

2009-015355

Klamath County, Oregon



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12/04/2009 11:28:16 AM

Fee: \$57.00

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

ATE 67234

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Jeffrey L. Jackman, as grantor, to West Coast Trust as trustee, in favor of West Coast Bank, as beneficiary, dated February 7, 2006, recorded February 9, 2006, in the mortgage records of Klamath County, Oregon, as Document No. M062579, and covering the following described real property situated in the above-mentioned county and state, to wit:

#### Property Description for Parcel 1 of Property Line Adjustment 3-99

That portion of the E 1/2 SE 1/4 of Section 28, and the W 1/2 SW 1/4 of Section 27, Township 23 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon and described as follows:

Beginning at the Southeast corner of Section 28, thence heading North 88° 41' West 1290 feet more or less to the East 1/16 corner of Section 28 and 33; thence North 00° 16' East 2597 feet more or less to the Center East 1/16<sup>th</sup> corner of Section 28; thence North 00° 23' West 185 feet more or less; thence North 89° 51' 55" East 747.52 feet; thence North 14° 26' 38" East 735.59 feet more or less; thence North 89° 53' 45" East 1605 feet more or less to the Westerly right of way line of the Burlington Northern Railroad; thence South 14° 41' 36" West 2276 feet more or less along the Westerly right of way line of the Burlington Northern Railroad to the South line of the NW 1/4 SW 1/4; thence South 89° 36' 17" West 609.07 feet to the South 1/16<sup>th</sup> corner of Sections 28 and 27; thence South 02° 38' 00" West 1313 feet more or less, to the true point of beginning.

Real property commonly known as 146450 Beal Rd., 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

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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. 18000597:**

Failure to make regular monthly payments on August 10, 2009 and each month thereafter pursuant to the terms of the Promissory Note, Trust Deed and accompanying loan documents.

The existing payment defaults and the current default amounts owing upon the Promissory Note as of September 24, 2009 are:

Outstanding payment balance	\$1,904.92
Late charges	\$54.42
Total	\$1,959.34

By reason of these defaults, the beneficiary has and does hereby declare all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to wit:

Principle Balance:	\$248,320.00
Accrued Interest:	\$3,095.49
Late Charges:	\$54.42
Total:	\$251,469.91*

\*Total does not include accrued interest at the rate of \$34.02 per diem from September 24, 2009, additional late charges, expenditures, or 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 p.m. in accord with the standard of time established by ORS 187.110 on Wednesday, April 7, 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.

Notice is further given that any person named in ORS 86.753 has the right, at any time not later than five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by paying the entire amount then due (other than such portion of the principal as would not then be due had no default occurred), together with costs, trustee's fees and attorney fees, and by curing any other default complained of in the notice of default, that is capable of being cured by tendering the performance required under the obligation or trust deed.

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:

Jeffrey Jackman P.O. Box 2819 Lapine, OR 97739	Debtor
Jeffrey Jackman 146450 Beal Rd. Lapine, OR 97739	Debtor
Occupant(s) 146450 Beal Rd. Lapine, OR 97739	Occupant(s)
Mortgage Electronic Registration System, Inc. Nominee for American Brokers Conduit P.O. Box 2026 Flint, MI 48501-2026	Nominee of trust deed holder
American Brokers Conduit 4650 Regent Blvd., Suite 100 Irving, TX 75063-2250	Trust Deed holder
Mortgage Electronic Registration System, Inc. Nominee for American Brokers Conduit 14525 SW Millikan Wy #37265 Beaverton, OR 97005	Nominee of trust deed holder
Mortgage Electronic Registration System, Inc. Nominee for American Brokers Conduit Attn. The Prentice-Hall Corporation System, Inc. 2711 Centerville Road Suite 400 Wilmington, DE 19808	Nominee of trust deed holder
Mortgage Electronic Registration System, Inc. Nominee for American Brokers Conduit Attn. The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Nominee of trust deed holder
Mortgage Electronic Registrations System, Inc. 1818 Library Street, Suite 300 Reston, VA 20190	Nominee of trust deed holder

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.

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#### **NOTICE TO TENANTS:**

**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 sale.**

**If you have a fixed-term lease, you may be entitled to receive after the date of 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 the rental agreement. The date that is 30 days before the date of the sale is March 8, 2010. The name of the trustee and the trustee's mailing address are listed on this notice.**

**Federal law may grant you additional rights, including a right to a longer notice 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. Contact information for the Oregon State Bar is included with this notice. 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 LASO Hotline for Klamath County: (541) 882-6982 or 1-800-480-9160. Answered on Thursdays, and on most Tuesdays, from 1:00 p.m. to 4:00 p.m. The Hotline hours are subject to change;**

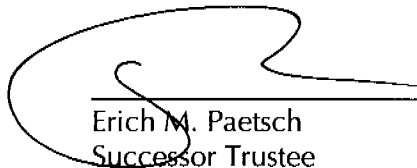
when clients and potential clients call the hotline, the message will tell them what the hours the hotline will be answered for that week.

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The mailing address for trustee, as referenced herein, is as follows:

Erich M. Paetsch  
P.O. Box 470  
Salem, OR 97308-0470

DATED: December 3, 2009

  
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Erich M. Paetsch  
Successor Trustee

STATE OF OREGON, County of Marion ) ss.

This instrument was acknowledged before me on this 3<sup>rd</sup> day of December, 2009, by Erich M. Paetsch, Successor Trustee.

  
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Notary Public for Oregon  
My commission expires: Sept. 21, 2013

