

1st 1799038

2011-013447

Klamath County, Oregon



00110963201100134470020024

12/05/2011 02:32:56 PM

Fee: \$42.00

After recording, return to:
ROBERT A. SMEJKAL, P.C.
PO Box 654
Eugene, OR 97440

Re Trust Deed from Grantor:
STACIE L. ALBERTS
875 Fairway View Drive
Eugene, OR 97401

To Trustee:
ROBERT A. SMEJKAL
PO Box 654
Eugene, OR 97440

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain Trust Deed made by STACIE L. ALBERTS as Grantor, to ROBERT A. SMEJKAL, Attorney at Law, as Trustee, in favor of RICHARD T. HAUN and ROGENE C. MANAS, husband and wife or the survivor, as Beneficiaries, dated July 2, 2008, and recorded on July 2, 2008, in the Records of Klamath County, Oregon, as Recorder's No. 2008-9662, covering certain real property situated in the above mentioned county and state, which is more particularly set forth as follows:

"A portion of the SW1/4 of Section 17, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, more particularly described as follows:

All of that portion of the SW1/4 of Section 17, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon situated on the Southwesterly side of the Southwesterly line of Highway right of way of Oregon State Highway 58, EXCEPT a rectangular portion commencing at a point where the North-South center line of said Section 17 intersects the Southwesterly line of the highway right of way of Oregon State Highway 58; thence along the Southwesterly line of said right of way in a generally Northwesterly direction a distance of 850 feet to a point which is the true point of beginning; thence at right angles to said highway right of way in a generally Southwesterly direction 250 feet to a point; thence at right angles to said last course in a generally Northwesterly direction a distance of 175 feet to a point; thence at right angles to said last course and in a generally Northwesterly direction a distance of 250 feet, more or less, to the said Southwesterly right of way line of said Oregon State Highway 58; thence along said Southwesterly line of said right of way in a generally Southeasterly direction a distance of 175 feet, more or less, to the point of beginning."

The Trustee hereby certifies that no assignments of the Trust Deed by the Trustee or by the Beneficiaries and no appointments of a Trustee have been made, except as recorded in the records of the county 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 the 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 the Grantor's failure to pay monthly payments in the amount of \$2,500.00 each, commencing with the payment due October 2, 2009, and continuing each month thereafter.

By reason of the default, the Beneficiaries have declared all sums owing on the obligation secured by the Trust Deed immediately due and payable, those sums being the principal amount of \$250,000.00, plus interest at the rate of 12% per annum from September 2, 2009, until paid; plus late fees, foreclosure costs and attorney fees, and amounts, if any, advanced by the Beneficiaries pursuant to the terms of the Trust Deed and/or applicable law.

f

Notice is hereby given that the Beneficiaries 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 ORS 86.795, and to cause to be sold at public auction to the highest bidder for cash or certified funds, 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 sale, including the compensation 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 p.m. in accord with the standard time established by ORS 187.110 on April 27, 2012, inside the front entrance of the Klamath County Courthouse, 316 Main Street, 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 Beneficiaries 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


Name of Right, Lien or Interest

None.

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five (5) days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by payment to the Beneficiaries 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.

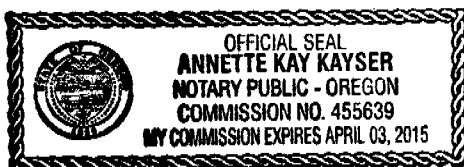
In construing this notice, the singular includes the plural, the word "Grantor" includes any successor in interest to the Grantor as well as any other person owing an obligation, the performance of which is secured by the Trust Deed, and the words "Trustee" and "Beneficiaries" include their respective successors in interest, if any.

DATED this 30th day of November, 2011.


ROBERT A. SMEJKAL, Trustee

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged before me on November 30, 2011, by ROBERT A. SMEJKAL, Trustee.




NOTARY PUBLIC FOR OREGON