

2010-012397

Klamath County, Oregon



00091933201000123970030039

10/20/2010 03:14:16 PM

Fee: \$47.00

**After Recording Return To:**

Bishop, White, Marshall & Weibel, P.S.  
720 Olive Way, Suite 1301  
Seattle, WA 98101  
Attn: Emily Doherty

Ref: Stilwell, Michael E. and Kelly - 488.1020691

**NOTICE OF DEFAULT AND ELECTION TO SELL**

1st 1605869

**NOTICE: AS THE RESULT OF AN ORDER ENTERED IN A BANKRUPTCY PROCEEDING, MICHAEL EARL STILWELL MAY NOT BE PERSONALLY LIABLE FOR THE UNPAID BALANCE OF THE BELOW REFERENCED LOAN. HOWEVER, THE BENEFICIARY RETAINS A DEED OF TRUST DESCRIBED BELOW WHICH IS SUBJECT TO FORECLOSURE IN ACCORDANCE WITH THE LAWS OF THE STATE OF OREGON. AS OF THE DATE OF THIS NOTICE/LETTER, THE BALANCE TO PAY OFF THE DEED OF TRUST IS \$134,166.27. INTEREST FEES AND COSTS WILL CONTINUE TO ACCRUE AFTER THE DATE OF THIS NOTICE/LETTER. UNLESS YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF WITHIN 30 DAYS AFTER RECEIVING NOTICE OF THIS DOCUMENT, THIS OFFICE WILL ASSUME THE DEBT TO BE VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN THE 30-DAY PERIOD THAT THE DEBT OR ANY PORTION THEREOF IS DISPUTED, VERIFICATION OF THE DEBT WILL BE OBTAINED AND WILL BE MAILED TO YOU. UPON WRITTEN REQUEST WITHIN 30 DAYS, THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR, WILL BE PROVIDED.**

**NOTICE: IF YOU ARE NOT PERSONALLY LIABLE TO PAY THIS OBLIGATION BY REASON OF A BANKRUPTCY PROCEEDING, THEN THIS NOTICE IS NOT AN ATTEMPT TO COLLECT A DEBT BUT IS INTENDED ONLY TO RELAY INFORMATION REGARDING YOUR DEED OF TRUST.**

**NOTICE: IF YOU ARE PERSONALLY LIABLE TO PAY THIS OBLIGATION, WE WISH TO INFORM YOU THAT WE ARE A DEBT COLLECTOR. ANY INFORMATION YOU PROVIDE TO US WILL BE USED FOR THE PURPOSES OF FORECLOSING THE DEED OF TRUST MENTIONED BELOW.**

Reference is made to that certain trust deed made by Michael E Stilwell and Kelly Stilwell, as tenants by the entirety, as grantor, to U.S. Bank Trust Company, National Association, as trustee, in favor of U.S. Bank National Association ND, as beneficiary dated December 15, 2006, recorded December 22, 2006, in the mortgage records of Klamath County, Oregon, as Recording No. 2006-025249, covering the following described real property situated in said county and state, to-wit:

Lot 16 in Block 44 of First Addition to Klamath Forest Estates, according to the official plat thereof on file in the office of the county clerk of Klamath County, Oregon.

Together with that certain 27 X 66, Oakwood manufactured home bearing VIN No. G00R23 N26503 AB, and more fully described in that certain Title Elimination document filed with the Recorder of Klamath County, Oregon on November 18, 2002 and April 17, 2003 under Recording No. Volume M02, Page 66784 and Volume M03, Page 24582.

The undersigned David A. Weibel 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 except as permitted by ORS 86.735(4).

There is a default by the grantor or other persons owing an obligation, the performance of which is secured by said trust deed, or by their successor in interest with respect to provision therein which authorizes 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:

**1. Monthly Payments:**

**Delinquent Monthly Payments Due from 1/20/2010 through 9/20/2010:**

**7 payment(s) at \$1020.87**

**2 payment(s) at \$976.70**

**Total Payments:**

**\$9,099.49**

**Late Charges:**

**9 late charge(s) at \$43.05**

for each monthly payment not made within 15 days of its due date

**Total Late Charges**

**\$387.45**

Lender's Property Inspection Fees

**\$95.00**

Previous Bankruptcy Fees & Costs

**\$700.00**

Previous Foreclosure Fees & Costs

**\$1,299.00**

**THE SUM OWING ON THE OBLIGATION SECURED BY**

**THE TRUST DEED:**

**\$11,580.94**

**2. Delinquent Real Property Taxes, if any.**

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:

Unpaid balance is \$132,166.27 as of October 19, 2010. In addition there are attorney's fees and foreclosure costs which as of the date of this notice are estimated to be \$2,000.00. Interest, late charges and advances for the protection and preservation of the property may accrue after the date of this notice

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 interest in said described property which the grantor had, or the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trust deed and the expenses of 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 11:00 am, in accord with the standard time established by ORS 187.110 on March 2, 2011, at the following place: at the front entrance to the County Courthouse, located at 316 Main Street, Klamath Falls, Klamath County, State of Oregon, which is the hour, date and place last set for said sale.

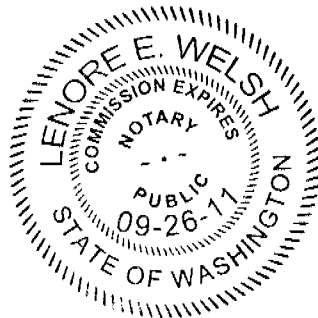
Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by

In construing this notice, 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.

Tommy

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

*Lenore E. Welsh*  
 Lenore E. Welsh  
 Notary Public for Washington  
 Residing at: King County  
 My Commission Expires: 9/20/11



Bishop, White, Marshall & Weibel, P.S.  
720 Olive Way, Suite 1301  
Seattle, WA 98101  
(206) 622-7527