

2010-004030

Klamath County, Oregon



04/02/2010 11:13:28 AM

Fee: \$52.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed Mark C. Cobb, Donna .
Shoemaker, Jessica B.A. Cobb and
Melissa P. J. Cobb, Grantor
To Stanley Catlett and
Joyce A. Catlett, Beneficiary

AFTER RECORDING RETURN TO:

Scott D. MacArthur, P.C.
635 Main Street
Klamath Falls, OR 97601

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by MARK C. COBB, as to an undivided 55% interest, DONNA J. SHOEMAKER as to an undivided 15%, JESSICA B. A. COBB, as to an undivided 15% interest, and MELISSA P.J. COBB, as to an undivided 15%, as grantor, to AMERITITLE, INC., as trustee, in favor of STANLEY CATLETT and JOYCE A. CATLETT as beneficiary, dated October 10, 2002, recorded November 4, 2002, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M02 at page 63492, covering the following described real property situated in said county and state, to-wit:

Lot 1, Block 7, and that portion of vacated Yahooskin Street which inured thereto, FIRST ADDITION TO CHILOQUIN, according to the official plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

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 situate; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed.

There is a default by the grantor or other person owing an obligation, the performance of which is secured by said trust deed, or by their 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:

Taxes for the fiscal year 2008-2009, delinquent in the sum of \$188.29, plus interest.

Taxes for the fiscal year 2009-2010, delinquent in the sum of \$194.70, plus interest.

Payments in the amount of \$206.26 per month from November 2009 through the present.

Returned to Counter

Judgment against Grantor, Jessica Cobb in favor of Bonneville Billing and Collections in the amount \$800.00 plus costs and interests from November 7, 2006 in Klamath County Case 0604092-CV.

Judgment against Grantor, Jessica Cobb in favor of Carter-Jones Collection Services in the amount \$469.90 plus costs and interests from February 9, 2007 in Klamath County Case 0700135-CV.

Judgment against Grantor, Jessica Cobb in favor of Premier Finance in an amount to be determined from October 22, 2007 in Klamath County Case 0703848-CV.

Judgment against Grantor, Mark C. Cobb in favor of Jeanne England in the amount \$32,527.38 fees, plus costs and interests from January 10, 2010 in Klamath County Case 0904594-CV.

Judgment against Grantor, Mark C. Cobb in favor of Westcoast Hardwoods, LLC in the amount \$2,789.50 from February 8, 2010 in Lien Record Abstract 2010-001973m Microfilm Records of Klamath County, Oregon.

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: \$5,427.08 as of October 19, 2009, plus interest.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Sections 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for case the interest in the said described property which the grantor had, or had the power to convey, at the time of the execution by him of the trust deed, together with any interest the grantor or his successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said 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 attorney.

Said sale will be held at the hour of 11:00 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on August 6, 2010, at the following place: 635 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place fixed by the trustee of said sale.

Other than as shown of record, neither the said beneficiary or the said 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:

NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN OR INTEREST

Mark C. Cobb
P.O. Box 411
Chiloquin, OR 97624

Default upon Trust Deed

Donna J. Shoemaker
P.O. Box 411
Chiloquin, OR 97624

Default upon Trust Deed

Jessica B. A. Cobb
P.O. Box 411
Chiloquin, OR 97624

Default upon Trust Deed

Melissa P. J. Cobb
P.O. Box 411
Chiloquin, OR 97624

Default upon Trust Deed

Mark C. Cobb
P.O. Box 411
Chiloquin, OR 97624

Judgment in favor of Jeanne England
Klamath County Circuit Court Case
0904594-CV

Jessica N. Cobb
4180 Bristol Court, Apt A
Klamath Falls, OR 97603

Judgment in favor of Premier Finance
Klamath County Circuit Court Case
0703848-CV

Mark Cobb, DBA West Coast Juniper Distributing
112 East Chocktoot Street
Chiloquin, OR 97624

Judgment in favor of Westcoast
Hardwoods, LLC. Lien Record Abstract
Microfilm No. 2010-001973

Jessica Cobb
1900 Lancaster Ave
Klamath Falls, OR 97601

Judgment in favor of Carter-Jones
Collections. Klamath County Circuit
Court Case 0700135-CV

Jessica Cobb
1900 ½ Lancaster Ave
Klamath Falls, OR 97601

Judgment in favor of Bonneville Billing
and Collections. Klamath County
Circuit Court Case 0604092-CV

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five days before the trustee conducts 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 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's and attorney's fees not exceeding the amounts provided by said Section 86.753 of Oregon Revised Statutes.

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 of which is secured by said trust deed,

and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

DATED: April 2, 2010

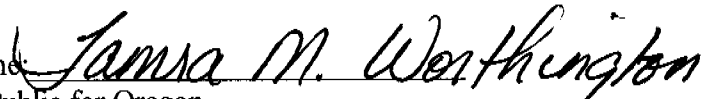


Scott D. MacArthur
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 2 day of April, 2010,
by Scott D. MacArthur.

(S E A L)

Before me: 
Notary Public for Oregon
My Commissioner Expires: March 19 2011

