

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

STATE OF OREGON,

} ss.

2011-013349

Klamath County, Oregon



00110840201100133490050051

SPACE RESI
FOR
RECORDER

12/01/2011 03:17:17 PM

Fee: \$57.00

RE: Trust Deed from

Ernst Brothers, LLC

PO Box 637

Gilchrist, OR 97737

To

Grantor

William P. Brandsness

411 Pine Street

Klamath Falls, OR 97601

Trustee

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

James R. Uerlings

Boivin, Uerlings & DiIaconi, P.C.

803 Main Street, Ste 201

Klamath Falls, OR 97601

NAME

TITLE

By _____, Deputy.

Reference is made to that certain trust deed made by Ernst Brothers, LLC

_____, as grantor, to
 _____, as trustee,
 in favor of _____, as beneficiary,
 dated _____, recorded on _____, in the Records of
 _____ County, Oregon, in ☒ book ☒ reel ☒ volume No. _____ at page _____,
 and for 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:

See Exhibit A, attached hereto and incorporated by this reference.

James R. Uerlings was appointed Successor Trustee on August 12, 2011 and recorded August 15, 2011 in Volume 2011-009408 in the Microfilm Records 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 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:

See Exhibit B, attached hereto and incorporated by this reference.

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:

See Exhibit C, attached hereto and incorporated by this reference.

(OVER)

5-AMC



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 24, 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

See Exhibit D, attached hereto and incorporated by this reference.

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 30, 2011

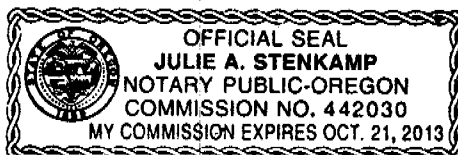
James R. Uerlings
James R. Uerlings, Successor Trustee

☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on November 30, 2011
by James R. Uerlings, Successor Trustee

This instrument was acknowledged before me on _____
by _____
as _____
of _____



Julia Stenkamp
Notary Public for Oregon
My commission expires 10/21/2013

EXHIBIT A

Parcel 1:

Lot 85 of TRACT 1318 – GILCHRIST TOWNSITE, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

Parcel 2:

Lot 84 of TRACT 1318 – GILCHRIST TOWNSITE, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

EXHIBIT B

- 1) Failure to make payments due:
 - Principal past due: \$83,952.08
 - Interest past due: \$20,041.24
 - Late charges past due: \$ 320.00
 - Plus principal, interest and late charges due after 08/15/2011
 - 2) Failure to pay property taxes and provide proof of payment to beneficiary.
 - 3) Failure to pay liens filed against collateral.
 - 4) Failure to pay advances made by beneficiary to protect collateral.
 - 5) Failure to pay insurance on collateral to beneficiary.
-

EXHIBIT C

- 1) Principal \$316,916.38
- 2) Accrued interest to 07/26/2011 \$ 5,581.17
- 3) Late charges to 07/26/2011 \$ 320.00
- 4) Expenses advanced by beneficiary to protect collateral \$134,213.47
- 5) Attorney fees, as incurred
- 6) Trustee fees, as incurred
- 7) Plus interest, late fees, foreclosure costs and other advances after 07/26/2011

EXHIBIT D

<u>Name and Last Known Address</u>	<u>Nature of Right, Lien or Interest</u>
1) Leasing Manager, Real Property Services Facilities Division Department of Administration Services 1225 Ferry Street SE U100 Salem, OR 97301-4281 Oregon State Police 105 Mississippi Gilchrist, OR 97737	Rental agreement (Tenant)
2) Gilchrist Texaco 138473 Hwy 97 N PO Box 61 Crescent, OR 97733	Rental agreement (Tenant)