

2011-011364

Klamath County, Oregon



00108516201100113640030036

10/12/2011 10:56:23 AM

Fee: \$47.00

NOTICE OF DEFAULT AND ELECTION TO SELL

RE: Trust Deed from Shawn P. Murphy and  
Kelly Murphy, husband and wife  
To First American Title Insurance Company  
of Oregon, Trustee  
For the benefit of Fred W. Viega and Merle Viega,  
husband and wife and James L. Hope and Carol J.  
Hope, husband and wife, Beneficiary

AFTER RECORDING RETURN TO:  
Scott D. MacArthur, Successor Trustee  
635 Main Street  
Klamath Falls, OR 97601

NOTICE OF DEFAULT AND ELECTION TO SELL

KNOW ALL MEN BY THESE PRESENTS, that SHAWN P. MURPHY and KELLY MURPHY, husband and wife, is the grantor, and FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON, is the trustee, and FRED W. VIEGA and MERLE VIEGA, husband and wife and JAMES L. HOPE and CAROL J. HOPE, husband and wife, is the beneficiary under that certain trust deed dated August 1, 2001, and recorded on August 22, 2001, in book/reel/volume No. M01 at page 42745 of the Mortgage Records of Klamath County, Oregon.

Lots 47, 48, 49, 50, 51 and 52 of BALSINGER TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon..

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; further, that no action has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if such action has been instituted, such action has been dismissed.

There is a default by the grantor or other person owing an obligation, 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 grantor's failure to pay when due the following sums:

Payment of the 2020-2011 real property taxes in the amount of \$1,741.85, plus interest.  
Monthly payments beginning in July 2011 in the sum of \$1,050.00 per month.  
Balance in full due and payable on August 11, 2011 in the amount of \$87,009.96, plus interest.

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: \$87,009.96 as of July 13, 2011, plus interest.

Notice hereby is given that the beneficiary and trustee, by reason of said default, have elected and do hereby elect to foreclose said trust deed 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 grantor had, or had the power to convey, at the time of the execution by him of the trust deed, together with any interest the grantor or his successors in interest acquired after the execution of the trust deed, to satisfy the obligations secured by said trust deed and the expenses of the sale, including the compensation of the trustee as provided by law, and the reasonable fees of trustee's attorney.

Said sale will be held at the hour of 11:00 o'clock, A.M., Standard Time as established by Section 187.110 of Oregon Revised Statutes on February 17, 2012, at the following place: 635 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 of said sale.

Other than as shown of record, neither the said beneficiary or 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 of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property, except:

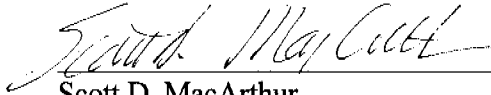
NAME AND LAST KNOWN ADDRESS	NATURE OF RIGHT, LIEN OR INTEREST
Shawn Murphy 42126 Granado Place Temecula, CA 92590	Default upon Trust Deed
Shawn Murphy 42126 Granado Place Temecula, CA 92590	Default upon Trust Deed
Raymond Patscheck 2620 Riverside Drive Costa Mesa, CA 92627	An undivided one-half interest pursuant to a Bargain and Sale Deed dated February 25, 2005, recorded January 31, 2006 at Volume M-06 at page 01873.
Angela Patscheck 2620 Riverside Drive Costa Mesa, CA 92627	An undivided one-half interest pursuant to a Bargain and Sale Deed dated February 25, 2005, recorded January 31, 2006 at Volume M-06 at page 01873.

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 days before the trustee conducts 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 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 Section 86.753 of Oregon Revised Statutes.

In construing this notice, the masculine gender includes the feminine and the neuter, 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.

DATED: October 12, 2011.



Scott D. MacArthur  
Successor Trustee

STATE OF OREGON, County of Klamath) ss.

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of October, 2011,  
by Scott D. MacArthur.

(S E A L)

Before me: Tamra M. Worthington  
Notary Public for Oregon  
My Commissioner Expires: March 19 2015

