

2010-007322

Klamath County, Oregon

NOTICE OF DEFAULT AND ELECTION TO SELL



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06/16/2010 08:35:08 AM

Fee: \$47.00

RE: Trust Deed Mark C. Cobb, Grantor
To Scott D. MacArthur, Successor Trustee
In Favor of John Merriman, Trustee, 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 grantor, to ASPEN TITLE & ESCROW, INC, as trustee, in favor of JOHN MERRIMAN, Trustee of the John Merriman 1995 Revocable Trust, as beneficiary, dated October 8, 2009, recorded October 9, 2009, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. 2009 at page 13287, covering the following described real property situated in said county and state, to-wit:

Lot 1, Block 11, 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 2009-2010, delinquent in the sum of \$741.87, plus interest.

Payment in the amount of \$12,166.92 due in full on April 15, 2010.

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.

State Tax Warrant against Grantor, Mark C. Cobb, individually and DBA West Coast Juniper

Distributing, Warrant No. A9904 in the amount of \$771.31 from March 26, 2010, in Lien Record Abstract, 2010 at page 3738

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: \$12,166.92 as of April 15, 2010.

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 cash 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 October 22, 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
Mark C. Cobb P.O. Box 411 Chiloquin, OR 97624	Judgment in favor of Jeanne England Klamath County Circuit Court Case 0904594-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
Mark Cobb, DBA West Coast Juniper Distributing 112 East Chocktoot Street Chiloquin, OR 97624	Tax Warrant in favor of State of Oregon Employment Department. Lien Record Abstract, Microfilm No. 2010-003738

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.

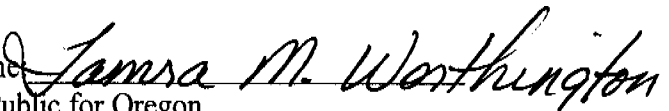
DATED: June 15, 2010


Scott D. MacArthur
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 15th day of June, 2010,
by Scott D. MacArthur.

(S E A L)

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

