

2010-007392

Klamath County, Oregon



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06/17/2010 11:56:49 AM

Fee: \$47.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed William J. Burke and  
Shari A. Burke, Grantor  
To Scott D. MacArthur, Successor Trustee  
In Favor of Theresa M. Tron, 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 WILLIAM J. BURKE and SHARI A. BURKE, as grantor, to AMERITITLE, INC, as trustee, in favor of THERESA M. TRON, as beneficiary, dated May 19, 2004, recorded June 7, 2004, in the mortgage records of Klamath County, Oregon, in book/reel/volume No. M04 at page 36429, covering the following described real property situated in said county and state, to-wit:

Lots 20, 21 and the South 10 feet of Lot 22 in Block 7, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, 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 \$626.96, plus interest.

Payment in the amount of \$621.13 per month from March 28, 2009, plus interest.

Judgment against Grantor, Shari A. Burke in favor of Capital One Bank in the amount \$12,182.83 plus costs and interests from April 30, 2007 in Klamath County Case 0605171-CV.

Judgment against Grantor, William J. Burke in favor of Asset Acceptance in the amount \$6,881.25 plus costs and interest from January 29, 2008 in Klamath County Case 0703844-CV.

Returned to County

Judgment against Grantor, William J. Burke in favor of Capital One bank in the amount \$2,542.24 plus costs and interest from April 15, 2008 in Klamath County Case 0800456-CV.

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: \$26,967.99 as of April 17, 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 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
William J. Burke 634 Owens Street Klamath Falls, OR 97601	Default on terms of Trust Deed
Shari A. Burke 634 Owens Street Klamath Falls, OR 97601	Default on terms of Trust Deed
Shari A. Burke 634 Owens Street Klamath Falls, OR 97601	Judgment in favor of Capital One Bank Klamath County Circuit Court Case 0605171-CV
William J. Burke 634 Owens Street Klamath Falls, OR 97601	Judgment in favor of Asset Acceptance Klamath County Circuit Court Case 0703844-CV

William J. Burke. Burke  
634 Owens Street  
Klamath Falls, OR 97601

Judgment in favor of Capital One Bank  
Klamath County Circuit Court Case  
0800456-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.

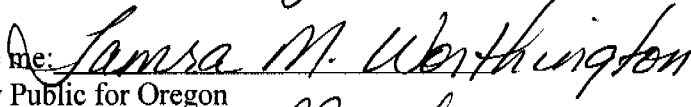
DATED: June 17, 2010

  
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Scott D. MacArthur  
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of June, 2010,  
by Scott D. MacArthur.

(S E A L)

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

