

UTC 85948

2009-012963

Klamath County, Oregon

AFTER RECORDING RETURN TO:  
Erich M. Paetsch, OSB# 99335  
Saalfeld Griggs PC  
P. O. Box 470  
Salem, Oregon 97308-0470  
Telephone: (503) 399-1070



00073477200900129630040048

10/01/2009 03:08:19 PM

Fee: \$52.00

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Cherie Lee Appleby, as grantor, to West Coast Trust as trustee, in favor of West Coast Bank, as beneficiary, dated March 14, 2007, recorded March 21, 2007, in the mortgage records of Klamath County, Oregon, in Book 2007 Page 4930, and modified by instrument recorded March 21, 2008 in Book 2008, Page 3608 in the records of Klamath County, Oregon, and covering the following described real property situated in the above-mentioned county and state, to wit:

The E ½ NW ¼ and SW ¼ NW ¼ of Section 22, Township 23 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon. LESS AND EXCEPTING that portion lying within the right of way of the Great Northern Railroad.

Real property commonly known as 148800 - 148101 Beal Road, LaPine, OR 97739.

The undersigned hereby disclaims any liability for any incorrectness of the above-described street address or other common designation.

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 situated; and appointing Erich M. Paetsch as Successor Trustee; further, that 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, the 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:

**Loan No. 57000621:**

Failure to pay the total balance due and owing upon the maturity date of November 21, 2008.

By reason of default, the beneficiary hereby declares all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to wit:

Principal balance	\$2,241,197.00
Interest	\$93,632.22

579mt

Total

\$2,334,829.22\*

\*Total does not include interest at the rate of \$295.71 per diem from August 17, 2009, late charges, expenditures, trustee fees, and attorney fees and costs.

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 without warranty express or implied 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 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 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 2:00 o'clock p.m. in accord with the standard of time established by ORS 187.110 on Wednesday, February 3, 2010, at the following place: 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 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 the grantor or of any lessee or other person in possession of or occupying the property, except:

Cherie L. Appleby P.O. Box 125 LaPine, OR 97739	Debtor
Ghost Rock Ranch, LLC P.O. Box 125 LaPine, OR 97739	Debtor
Cherie L. Appleby 148800 Beal Road LaPine, OR 97739	Debtor
Ghost Rock Ranch, LLC 148800 Beal Road LaPine, OR 97739	Debtor
Occupant(s) 148800 Beal Road LaPine, OR 97739	Occupant(s)
Cherie L. Appleby 148101 Beal Road LaPine, OR 97739	Debtor
Ghost Rock Ranch, LLC 148101 Beal Road LaPine, OR 97739	Debtor
Occupant(s) 148101 Beal Road LaPine, OR 97739	Occupant(s)

Oregon Business Development Corporation Attn: James Mackinnon, Registered Agent 2363 SW Glacier Place Redmond, OR 97756	Trust Deed Beneficiary
United States Small Business Administration 409 3 <sup>rd</sup> Street SW Washington, DC 20416  United States Small Business Administration 601 SW 2 <sup>nd</sup> Avenue, Suite 950 Portland, OR 97204-3154  United States Small Business Administration Fresno Commercial Loan Service Center 2719 North Air Fresno Drive, Suite 107 Fresno, CA 93727-1547	Trust Deed Beneficiary
Oregon Outback R.F.P.D. Leon Walker, Interim Fire Chief 13099 Sunforest Drive LaPine, OR 97739	Lease holder
Pistol Productions, Inc. c/o Mill View Professional Services, Inc., R.A. 591 SW Mill View Way Bend, OR 97702  Pistol Productions, Inc. PO Box 880 Bend, OR 97709	Guarantor

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 and attorney fees not exceeding the amounts provided by ORS 86.753.

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of a rental agreement. The date that is 30 days before the date of the sale is **January 4, 2010**. The name of the trustee and the trustee's mailing address are listed on this notice below.

Federal law may grant you additional rights, including a right to a longer period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

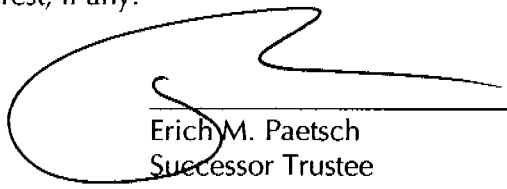
If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. You may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at 1-800-452-7636 or you may visit its website at: [www.osbar.org](http://www.osbar.org).

If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>, or contact the Legal Aid Services of Oregon and Oregon Law Center, Klamath Falls Regional Office, 403 Pine Street, Suite 250, Klamath Falls, OR 97601 or call (541) 273-0533 or call toll-free in Oregon at 1-800-480-9160.

Pursuant to ORS 86.757, not later than 15 days before the sale date specified herein, the trustee shall provide a statement of information upon receipt of a written request from any interested party.

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.

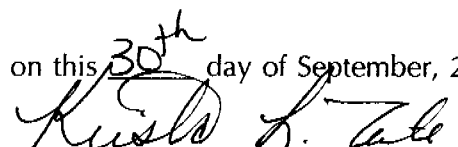
DATED: This 30 day of September, 2009.

  
\_\_\_\_\_  
Erich M. Paetsch  
Successor Trustee

STATE OF OREGON, County of Marion ) ss.

This instrument was acknowledged before me on this 30<sup>th</sup> day of September, 2009, by Erich M. Paetsch, Successor Trustee.



  
\_\_\_\_\_  
Notary Public for Oregon

My commission expires: Sep. 16, 2011