

2011-007141

Klamath County, Oregon



00103221201100071410020024

06/10/2011 03:29:00 PM

Fee: \$42.00

RE: Trust Deed from  
Finley H. Mallory and Angela Derosier,  
with full rights of survivorship  
Grantor

To

Sarah V. Potter  
431 Main Street  
Klamath Falls, OR 97601

Trustee

After recording, return to:  
Carter & Potter, PC  
431 Main Street  
Klamath Falls, OR 97601

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by Finley H. Mallory and Angela Derosier with full rights of survivorship, as grantor, to First American Title Insurance Company, as trustee, in favor of Ernest E. Rose and Cathy A. Rose, as beneficiaries, dated September 27, 2006, recorded on October 2, 2006, in the Records of Klamath County, Oregon, in ☒ book ☐ reel ☐ volume No. M06 at page 019746, covering the following described real property situated in the above-mentioned county and state, to-wit:

All of lots 3 and 4 in block 49 First Addition to the city of Klamath Falls, and all that part of Lot 7 in Block 7 of Ewauna Heights Addition now being and lying Northeast of a line beginning at the southwesterly boundary of said lot 4 block 49, first addition; thence running Northwesterly parallel with the 4<sup>th</sup> street to Washington Street, excepting therefrom that portion of said lot 7 block 7 being and lying Northeast of a line commencing at the Southwesterly corner of lot 2 of block 49, first addition aforesaid, and running thence northwesterly parallel to 4<sup>th</sup> street to Washington Street.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appointments of successor trustee have been made, except as recorded in the Records of the county or counties in which the above-described real property is situated. Further, no action has been instituted to recover the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been dismissed except as permitted by ORS 86.735(4).

There is a default by grantor or other person owing an obligation, performance of which is secured by the trust deed or by the 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:

\$4,310.64, plus late charges and advances that are due or may become due, including delinquent property taxes, insurance premiums, trustees fees, attorney fees and court costs, and liens.

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

Principal balance in the amount of \$98,125.93, plus accrued interest of \$4,310.64, plus interest at the rate of 7.5% per annum from May 12, 2011 until paid; plus late charges, and all trustee's fees, foreclosure costs and any sums advanced by the beneficiary pursuant to the terms of said deed of trust.

Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement, and sale pursuant to ORS 86.705 to 86.795, and cause to be sold at public auction to the highest bidder for cash the interest in the described property which grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest grantor or grantor's successor in interest acquired after the execution of the trust

deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of the trustee's attorneys.

The sale will be held at the hour of 10:00 o'clock, AM, in accord with the standard time established by ORS 187.110 on November 14, 2011, at the following place: 431 Main Street, in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Other than as shown of record, neither the beneficiary nor the 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 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

None

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 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 the sums or tendering the performance necessary to cure default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with the trustee's and attorney's fees not exceeding the amounts provided by ORS 86.753.

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 the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

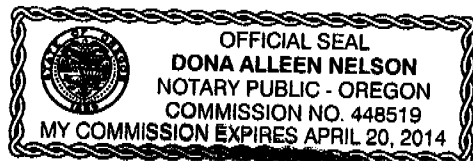
DATED June 10, 2011

Sarah V. Potter  
Sarah V. Potter

☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on June 10/2011, by Sarah V. Potter



Donna Alleen Nelson  
Notary Public of Oregon  
My commission expires 4-20-14