

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED

2011-013264

Klamath County, Oregon



00110743201100132640020020

11/30/2011 11:29:49 AM

Fee: \$42.00

book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_  
 and/or as fee/file/instrument/microfilm/reception  
 No. \_\_\_\_\_, Records of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

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

SPACE RESERVED  
 FOR  
 RECORDER'S USE

AMENDED  
 NOTICE OF DEFAULT  
 AND ELECTION TO SELL

RE: Trust Deed from

Big Springs Market, Inc.31880 Hwy 70Bonanza, OR 97623

To

Grantor

First American Title404 Main Street, Ste 1Klamath Falls, OR 97601

Trustee

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

James R. UerlingsBoivin, Uerlings & Dilaconi, P.C.803 Main Street, Ste 201Klamath Falls, OR 97601Reference is made to that certain trust deed made by Big Springs Market, Inc.

\_\_\_\_\_, as grantor, to  
First American Title \_\_\_\_\_, as trustee,  
 in favor of Mark S. Gillispie (dec.) and Lori M. Gillispie, nka, Lori M. Haury \_\_\_\_\_, as beneficiary,  
 dated April 1, 2004 \_\_\_\_\_, recorded on April 13, 2004 \_\_\_\_\_, in the Records of  
Klamath \_\_\_\_\_ County, Oregon, in ☒ book EX-101 ☒ volume No. M04 \_\_\_\_\_ at page 21100 \_\_\_\_\_,  
 and ~~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:

The Easterly 100 feet of Lots 8, 9 and 10, and all of Lots 1 and 2 in Block 5 of the  
 Town of Bonanza, according to the official plat thereof on file in the office of the  
 County Clerk of Klamath County, Oregon.

\*James R. Uerlings appointed as Successor Trustee on March 23, 2010, recorded on March  
 29, 2010 in the Records of Klamath County, Oregon, 2010-003810.

The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no appoint-  
 ments 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: Failure to refinance the  
 property and make a balloon payment of the full balance due of principal and interest by  
 October 20, 2011, as provided for in the Order Confirming Grantor Chapter 13 Plan in Case  
 No. 10-65281-fra13 in Bankruptcy Court for the District of Oregon. (As extended by agree-  
 ment of the parties to November 21, 2011); plus interest, late fees, trustee fees, attorney  
 fees, title report fees, recording fees and other expenses and advances incurred by the  
 beneficiary, as provided by law.

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: \$166,384.14, plus interest at 7.5% from November  
3, 2011 until paid, plus late fees; plus costs and fees incurred by beneficiary due to  
 Grantor's failure to make payment when due; plus attorney fees, trustee fees, title report  
 fees, recording fees and other costs of foreclosure.

(OVER)

4/2/11/11



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 11 o'clock, A.M., in accord with the standard of time established by ORS 187.110 on April 18, 2012, at the following place: 803 Main Street, Ste 201 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

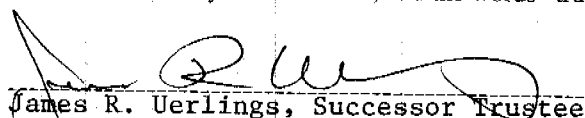
Mike and Kathy Laidet  
PO Box 301  
Bonanza, OR 97623

Bargain and Sale Deed dated August 30, 2010

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 November 29, 2011

  
James R. Uerlings, Successor Trustee

☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ) ss.

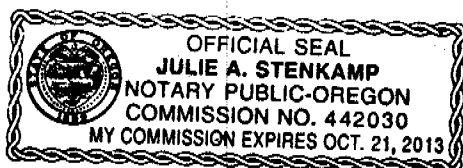
This instrument was acknowledged before me on November 29, 2011  
by James R. Uerlings, Successor Trustee

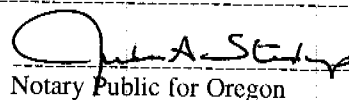
This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_



  
Notary Public for Oregon

My commission expires 10/21/2013