

EC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



# NOTICE OF DEFAULT AND ELECTION TO SELL

2011-009942

Klamath County, Oregon



00106760201100099420020023

08/31/2011 10:12:12 AM

Fee: \$42.00

SPACE RESERVED  
FOR  
RECORDER'S USE

No. \_\_\_\_\_, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy.

RE: Trust Deed from

Janice Smith-Canfield

2345 James Martin Court

Klamath Falls, OR 97601

To

Grantor

Aspen Title &amp; Escrow, Inc.

Neal G. Buchanan, Attorney at Law

435 Oak Avenue, Klamath Falls, OR

Successor

Trustee

After recording, return to (Name, Address, Zip):

Neal G. Buchanan

Attorney at Law

435 Oak Avenue

Klamath Falls, RO 97601

Reference is made to that certain trust deed made by Janice Smith-CanfieldAspen Title & Escrow, Inc.

\_\_\_\_\_ as grantor, to  
 \_\_\_\_\_ as trustee,  
 in favor of William R. Wohrman & Janice C. Wohrman, Trustees of the Wohrman  
~~Family Revocable Trust~~  
 dated April 15, 2008, recorded on April 18, 2008, in the Records of

Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. 2008 at page 005662,  
 and/or as ☐ fee ☐ file ☐ instrument ☐ microfilm ☐ reception No. \_\_\_\_\_ (indicate which), covering the following  
 described real property situated in the above-mentioned county and state, to-wit:

Lot 7, Tract No. 1327, OLD FORT ESTATES, according to the official  
 plat thereof on file in the office of the Clerk of Klamath County, Oregon

CODE 001 MAP 3809-028DC TL 12900 KEY #884736

By Appointment of Successor Trustee recorded at Vol 2010-002107, Amerititle was appointed  
 Successor Trustee

Thereafter, by Appointment of Successor Trustee recorded at Vol 2011-009941 Neal G.  
 Buchanan, Attorney at Law was appointed 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 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).

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:

Monthly payments in the sum of \$1,467.53 together with buyer fee payment in the sum of \$22.00 together with reserve payment in the sum of \$224.49 all due the 18th day of March, 2011 and the same day of each and every month thereafter.

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:

- A. Principal balance in the sum of \$194,714.35 plus interest on said sum at the rate of eight (8.0) percent per annum from March 4, 2011; and
- B. Costs of Title Search (paragraph 6 of the Trust Deed) in the sum of \$688.00; and
- C. Costs and expenses incurred in enforcing the obligation, including Trustee's and Attorney's fees.

(OVER)



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 the hour of 1:00 o'clock, P. M., in accord with the standard of time established by ORS 187.110 on January 10, 2012, at the following place: 435 Oak Avenue 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

**Janice Smith-Canfield**  
2345 James Martin Court  
Klamath Falls, OR 97601

**Fee Owner, Trust Deed Beneficiary  
and Occupant**

**Fred Long**  
P.O. Box 457  
Eugene, OR 97440

**Trustee in Bankruptcy**

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 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 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 30, 2011

*Neal G. Buchanan*

**Neal G. Buchanan**

**Successor** ☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ) ss.

This instrument was acknowledged before me on \_\_\_\_\_,  
by \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_,  
by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_

Notary Public for Oregon

My commission expires \_\_\_\_\_