

2009-014006

Klamath County, Oregon

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



10/29/2009 03:02:08 PM

Fee: \$42.00

Re Trust Deed from Grantor:
EVELYN V. FANDREY
PO Box 28
Crescent, OR 97733

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

NOTICE OF DEFAULT AND ELECTION TO SELL

1st 148 6104
Reference is made to that certain Trust Deed made by EVELYN V. FANDREY as Grantor, to ROBERT A. SMEJKAL, Attorney at Law, as Trustee, in favor of JOHN E. OCKERT, as Beneficiary, dated October 7, 2005, recorded on October 12, 2005, in the Records of Klamath County, Oregon, in Volume M05, Page 66397, covering certain real property situated in the above mentioned county and state, which is more particularly set forth as follows:

"PARCEL I:

LOTS 23 AND 24 OF BLOCK 40 OF CRESCENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IN THE TOWN OF CRESCENT, OREGON BEGINNING AT THE INTERSECTION OF WARD STREET AND MAIN STREET, ON THE EAST SIDE OF MAIN STREET, AND NORTH SIDE OF WARD STREET AND RUNNING EAST 100 FEET, PARALLEL WITH WARD STREET; THENCE NORTH PARALLEL WITH MAIN STREET 50 FEET; THENCE WEST PARALLEL WITH WARD STREET 100 FEET; THENCE SOUTH PARALLEL WITH MAIN STREET 50 FEET, TO PLACE OF BEGINNING.

PARCEL II:

Lots 5, 6, 7 & 8, BLOCK 40 OF CRESCENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON."

The Trustee hereby certifies that no assignments of the Trust Deed by the Trustee or by the Beneficiary 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: (1) monthly payments in the amount of \$700.00 each, commencing with the payment due May 7, 2009, and continuing each month thereafter; and (2) real property taxes for 2008-2009 in the amount of \$463.54, plus interest. Real property taxes for 2009-2010 in the amount of \$476.05, plus interest, will become delinquent on November 16, 2009.

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 principal amount of \$70,000.00, plus interest at the rate of 12% per annum from April 7, 2009, until paid; plus late fees, foreclosure costs and attorney fees, and amounts, if any, advanced by the Beneficiary pursuant to the terms of the Trust Deed and/or applicable law.

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Notice is hereby 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 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 11:30 a.m. in accord with the standard time established by ORS 187.110 on March 30, 2010, 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 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

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 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.

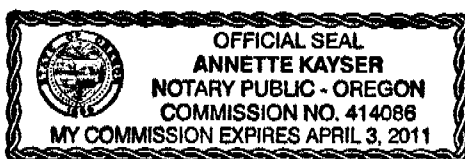
DATED this 26th day of October, 2009.

Robert A. Smejkal

ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged before me on October 26, 2009, by ROBERT A. SMEJKAL, Trustee.



Annette Kayser

NOTARY PUBLIC FOR OREGON