

#1794348

2011-013145

Klamath County, Oregon



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11/28/2011 02:44:00 PM

Fee: \$52.00

**AFTER RECORDING RETURN TO:**

FRANK C. ROTE, III, Attorney  
612 NW FIFTH STREET  
GRANTS PASS, OR 97526

**Re: Trust Deed from:**

Ayres Rock LLC,  
Grantor  
to  
Amerititle,  
Trustee

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## NOTICE OF DEFAULT AND ELECTION TO SELL

REFERENCE is made to that certain Trust Deed made by **AYRES ROCK LLC, A NEVADA LIMITED LIABILITY COMPANY** as grantor, to **AMERITITLE, an Oregon Corporation**, as trustee, in favor of **HENRY H. DORIG AND GEARL DEAN DORIG, TRUSTEES OF THE HENRY H. DORIG AND GEARL DEAN DORIG LIVING TRUST DATED 7/91**, as beneficiary, dated September 2, 2008 recorded on September 10, 2008, in the Official Records of Klamath County, Oregon, as Document No. 2008-12669, covering the following described real property situated in the above-mentioned county and state, to-wit:

A parcel of land situated in the SE 1/4 of Section 16, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8" iron rod on the Western right of way line of Oregon State Highway No. 97, said iron rod being North 89°19'39" West 467.89 feet and North 01°51'20" East 639.07 feet from the Southeast corner of said Section 16; thence North 89°19'39" West 698.00 feet to a 5/8" iron rod; thence South 13°31'05" West, 306.61 feet to a 5/8" iron rod on the Northern line of that property conveyed to Charles A. Farley and wife by Deed recorded November 6, 1980 in Volume M80, page 21566, Microfilm Records of Klamath County, Oregon; thence South 89°19'39" East along said Northern line, 760.00 feet to a 5/8" iron rod on said Western right of way line of Highway No. 97; thence North 01°51'20" East along said Western right of way line of Highway No. 97, 299.00 feet to the point of beginning.

Above bearings and distances based on Major Partition No. 58-83, filed in the Klamath County Engineer's Office.

Said real property is commonly known as: 43404 Hwy 97 N, Chiloquin, OR 97624.

Frank C. Rote, III, Attorney, OSB #893898, is now the Successor Trustee. His office is located at 612 NW Fifth Street, Grants Pass, OR 97526, and his telephone number is (541) 479-2678.

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 situated. Further, that 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 the grantor or other person owing an obligation, the 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:

- (a) Monthly payments in the amount of \$360.00 beginning July 10, 2011, and thereafter;
- (b) Late charge if \$18.00 beginning with the July, 2011, payment;
- (c) Title expense, costs, trustee's fees and attorney fees incurred herein by reason of said default;
- (d) Unpaid property taxes for 2009-2010 in the amount of \$212.29, plus interest and penalties; and unpaid property taxes for 2010-2011 in the amount of \$214.40, plus interest and penalties.

By reason of the default, the beneficiary has declared all sums owing on the obligation that the trust deed secures immediately due and payable, those sums being the following, to-wit:

- (a) The principal sum of \$35,882.11, with accrued interest thereon at the rate of 12% per annum beginning June 6, 2011, until paid;
- (b) Monthly late charges beginning with the July 2011, payment;
- (c) Unpaid property taxes for 2009-2010 in the amount of \$212.29, plus interest and penalties; and unpaid property taxes for 2010-2011 in the amount of \$214.40, plus interest and penalties.;
- (d) Title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; and any further sums advanced by beneficiary for protection of the above described real property and beneficiary's interest therein.
- (e) Any other defaults which may exist prior to the foreclosure sale not hereinabove mentioned for the protection of the above-described real property and beneficiary's interest therein.

Notice hereby is given that the beneficiary and/or 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. Pursuant to said statutes, the interest in the described property that grantor had, or had the power to convey, at the time that grantor executed the trust deed, together with any interest the grantor or grantor's successor in interest acquired after the execution of the trust deed will be sold by the beneficiary and trustee, at public auction to the highest bidder for cash, 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 10:00 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on April 12, 2012, at the following place: the front steps of First American Title Company, 404 Main Street, Klamath Falls, Klamath County, State of Oregon, which is the hour, date and place last set for the sale.

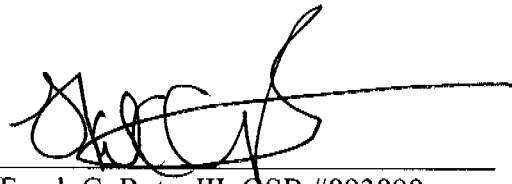
Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property, except:

<u>Name and Last Known Address</u>	<u>Nature of Right, Lien or Interest</u>
Ayres Rock LLC, a Nevada Limited Liability Company 765 W Oregon Ave., Klamath Falls, OR 97601	Grantor
Henry H. and Gearl D. Dorig, Trustees 1429 Larson Creek Drive, Medford, OR 97504	Creditor
Henry Miller, c/o Nathan J. Ratliff, Attorney 620 Main Street, Klamath Falls, OR 97601	Creditor

Notice is further given to any person named in ORS 86.753 that the right exists under ORS 86.753 to have the proceeding dismissed and the trust deed reinstated by paying the entire amount then due, together with costs, trustee's fees and attorney fees, and by curing any other default complained of in the notice of default, at any time that is not later than five days before the date last set for the sale.

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 this 22 day of November, 2011



Frank C. Rote, III, OSB #893898  
612 NW Fifth Street, Grants Pass, OR 97526  
(541) 479-2678

STATE OF OREGON, County of Josephine ) ss.

This instrument was acknowledged before me on November 22, 2011, by Frank C. Rote, III, Successor Trustee.



  
Notary Public for Oregon

## FAIR DEBT COLLECTION PRACTICES ACT NOTICE

Trustee is a debt collector. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

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### 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 date that is 30 days before the date of the sale is February 27, 2012. 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 in this matter, you may contact the Oregon State Bar and ask for the lawyer referral service at 1-800-503-620-0222 or toll-free in Oregon at 1-800-452-8260 or you may visit its website at: [www.osbar.org](http://www.osbar.org). If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.