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NO PART OF ANY STEVENS-NESS FORM MAY BE RE

## NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from KARDINYA, INC. 717 Savage Creek Road Grants Pass OR 97527 FIRST AMERICAN TITLE INSURANCE CO. OF OREGON NEAL G. BUCHANAN, Atty. at Law as Successor After recording, return to (Name, Address, Zip): NEAL G. BUCHANAN 435 Oak Avenue Klamath Falls OR 97601

2009-009643

Klamath County, Oregon

07/15/2009 03:44:25 PM

Fee: \$26.00

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KARDINYA, INC., an Oregon Corporation Reference is made to that certain trust deed made by \_\_\_

FIRST AMERICAN TITLE INSURANCE CO. OF OREGON \*\* MARK E. FARMER, Trustee of the Mark Farmer 2002 Trust September 14, 2006, recorded on \_\_\_\_\_ .\_\_, as beneficiary, October 2, 2006 dated \_ County, Oregon, in  $\square$  book  $\square$  reel  $\square$  volume No. 2006 at page 019830and/or as □ fee □ file □ instrument □ microfilm □ reception No. \_\_\_\_\_ (indicate which), covering the following described real property situated in the above-mentioned county and state, to-wit:

Lots 45 and 46 of Block 28 Tract No. 1113, OREGON SHORES UNIT 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

\*\* By Appointment of Successor Trustee dated July 2, 2009, and recorded at Volume 2009, Page 009588, NEAL G. BUCHANAN was appointed Successor Trustee

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 abovedescribed 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:

- 1. Monthly payment of interest at the rate of 7% per annum on the principal balance of \$40,000, such monthly payments of interest being due for the month of December, 2008 and each month thereafter.
- 2. Failure to pay real property taxes before such taxes become past due or delinquent, and to deliver receipts of payment to the beneficiary as required by Paragraph 5 of the Trust Deed.
- 3. Failure to pay Oregon Shores Recreational Club, Inc., assessments when due.

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:

- 1. Principal in the sum of \$40,000, together with interest at the rate of 7% per annum
- from November 20, 2008, until paid;
  2. Real property taxes due and owing;
  3. Oregon Shores Recreational Club, inc., assessments as due; and
  4. All costs, fees and expenses of the Trust, including the cost of title search, costs and expenses of the Trustee, together with the Trustee and Attorney fees actually incurred.



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 November 23, 2009, at the following place: 435 Oak Avenue 187.110 on in the City of \_\_\_\_\_Klamath Falls \_\_\_\_\_, County of \_\_\_\_\_, State of Oregon, which is the hour, date and place last set for the sale. Klamath 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: Nature of Right, Lien or Interest Name and Last Known Address Fee Owner, Grantor, and Parties in Possession KARDINYA, INC. 717 Savage Creek Road Grants Pass OR 97527 Lien recorded October 16, 2008, in OREGON SHORES RECREATIONAL CLUB, INC. Volume 2008, Page 014164 c/o Nan Kirby 2019 Meadow View Drive Chiloquin OR 97624 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 7-15-09 NEAL G. BUCHANAN Successor I Trustee Beneficiary (indicate which) STATE OF OREGON, County of \_\_\_\_\_Klamath OF OREGON, County of Klamath

This instrument was acknowledged before me on July 15, 2009 Neal G. Buchanan This instrument was acknowledged before me on \_\_\_\_\_\_ Sharon & Brocon

Notary Public for Oregon

My commission expires 2-13-11 OFFICIAL SEAL SHARON L BROWN NOTARY PUBLIC - OREGON

COMMISSION NO. 414278
MY COMMISSION EXPIRES FEBRUARY 13, 2011