

After recording, return to:

Jeanne Kallage Sinnott  
Successor Trustee & Attorney  
Miller Nash LLP  
111 S.W. Fifth Avenue, Suite 3400  
Portland, Oregon 97204-3699



00079403201000017670030032

02/02/2010 11:23:41 AM

Fee: \$47.00

1st 1513989

### NOTICE OF DEFAULT AND ELECTION TO SELL

1. This notice of default and election to sell is recorded pursuant to ORS 86.735(3) with respect to that deed of trust (the "Trust Deed") dated **October 9, 2008**, by **John A. Moore and Alice P. Moore** (the "Grantor"), to **David A. Kubat** (the "Trustee"), to secure payment and performance of certain obligations of Grantor to **U.S. Bank N.A.** (the "Beneficiary"), including repayment of a promissory note dated **October 9, 2008**, in the principal amount of \$102,822.26 (the "Note").

2. The legal description of the real property covered by the Trust Deed is as follows:

The Westerly 88 feet, more or less, of Lot 4, Block 11, STEWART, Klamath County, Oregon, according to the duly recorded plat thereof in the office of the Klamath County Clerk.

3. The Trust Deed was recorded on **October 14, 2008**, in **Volume 2008 at Page 014082** in the official real property records of Klamath County, Oregon.

4. The successor trustee hereby certifies that no action has been instituted to recover the obligation, 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).

5. The default for which the foreclosure is made is Grantor's failure to pay when due the following sums: monthly payments in full of \$718.24 owed under the Note beginning September 2009 and each month thereafter; late charges in the amount of \$112.50 as of January 10, 2010, plus any late charges accruing thereafter; and expenses, costs, trustee fees and attorney fees.

6. By reason of said default, U.S. Bank N.A., as beneficiary under the Trust Deed, has declared all sums owing on the obligation secured by the Trust Deed immediately due and payable which sums are as follows: (a) the principal amount of \$81,024.86 as of January 10, 2010, (b) accrued interest of \$2,785.76 as of January 10, 2010, and interest accruing thereafter on the principal amount at the rate set forth in the Note until fully paid, (c) late charges in the amount of \$112.50 as of January 10, 2010, plus any late charges accruing thereafter and any other expenses or fees owed under the Note or Trust Deed, (d) amounts that U.S. Bank N.A., has paid on or may hereinafter pay to protect the lien, including by way of illustration, but not

7-47-

limitation, taxes, assessments, interest on prior liens, and insurance premiums, and (e) expenses, costs and attorney and trustee fees incurred by U.S. Bank N.A., in foreclosure, including the cost of a trustee's sale guarantee and any other environmental or appraisal report.

7. Notice is hereby given that by reason of said default, U.S. Bank N.A., as beneficiary under the Trust Deed, and the successor trustee have elected to foreclose the Trust Deed by advertisement and sale pursuant to ORS 86.705 to ORS 86.795 and to sell the real property identified in paragraph 2 to satisfy the obligation that is secured by the Trust Deed.

8. The sale will be conducted on **June 22, 2010, at one o'clock (1:00) p.m., based on the standard of time established by ORS 187.110, just outside the main entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon.**

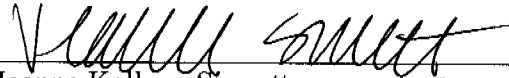
9. Notice is further given that any person named in ORS 86.753, has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to U.S. Bank N.A., as beneficiary, of the entire amount then due, (other than such portion of 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 and attorney fees not exceeding the amount provided by ORS 86.753.

10. 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 successor in interest, if any.

**In accordance with the Fair Debt Collection Practices Act, this is an attempt to collect a debt, and any information obtained will be used for that purpose. This communication is from a debt collector.**

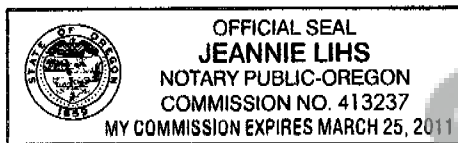
For further information, please contact Jeanne Kallage Sinnott at her mailing address of Miller Nash LLP, 111 S.W. Fifth Avenue, Suite 3400, Portland, Oregon 97204 or telephone her at (503) 224-5858.


DATED: February 1, 2010.

  
Jeanne Kallage Sinnott  
Successor Trustee & Attorney

STATE OF OREGON                    )  
  ) SS  
COUNTY OF MULTNOMAH        )

This instrument was acknowledged before me on February 1, 2010, by Jeanne Kallage Sinnott, as successor trustee and attorney.



  
Notary Public for Oregon  
My commission expires: 03/25/11

File No. 080090-0568  
Grantor: Moore, John A. and Alice P.  
Beneficiary: U.S. Bank N.A.