

2010-004364

Klamath County, Oregon



00082514201000043640020028

04/09/2010 02:44:55 PM

Fee: \$42.00

AFTER RECORDING RETURN TO:

Shapiro & Sutherland, LLC  
5501 N.E. 109th Court, Suite N  
Vancouver, WA 98662  
10-104108

ATE 67654

## NOTICE OF DEFAULT AND ELECTION TO SELL

A default has occurred under the terms of a trust deed made by Robert E. Summers and Sharon L. Summers, husband and wife, as grantor to First American Title, as trustee, in favor of ABN AMRO Mortgage Group, Inc, as beneficiary, dated December 5, 2007, recorded December 26, 2007, in the mortgage records of Klamath County, Oregon, in Book 2007, at Page 021445, beneficial interest having been assigned to Arch Bay Holdings, LLC - Series 2009D, as covering the following described real property:

ALL THAT PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 23, TOWNSHIP 39 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE RUNNING NORTH AND SOUTH AND DISTANT FROM THE WEST LINE OF THE SAID NE 1/4 OF NW 1/4 892 FEET EASTERLY THEREFROM AND THE NORTHERLY LINE OF THE KLAMATH FALLS-KENO ROAD OR HIGHWAY; THENCE FROM SAID POINT OF BEGINNING NORTH AND PARALLEL WITH THE SAID WEST LINE OF SAID NE 1/4 OF NW 1/4 A DISTANCE OF 330 FEET; THENCE NORTHEASTERLY AND PARALLEL WITH SAID LINE OF HIGHWAY TO THE WEST LINE OF PROPERTY DEEDED TO ROXANA MILLER HARVEY BY DEED RECORDED IN BOOK 113 AT PAGE 29, KLAMATH COUNTY DEED RECORDS, BEING A LINE DISTANT 341 FEET WEST OF THE EAST LINE OF SAID NW 1/4 NW 1/4 AND PARALLEL THERETO; THENCE SOUTH AND ALONG SAID LINE OF THE HARVEY PROPERTY TO THE NORTH LINE OF SAID HIGHWAY; THENCE WESTERLY ALONG SAID HIGHWAY LINE TO THE PLACE OF BEGINNING.

COMMONLY KNOWN AS: 7737 Highway 66, Klamath Falls, OR 97601

Kelly D. Sutherland, Successor Trustee, hereby certifies 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 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 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:

Monthly payments in the sum of \$1,164.26, from June 1, 2009, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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

\$224,799.91, together with interest thereon at the rate of 4.5% per annum from May 1, 2009, together with all costs, disbursements, and/or fees incurred or paid by the beneficiary and/or trustee, their employees, agents or assigns.

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 ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash 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 compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

Said sale will be held at the hour of 10:00 AM PT, in accordance with the standard time established by ORS 187.110 on August 16, 2010, at the following place: at the main entrance of the Klamath County Courthouse, located at 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 said sale.

Notice is further given to any person named in ORS 86.753 that the right exists, at any time that is 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 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 fees and attorney fees not exceeding the amounts provided by said ORS 86.753.

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.

The Fair Debt Collection Practice Act requires that we state the following: This is an attempt to collect a debt, and any information obtained will be used for that purpose. If a discharge has been obtained by any party through bankruptcy proceedings: This shall not be construed to be an attempt to collect the outstanding indebtedness or hold you personally liable for the debt.

Dated: 4/8/2010 By: [Signature]  
KELLY D. SUTHERLAND  
Successor Trustee

STATE OF WASHINGTON )  
) SS.  
COUNTY OF CLARK )

SUBSCRIBED AND SWORN to before me this 8 day of Apr. 7, 2010,  
by Kelly D. Sutherland, Successor Trustee.

[Signature]  
Notary Public for Washington  
My commission expires MAY 2, 2012

