

UTC 6/8/15

after Recording Return to *

2010-012415

Klamath County, Oregon



00091951201000124150030036

10/20/2010 03:26:27 PM

Fee: \$47.00

**TRUSTEE'S NOTICE OF DEFAULT
AND ELECTION TO SELL**

Erik S.B. Toner and Theresa C. Toner, tenants by the entirety, as grantor, made, executed and delivered to Aspen Title & Escrow as trustee, to secure the performance of certain obligations including the payment of the principal sum of \$73,800.00, in favor of Sam B. Davis and Jack H. Adams, Jr., as beneficiary, that certain trust deed dated August 10, 2005, and recorded August 12, 2005, in the official records of Klamath County, Oregon, in Volume M-05-61815, covering the following described real property situated in said county:

Lot 16, Block 6, KLAMATH FOREST ESTATES, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon. This includes a 2005 Karsten mobile home VIN TKCSTOR-1605-26963 situated on the subject property.

There is a default by the grantor. The debt became fully due and payable on August 12, 2010, and it remains unpaid. Grantor's failure just described is the default for which the foreclosure mentioned below is made, in addition to Grantor's failure to pay real property taxes for tax years 2008-2009 and 2009-2010.

By reason of said default, the beneficiary has declared all obligations secured by said trust deed immediately due, owing and payable, said sums being the following, to wit:

\$72,438.47, together with interest thereon at the rate of 15% per annum from December 9, 2009 until paid, plus trustee's fees, attorney's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said trust deed.

Notice hereby is given that the undersigned, by reason of said default, has elected and hereby does elect to foreclose said trust deed by advertisement and sale pursuant to Oregon Revised Statutes Section 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 a reasonable charge by 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 o'clock, a.m., Pacific Standard Time, as established by Section 187.110 of Oregon Revised Statutes, on March 17, 2011, at the following place: The offices of AmeriTitle, 300 Klamath Avenue, Klamath Falls, OR 97601.

*Trustee's Notice of Default
and Election to Sell -1-*

* DAVIS, HEARN
SALADOFF & BRIDGES
A Professional Corporation
515 EAST MAIN STREET
ASHLAND, OREGON 97520
(541) 482-3111 FAX (541) 488-4455
www.davishearn.com

47pm

Other than as shown of record, the trustee has no 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

Erik S. B. Toner and Theresa C. Toner 1425 Michigan Street Fairfield CA 94533	Grantor, Fee Simple
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State of Oregon, Department of Justice 1162 Court Street Salem OR 97301	Judgment Creditor
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State of Oregon Klamath County Circuit Court 316 Main Street Klamath Falls OR 97601	Judgment Creditor
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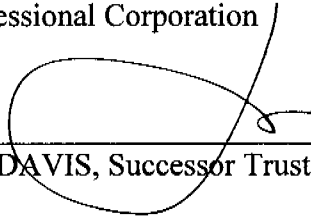
Carter-Jones Collection Service, Inc. 1143 Pine Street Klamath Falls OR 97601	Judgment Creditor
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Southern Oregon Credit Service 841 Stewart Avenue #11 Medford OR 97501	Judgment Creditor
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Notice is further given that any person named in Section 86.760 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred), together with costs, trustee's and attorney's fees, at any time prior to five days before the date set for said sale.

DATED this 9th day of October, 2010.

DAVIS, HEARN, SALADOFF & BRIDGES
A Professional Corporation



JACK DAVIS, Successor Trustee

STATE OF OREGON)
) §
COUNTY OF JACKSON)

On this 19th day of October, 2010, personally appeared the above-named JACK DAVIS and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:



Joan Christopher
Notary Public for Oregon
My Commission Expires: 9/17/2014

**THIS ACKNOWLEDGMENT IS ATTACHED TO THE TRUSTEE'S NOTICE OF DEFAULT CONCERNING
ERIK S.B. TONER AND THERESA C. TONER AS GRANTORS AND SAM B. DAVIS AND
JACK H. ADAMS, JR., AS BENEFICIARIES.**