

EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



NOTICE OF DEFAULT AND ELECTION TO SELL

2009-013828

Klamath County, Oregon



00074511200900138280020024

10/26/2009 03:06:39 PM

Fee: \$42.00

RE: Trust Deed from

Richard M. Hines

6012 Coopers Hawk Rd

Klamath Falls, OR 97601

To

Grantor

Amerititle, an Oregon corporation

300 Klamath Avenue

Klamath Falls, OR 97601

Trustee

After recording, return to (Name, Address, Zip):

James R. Uerlings

Boivin, Uerlings & DiIaconi, P.C.

803 Main Street, Ste 201

Klamath Falls, OR 97601

SPACE RESE

RECC

Reference is made to that certain trust deed made by Richard M. Hines

_____, as grantor, to
Amerititle, an Oregon corporation _____, as trustee,
 in favor of South Valley Bank and Trust _____, as beneficiary,
 dated October 7, 2005 _____, recorded on October 11, 2005 _____, in the Records of
Klamath _____ County, Oregon, in ☐ book ☐ reel ☒ volume No. M05 _____ at page 66191 _____,
 and/or as ☒ file ☒ instrument ☒ microfilm ☒ reception No. _____ (indicate which), covering the following
 described real property situated in the above-mentioned county and state, to-wit:

Lot 178, Running Y Resort, Phase 3, according to the official plat thereof on file in the
 office of the County Clerk of Klamath County, Oregon.

James R. Uerlings appointed Successor Trustee on October 22, 2009 and recorded on
 October 23, 2009 in the Records of Klamath County, Oregon in 2009-013803.

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 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 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:

- a) Six delinquent payments of \$707.84 from 05/01/09-10/01/09 at 7.75% per annum with late fees of \$35.40 each for a total due of \$4,459.44;
- b) Plus failure to pay Klamath County property taxes of \$1,235.88 plus interest after 09/01/09;
- c) Plus costs and attorney fees of beneficiary; and,
- d) Plus Running Y Homeowners Association dues.

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:

\$109,564.60 plus interest of \$4,444.21 through 10/22/09 and interest thereafter at 7.75% on the principal and balance, plus late fees of \$214.12 through 10/20/09 and \$35.40 per month thereafter, plus Klamath County property taxes of \$1,235.88, plus interest after 09/01/09 at the County's interest rate, plus Running Y Homeowners Association dues, plus the beneficiary's attorney fees and collection costs, and the trustee's fees and collection costs.

(OVER)



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 11 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on March 16, 2010, at the following place: 803 Main Street, Suite 201 in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

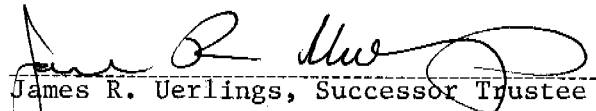
Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to grantor or of any lessee or other person in possession of or occupying the property, except:

Name and Last Known Address	Nature of Right, Lien or Interest
1) Carl Monett & Abound!, LLC 2450 Wantland Avenue Klamath Falls, OR 97601	Judgment Lien Klamath County Circuit Court Case #07-02700CV September 25, 2007

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.

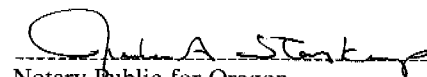
DATED October 26, 2009


James R. Uerlings, Successor Trustee

☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss.
This instrument was acknowledged before me on October 26, 2009
by James R. Uerlings
This instrument was acknowledged before me on _____
by _____
as _____
of _____




Notary Public for Oregon
My commission expires 10/21/2013