

NJC 91034

2011-009711

Klamath County, Oregon



00106478201100097110050055

Trust Deed From:

Kary Hance and Natalie Hance, Grantors

08/24/2011 11:25:36 AM

Fee: \$57.00

To:

Wells Fargo Financial National Bank, Trustee

Wells Fargo Bank, NA, Beneficiary

After recording, return to:

James P. Laurick

KILMER, VOORHEES & LAURICK

732 NW 19<sup>th</sup> Avenue

Portland, OR 97209

5165-077

**NOTICE OF DEFAULT AND ELECTION TO SELL**

KNOW ALL BY THESE PRESENTS that Kary Hance and Natalie Hance, are the Grantors, Wells Fargo Financial National Bank is the trustee, and Wells Fargo Bank, National Association, is the beneficiary under that certain Trust Deed dated February 12, 2008, recorded on March 25, 2008, as document number 2008-003699, in the records of Klamath County, Oregon, covering the following described real property situated in the above-mentioned county and state, to wit:

**Lot 33, Block 7, TOWN OF DOTEN, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon**

The undersigned hereby certifies that he is unaware of any 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 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 instituted, such action has been dismissed except as permitted by ORS 86.735(4).

57 AM

There is a default by grantors 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 the following sums as of July 27, 2011:

Past Due (08/15/10):	\$4,237.85
Late Fees:	\$192.22
Legal Fees and Costs:	Ongoing
Trustee's Sale Guarantee:	\$450.00
Phase I Environmental Assessment:	Ongoing
Appraisal:	Ongoing

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:

Current Principal:	\$67,932.91
Interest:	\$4,198.95
Late Fees:	\$192.22
Legal Fees and Costs:	Ongoing
Trustee's Sale Guarantee:	\$450.00
Phase I Environmental Assessment:	Ongoing
Appraisal:	Ongoing

Interest continues to accrue at the rate of 6.25% per annum or 11.79 per day.

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 to 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 trustee's attorneys.

The sale will be held at **1:00** o'clock, **PM**, in accord with the standard of time established by ORS 187.110 on **December 30, 2011**, at the following place: **at the front of the main entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, County of Klamath, State of Oregon**, which is the hour, date, and place last set for 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 of any lessee or other person in possession of or occupying the property, except:

Kary Hance/Occupant(s)  
11170 River Street  
Keno, Oregon 97627

Department of the Treasury – Special  
Procedures Section  
Internal Revenue Service  
915 Second Avenue, M/S W245  
Seattle, WA 98174

Natalie Hance/Occupant(s)  
11170 River Street  
Keno, Oregon 97627

Kary Hance  
PO Box 377  
Keno, Oregon 97627

Natalie Hance  
PO Box 377  
Keno, Oregon 97627

Department of the Treasury  
Internal Revenue Service - Portland  
1220 SW Third Avenue  
Portland, OR 97204

Internal Revenue Service  
District for Oregon  
100 SW Main Street  
Portland, OR 97204

**If you filed bankruptcy**, this notice is not an attempt to collect a debt, but instead allows the creditor to enforce its lien. If you were an obligor on this account prior to the filing of a bankruptcy and Wells Fargo has received an order granting relief from the automatic stay or you have received a discharge or surrendered the home in full satisfaction of the debt, Wells Fargo is exercising its rights under the security agreement as allowed by law. Wells Fargo is not attempting to collect or recover the debt as your personal liability. By providing you this notice, Wells Fargo is complying with federal and statutory notice requirements. If the amount requested is not received by the stated date, Wells Fargo may exercise its right to enforce its lien.

## **NOTICE TO TENANTS:**

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of the sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The name of the trustee and the trustee's mailing address are listed on this notice.

Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar and ask for the lawyer referral service. Contact information for the Oregon State Bar is included with this notice. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. Contact information for where you can obtain free legal assistance is included with this notice.

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 by payment to the beneficiary of the entire amount then due and 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 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: August 19<sup>th</sup>, 2011.

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James P. Laurick, Trustee

STATE OF OREGON            )  
  ) ss  
County of Multnomah        )

This instrument was acknowledged before me on this 19<sup>th</sup> day of August, 2011, by James P. Laurick, Trustee.

Heather Paige Becker  
Notary Public for Oregon

My commission expires: 06/16/2014

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