

Returned @ Counter

2010-001935

Klamath County, Oregon

After recording, return to:  
Matthew T. Parks  
832 Klamath Avenue  
Klamath Falls, OR 97601



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02/05/2010 01:13:59 PM

Fee: \$42.00

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by CRESCENT MOON DEVELOPMENT CORP., Grantor, where FIRST AMERICAN TITLE is the trustee, and WILLIAM w. MADEWELL and GLORIA J. MADEWELL, husband and wife, are the beneficiaries under that certain trust deed dated September 9, 2008, and recorded September 25, 2008, in Volume No. 2008, page 013343, Official Records of Klamath County, Oregon, covering the following-described real property:

THE NORTH HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 12, TOWNSHIP 29 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY OREGON, EXCEPTING ANY PORTION CONTAINED IN THE RIGHTS OF WAY OF THE DALLES CALIFORNIA HIGHWAY U.S. 97 AND EAST DIAMOND LAKE HIGHWAY STATE 230.

Further notice is provided to FB Properties, LLC (assignor) and Francis Bennett (individually).

The obligation secured by said trust deed are in default.

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default of which the foreclosure is made is grantor's failure to pay when due the following sums:

\$250,000.00 remaining principal plus accruing interest and costs.

Grantor's attempting or assigning obligations of the trust deed.

Grantor's failure to maintain at all times casualty insurance.

Grantor's failure to pay property taxes when due.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to-wit:

\$255,441.12 plus interest in the amount of \$47.95 per day from February 1, 2010.

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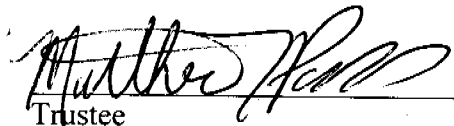
WHEREFORE, notice hereby is given that the undersigned trustee will on June 14, 2010, at the hour of 1:00 o'clock, p.m., in accord with the standard of time established by ORS 187.110, at the office of Matthew T. Parks, 832 Klamath Avenue in the City of Klamath falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. 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 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 of 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's fees not exceeding the amounts provided by said Oregon Revised Statutes.

We are attempting to collect a debt and any information we obtain will be used for that purpose. The debt described in the Notice of Sale is assumed to be valid unless debtor disputes within 30 days and that, if disputed, debt collector will obtain and furnish to debtor the verification. If written request is made within 30 days by debtor, name of original lender will be given if different than the current creditor.

Written requests should be addressed to: Matthew T. Parks, Attorney at Law, 832 Klamath Avenue, Klamath Falls, OR 97601.

In construing this notice, the masculine gender includes the feminine and the neuter, 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 which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.


DATED: 2/5/10

  
Trustee

STATE OF OREGON, County of Klamath ) ss.

On February 5, 2010, before me personally appeared Matthew T. Parks, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.



  
Notary public for Oregon  
My Commission expires: 11/25/2012