

2009-011771

Klamath County, Oregon

NOTICE OF DEFAULT AND ELECTION TO SELL (FORM No. 884)

Re: Trust Deed From

Michael L. Charlton, Grantor



09/02/2009 10:44:18 AM

Fee: \$26.00

To

First American Title, Trustee

After recording return to: Michael L. Spencer

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Michael L. Charlton, as grantor, to First American Title as trustee, in favor of Irene Barry, as beneficiary, dated August 25, 2009, recorded September 5, 2008, in the mortgage records of Klamath County, Oregon, in volume No. 2008 at page 12489, or as No. , covering the following described real property situated in said county and state, to-wit:

LOTS 1 AND 2 AND THE NORTHERLY 180.4 FEET OF LOT 18, VILLA SAINT CLAIR, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

LESS AND EXCEPT: A PORTION OF LOT 2, VILLA ST. CLAIR, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A STRIP OF LAND 7.0 FEET WIDE NORTH AND SOUTH AND 125.0 LONG EAST AND WEST OUT OF LOT 2, BEGINNING IN THE SOUTHWEST CORNER OF SAID LOT AND PARALLEL TO THE SOUTH BOUNDARY OF SAID LOT 125.0 FEET.

TOGETHER WITH A 1976 CONCORD MANUFACTURED HOME, ID NUMBER 296454S3463

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 situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said 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 said trust deed, or by their 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: Monthly payments of \$1,500.00 from December 5, 2008 until present and real property taxes for 2008 and 2009 in the amount of \$1,255.10.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit: \$150,000.00 plus interest at the rate of 12% from November 5, 2008, plus late fees in the amount of \$50.00 per month from December 5, 2008 until present.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said 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 said described property 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 successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said 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.

Said sale will be held at the hour of 9:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on January 11, 2010, at the following place: 439 Pine Street in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for said sale.

Other than as shown of record, neither the said beneficiary nor the said 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:

NAME AND LAST KNOWN ADDRESS:

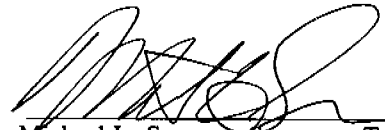
None

NATURE OF RIGHT, LIEN OR INTEREST:

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 said 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's fees not exceeding the amounts provided by said ORS 86.753.

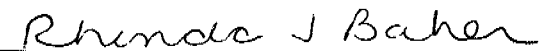
In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective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

DATED: September 2, 2009.


Michael L. Spencer, Successor Trustee

STATE OF OREGON, County of Klamath)ss.

This instrument was acknowledged before me on September 2, 2009 by Michael L. Spencer.


Notary Public for Oregon
My commission expires 7-21-2012

