

2010-009649

Klamath County, Oregon



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08/13/2010 03:15:57 PM

Fee: \$47.00

AFTER RECORDING RETURN TO:

Shapiro & Sutherland, LLC

5501 N.E. 109th Court, Suite N

Vancouver, WA 98662

10-104845

ATE 67895

## NOTICE OF DEFAULT AND ELECTION TO SELL

A default has occurred under the terms of a trust deed made by Douglas K. Ivey, as grantor to Aspen Title and Escrow, as trustee, in favor of Washington Mutual Bank, FA, as beneficiary, dated August 28, 2007, recorded September 6, 2007, in the mortgage records of Klamath County, Oregon, as Book 2007, Page 15745, beneficial interest now held by JPMorgan Chase Bank, National Association, successor in interest to Washington Mutual Bank as covering the following described real property:

See complete Legal Description attached hereto as Exhibit "A"

**COMMONLY KNOWN AS:** Ptn Lot 7, Sec 34, T34S, R7E, Chiloquin, OR 97624

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 \$463.78, from March 1, 2010, 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:

\$150,998.11, together with interest thereon at the rate of 3% per annum from February 1, 2010, 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 foreclosure 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

ATE 47

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 December 20, 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.

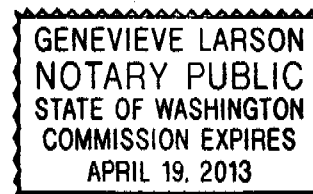
Dated: 8-12-2010

By: [Signature]  
**KELLY D. SUTHERLAND**  
Successor Trustee

STATE OF WASHINGTON                    )  
  ) SS.  
COUNTY OF CLARK                    )

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of August, 2010,  
by Kelly D. Sutherland, Successor Trustee.

[Signature]  
Notary Public for Washington  
My commission expires 4/19/2013



**Exhibit A**

**A parcel of land lying in Government Lot 7 of Section 34, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, described as follows:**

**Beginning at a point 285.72 feet North and 1,300.86 feet East of the Southwest corner, Section 34, Township 34 South, Range 7 East of the Willamette Meridian, which point is located on the East boundary of Lot 7, said Section 34; thence South 147.90 feet to a stake at edge of Williamson River; thence South 85° West for 200 feet; thence South 43° West 91.20 feet; thence North 231.80 feet; thence East 261.40 feet to the point of beginning.**

**EXCEPTING THEREFROM the 100 foot by 50 foot parcel conveyed to Lloyd Lotches by Land Status Report recorded in Book 306 at Page 467, Deed Records of Klamath County, Oregon.**

**AND a portion of the SE 1/4 of the SW 1/4 of the SW 1/4 of Section 34, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:**

**Starting at a point 285.72 feet North and 1,039.46 feet East of the Southwest corner of Section 34, Township 34 South, Range 7 East of the Willamette Meridian; thence East 100 feet; thence South 50 feet; thence West 100 feet; thence North 50 feet to the point of beginning, all located within Government Lot 7.**

**CODE 118 MAP 3407-034CC TL 01200 KEY #198217**

**CODE 118 MAP 3407-034CC TL 01100 KEY #198208**