

1st 1745399

2011-009715  
Klamath County, Oregon



00106488201100097150030031

08/24/2011 02:40:06 PM

Fee: \$47.00

### NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by SCOTT M WESTFALL, as grantors, to Aspen Title & Escrow, Inc., as trustee, in favor of R.W. Cox & Associates, LLC, as beneficiary, dated 02/04/03, recorded 02/18/03, in the mortgage records of KLAMATH County, Oregon, as Vol: M03 Page: 09400, and subsequently assigned to Wells Fargo Bank, NA by Assignment recorded as 2008-002150, covering the following described real property situated in said county and state, to wit:

A tract of land situated in the E 1/2 E 1/2 SE 1/4 of Section 36, Township 39 South, Range 7 East of the Willamette Meridian, and the W 1/2 W 1/2 SW 1/4 of Section 31, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8" iron pin with Tru-Line Surveying plastic cap on the line common to said Sections 36 and 31 and being the Southeast corner of that tract of land described in Volume 120 at Page 451 of the Klamath County Deed Records, the Southwest corner of said Section 36, as marked by an iron axle, bears South 00 degrees 05' 00" West 660.00 feet; thence North 00 degrees 05' 00" East, along said section line, 207.77 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap, marking the South corner of that tract of land described in Volume 338 at Page 204 of said deed records; thence North 32 degrees 48' 24" East 477.85 feet to the Southeasterly corner of that tract of land described in Volume M-68 at Page 532 of said deed records, a 1" iron pipe bears South 72 degrees 04' 50" East 0.26 feet; thence North 72 degrees 04' 50" West 271.36 feet to a 1" iron pin at the Southwesterly corner of said tract of land; thence South 00 degrees 05' 00" West 3.52 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap marking the South 1/16 corner common to said Sections 36 and 31; thence continuing South 00 degrees 05' 00" West 12.08 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap marking the Southeasterly corner of that tract of land described in Volume 27 at Page 294 of said deed records; thence North 57 degrees 30' West 22.48 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap; thence West 21.02 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap; thence South 00 degrees 05' 00" West 689.38 feet to a 5/8" iron pin with Tru-Line Surveying plastic cap; thence East 40.00 feet to the point of beginning, with bearings based on recorded Survey 1169. AN EASEMENT AND RIGHT OF WAY for the construction, maintenance and operation of an irrigation waterline and pump over and across the Southeasterly fifteen feet (15') of the following described lands in Klamath County, Oregon, to wit: A tract of land in Lot 1, Southwest Quarter of Section 31, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows: Beginning at the intersection of the centerline of River Street and the Westerly boundary line of Brighton Avenue (Highway 66) in the Town of Doten, (now Keno), Oregon, which point is marked with an iron pipe; thence North 57 degrees 08' West along the centerline of said River Street, projected a distance of 1,194.6 feet; thence North 32 degrees 52' East 372.1 feet to the true point of beginning; thence continuing North 32 degrees 52' East 159.8 feet, more or less, to the mean waterline of the Klamath River; thence North 40 degrees 24' West 179.7 feet along said mean waterline to the Easterly boundary of the tract of land described in Book 94 at Page 36, Deed Records of Klamath County, Oregon; thence along the Easterly and Southerly boundaries of said parcel as follows: South 41 degrees 47' West 58.9 feet and North 50 degrees 05' West 321.1 feet to the Easterly boundary of the tract of land described in Volume 130 at Page 412, Deed Records of Klamath County, Oregon; thence South 0 degrees 06' East along said boundary a distance of 434.0 feet; thence South 72 degrees 16' East 273.2 feet to the point of beginning. TOGETHER WITH the right of ingress to and egress from said waterline and pump for the purpose aforesaid.

### NOTICE OF DEFAULT AND ELECTION TO SELL

**RE: Trust Deed from  
WESTFALL, ESTATE OF SCOTT  
Grantor  
to  
Northwest Trustee Services, Inc.,  
Successor Trustee**

**File No. 7023.96195**

**For Additional Information:  
After Recording return to:  
Kathy Taggart  
Northwest Trustee Services, Inc.  
P.O. Box 997  
Bellevue, WA 98009-0997  
(425) 586-1900**

PROPERTY ADDRESS: 10635 MCCORMICK ROAD  
KENO, OR 97627

There is a default by the grantor or other person owing an obligation or by their successor in interest, the performance of which is secured by said trust deed, or by their 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 grantors' failure to pay when due the following sums: monthly payments of \$1,255.35 beginning 06/01/11; plus late charges of \$42.35 each month beginning 06/16/11; plus prior accrued late charges of \$0.00; plus advances of \$57.00; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default, the beneficiary has declared all sums owing on the obligation secured by said trust deed immediately due and payable, said sums being the following, to wit: \$57,434.26 with interest thereon at the rate of 5.375 percent per annum beginning 05/01/11; plus late charges of \$42.35 each month beginning 06/16/11 until paid; plus prior accrued late charges of \$0.00; plus advances of \$57.00; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described property and its interest therein; and prepayment penalties/premiums, if applicable.

Notice is hereby given that the beneficiary and trustee, by reason of said 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 the grantor had, or had the power to convey, at the time grantor executed the trust deed, together with any interest the grantor or grantor's successors 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 reasonable fees of trustee's attorneys.

The sale will be held at the hour of 10:00 o'clock A.M., in accord with the standard of time established by ORS 187.110 on **January 3, 2012**, at the following place: inside the 1st floor lobby of the Klamath County Courthouse, 316 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.

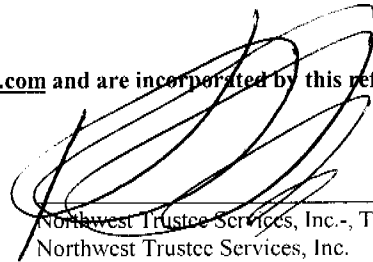
Notice is further given that reinstatement or payoff quotes requested pursuant to ORS 86.745 must be timely communicated in a written request that complies with that statute, addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, [www.northwesttrustee.com](http://www.northwesttrustee.com).

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 every other default complained of herein by tendering the performance required under the obligation or trust deed, in addition to paying said sums or 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's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

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

notice of Default  
Page 2 of 3

The trustee's rules of auction may be accessed at [www.northwesttrustee.com](http://www.northwesttrustee.com) and are incorporated by this reference. You may also access sale status at [www.northwesttrustee.com](http://www.northwesttrustee.com).

  
Northwest Trustee Services, Inc., Trustee  
Northwest Trustee Services, Inc.

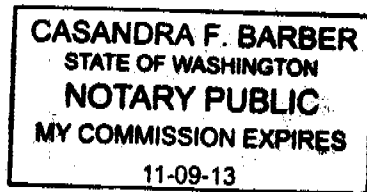
STATE OF WASHINGTON )

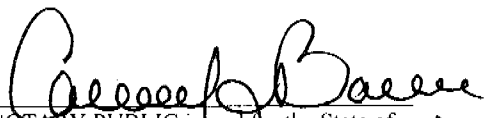
) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that Kathy Taggart is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as an Assistant Vice President of Northwest Trustee Services, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: August 23, 2011



  
NOTARY PUBLIC in and for the State of  
Washington, residing at Karnation  
My commission expires 11-9-13

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

notice of Default  
Page 3 of 3