



**NOTICE OF DEFAULT AND ELECTION TO SELL**

DANIEL LEE HORTON and JANIS L. HORTON, as tenants by the entirety, as Grantors, made and executed and delivered to AMERITITLE, an Oregon corporation, as Trustee, to secure the performance of certain obligations including the payment of the principal sum of \$35,000.00 in favor of DALE A. DUBIA, as Beneficiary, that certain Trust Deed dated August 1, 2007, and recorded on August 9, 2007, in Volume 2007-014083, Microfilm Records of Klamath County, Oregon, for the following described real property situated in said county and commonly known as 32671 Magpie Drive, Chiloquin, Oregon, 97624, *to-wit*:

Lot 3, Block 8 of Tract No. 1023, KLAMATH COUNTRY, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Thereafter, Norman F. Webb, Attorney at Law, was appointed as successor Trustee. The undersigned 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, and that the Beneficiary is the owner and holder of the obligations, the performance of which is secured by said Trust Deed; further, that no action, suit, or proceeding has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action or proceeding has been instituted, such action or proceeding has been dismissed.

There is a default by the Grantors owing the obligations, the performance of which is secured by said Trust Deed, with respect to provisions therein which authorize sale in the event of default of such provision, in that the Grantors failed to pay, when due, the following sums thereon:

Failure to pay the principal sum of \$35,000, plus interest at 10% per annum from August 6, 2007, due in full on or before August 6, 2008 (interest calculated through June 30, 2011)	\$ 35,000.00
	\$ 13,914.04
<b>Total Due</b>	<b>\$ 48,914.04</b>

which are now past due, owing, and delinquent. Grantors' failure just described is the default for which the foreclosure mentioned below is made.

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*: the sum of \$35,000.00, plus accrued unpaid interest thereon at the rate of ten percent (10%) *per annum* from August 6, 2007, until paid; plus the cost of a trustee's sale report in the amount of \$300.00; plus attorney and trustee's fees and costs.

Notice hereby is given that the undersigned, by reason of said default, has elected, and he hereby does elect, to foreclose said Deed of Trust by advertisement and sale pursuant to Oregon Revised Statutes Sections 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 Grantors had, or had the power to convey at the time of the execution by

them of the Trust Deed, together with any interest the Grantors or their successors in interest acquired after 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 o'clock a.m., Pacific Standard Time, as established by Section 187.110 of Oregon Revised Statutes, on the 28<sup>th</sup> day of November, 2011, at the main entrance of the Klamath County Courthouse immediately inside the front door on the first floor, 316 Main Street in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date, and place fixed by the Trustee for said sale.

Other than as shown of record, neither the said Beneficiary nor the said 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 any successor in interest to the Grantors or of any lessee or other person in possession of or occupying the property.

Notice is further given that any person named in Section 86.753 of Oregon Revised Statutes has the right, at any time prior to five (5) 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 necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with Trustee's and attorney fees not exceeding the amount provided by ORS 86.753.

In construing this Notice and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter, the singular includes the plural; the word "Grantor" includes any successor in interest to the Grantors, as well as each and all other persons owing an obligation, the performance of which is secured by said Trust Deed; the word "Trustee" includes any successor trustee; and the word "Beneficiary" includes any successor in interest of the Beneficiary first named above.

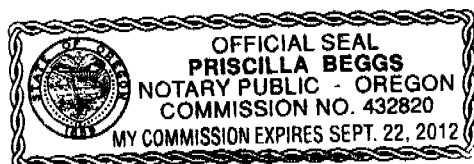
DATED this 27<sup>th</sup> day of June, 2011.



NORMAN F. WEBB, OSB #59105  
Successor Trustee, Attorney at Law  
1114 Twelfth Street SE Salem, OR 97302  
Phone: 503-363-9264 Fax: 503-363-2250  
Email: webblaw@opusnet.com

STATE OF OREGON                    )  
  ) ss.  
County of Marion                    )

On this 27<sup>th</sup> day of June, 2011, personally appeared before me the above-named NORMAN F. WEBB, and acknowledged the foregoing instrument to be his voluntary act and deed.



Notary Public for Oregon  
My commission expires: 9-22-2012