2009 03:06:07 PM

Fee: \$26.00

After recording, return to:  
ROBERT A. SMEJKAL, P.C.  
PO Box 654  
Eugene, OR 97440

Re Trust Deed from Grantor:  
TASA TAPA, LLC  
PO Box 10545  
Eugene, OR 97440

To Trustee:  
ROBERT A. SMEJKAL  
PO Box 654  
Eugene, OR 97440

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

1st 1389323  
Reference is made to that certain Trust Deed made by TASA TAPA, LLC, an Oregon limited liability company, as Grantor, to ROBERT A. SMEJKAL, Attorney at Law, as Trustee, in favor of KURT D. CONNELL and ERIN RONNIE CONNELL, as Beneficiaries, dated October 19, 2006, recorded October 19, 2006, in the Records of Klamath County, Oregon, in Volume 2006, Page 021031, covering certain real property situated in the above mentioned county and state, which is more particularly described as follows:

"THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 24 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON;

EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING AT A POINT 600 FEET WEST OF THE QUARTER CORNER BETWEEN SECTION 17 AND SECTION 20, THENCE SOUTH 110 FEET; THENCE WEST 396 FEET; THENCE NORTH 110 FEET; THENCE EAST 396 FEET TO THE POINT OF BEGINNING, BEING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20 IN TOWNSHIP 24 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON."

The Trustee hereby certifies that no assignments of the Trust Deed by the Trustee or by the Beneficiaries and no appointments of a Trustee have been made, except as recorded in the records of the county 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 the 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 the entire balance of the Promissory Note which became due in full on October 19, 2008.

By reason of the default, the Beneficiaries have declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount of \$100,000.00, plus accrued interest as of April 7, 2009, in the amount of \$9,633.84, plus interest on the principal amount at the rate of 17% per annum from April 8, 2009, until paid; plus amounts advanced to cure defaults under prior trust deeds, together with interest from the date of each advance, late fees, attorney fees incurred prior to initiating foreclosure of the Trust Deed, attorney fees and costs incurred in connection with foreclosure of the Trust Deed, and amounts, if any, advanced pursuant to the terms of the Trust Deed and/or applicable law.

Notice is hereby given that the Beneficiaries 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 ORS 86.795, and to cause to be sold at public auction to the highest bidder for cash or certified funds, 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 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 1:30 p.m., in accord with the standard time established by ORS 187.110 on September 2, 2009, inside the 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 Beneficiaries 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**

**Name 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 (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiaries 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 "Beneficiaries" include their respective successors in interest, if any.

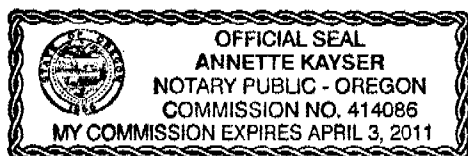
DATED this 27<sup>th</sup> day of April, 2009.

*Robert A. Smejkal*

ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane ) ss.

This instrument was acknowledged before me on April 27, 2009, by ROBERT A. SMEJKAL, Trustee.



*Annette Kayser*  
NOTARY PUBLIC FOR OREGON