

UTC 88792

2010-012803

Klamath County, Oregon



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11/02/2010 11:12:31 AM

Fee: \$42.00

AFTER RECORDING, RETURN TO:

JOHN A. BERGE

Bryant, Lovlien & Jarvis, P.C.

591 SW Mill View Way

Bend, OR 97702

### NOTICE OF DEFAULT AND ELECTION TO SELL

John A. Berge, Successor Trustee under the Trust Deed described below, hereby elects to sell, pursuant to Oregon Revised Statutes Sections 86.705 to 86.795, the real property described below at **11:00 a.m. on Friday, March 31, 2011**, on the front steps of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon.

All obligations of performance which are secured by the Trust Deed hereinafter described are in default for reasons set forth below and the beneficiary declares all sums due under the note secured by the trust deed described herein immediately due and payable.

**GRANTOR:** Michael A. Duke and Gail E. Duke

**BENEFICIARY:** Running Y Resort, Inc.

**TRUST DEED RECORDED:** September 4, 2001, in Volume M01 at page 44831, Microfilm Records, Klamath County, Oregon.

**PROPERTY COVERED BY TRUST DEED:** Lot 588 of Running Y Resort, Phase 5 Plat, in Klamath County, Oregon.

**DEFAULT:** Failure to pay:

1. Regular installment payments due at \$869.67 each for April, May, June, July, August, September, and October 2010 for a total of **\$46,040.25**, plus interest through and including September 30, 2010, in the amount of **\$2,815.72**;
2. Late charges for installments due for May, June, July, August, September, and October 2010 which were more than 15 days delinquent for a total amount of **\$260.88**;
3. Other – Trustee's Sale Guarantee: **\$315.00**.

**SUM OWING ON OBLIGATION SECURED BY TRUST DEED:** Principal balance of **\$46,040.25** with interest at **12.5 percent per annum from April 1, 2010**, until paid.

Notice is given that any person named pursuant to Section 86.753, Oregon Revised Statutes, has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by curing the above-described defaults, by payment of the entire amount due (other than such portions of principal as would not then be due had no default occurred), and by paying all costs

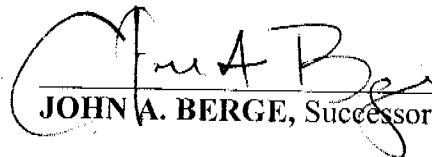
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BRYANT, LOVLIE & JARVIS, PC  
ATTORNEYS AT LAW, ESTABLISHED 1915

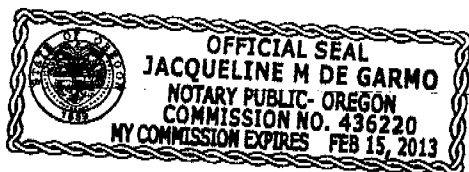
591 SW Mill View Way PO Box 880 Bend, Oregon 97709-0880 (541) 382-4331 fax (541) 389-3386 WWW.BJLAWYERS.COM

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and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees, at any time prior to five days before the date last set for the sale.

  
JOHN A. BERGE, Successor Trustee

SUBSCRIBED AND SWORN TO before me this 29<sup>th</sup> day of October, 2010, by John A. Berge, Successor Trustee.



  
NOTARY PUBLIC for Oregon