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2012-002126

Klamath County, Oregon



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02/28/2012 11:33:32 AM

Fee: \$52.00

**RECORDING COVER SHEET**

THIS COVER SHEET HAS BEEN PREPARED BY THE  
PERSON REPRESENTING THE ATTACHED INSTRUMENT  
FOR RECORDING. ANY ERRORS IN THIS COVER SHEET  
DO NOT AFFECT THE TRANSACTION(S) CONTAINED  
IN THE INSTRUMENT ITSELF.

**After Recording Return To:**

**Umpqua Bank  
Attn: Ky Fullerton  
MC 030-12-LEGL  
1 S.W. Columbia St., Suite 1200  
Portland, OR 97258**

**1. Title(s) of the Transaction(s) ORS 205.234(a):**

**Notice of Default and Election to Sell**

**2. Direct Party/Grantor(s) and address ORS 205.125(1)(b) and ORS 205.160:**

**Ky Fullerton, Trustee  
MC 030-12-LEGL  
1 S.W. Columbia St., Suite 1200  
Portland, OR 97258**

**3. Indirect Party/Grantee(s) and address ORS 205.125(1)(a) and ORS 205.160:**

**Eddie L. Wilcher  
PO Box 240  
Keno, OR 97627**

**4. Send Tax Statements To:**

**n/a**

**5. True and Actual Consideration:**

**n/a**

**6. Deed Reference:**

**2007-017752**

K

After recording return to:  
Ky Fullerton  
Umpqua Bank  
MC 030-12-LEGL  
1 S.W. Columbia Street, Suite 1200  
Portland, Oregon 97258

**NOTICE OF DEFAULT, ELECTION TO SELL, AND NOTICE OF SALE**

Grantor: Eddie L. Wilcher  
Post Office Box 240  
Keno, Oregon 97627

Grantee: West Coast Title & Escrow  
250 N.W. Franklin Avenue, Suite 201  
Bend, Oregon 97701

PLEASE TAKE NOTICE that the undersigned Trustee elects to foreclose the following Deed of Trust by advertisement and sale proceedings and to sell the property covered by the Deed of Trust to satisfy the obligations secured thereby:

Deed of Trust dated October 12, 2007, given by Eddie L. Wilcher as Grantor to West Coast Title & Escrow as Trustee for the benefit of Cascade Capital Partners, Inc., and recorded in the official records of Klamath County, Oregon, on October 12, 2007, as Document No. 2007-017752

Said Deed of Trust was assigned to Umpqua Bank, the present Beneficiary, by virtue of an Assignment of Deed of Trust dated September 21, 2007, and recorded in the official records of Deschutes County, Oregon, on August 12, 2008, as Document No. 2008-33604.

The Beneficiary has appointed Ky Fullerton, an active member of the Oregon State Bar, as successor Trustee. The successor Trustee's address is: MC 030-12-LEGL, 1 S.W. Columbia Street, Suite 1200, Portland, Oregon 97258.

The following property is covered by the Deed of Trust: See Exhibit "A" attached, which is incorporated herein by reference.

The Beneficiary has directed the Trustee to foreclose the Deed of Trust as a result of the following default(s): Grantor's failure to comply with the terms of the various agreements relating to Grantor's loan(s) now owing to Umpqua Bank, including but not limited to Grantor's failure to pay all sums due Umpqua Bank in connection with said loan(s).

The Beneficiary has declared the entire unpaid balance of all obligations secured by the Deed of Trust immediately due, owing, and payable, in the sum of \$441,672.94 with interest at the applicable rate until paid, together with all costs, fees, future advances by the Beneficiary to protect its security interest, and other expenses allowed by law.

THE TRUSTEE WILL SELL THE DESCRIBED PROPERTY on July 19, 2012, at the hour of 12:00 p.m. based on the standard of time established by ORS 187.110, at the main entrance to the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, at public auction to the highest bidder for cash. The Grantor, the Grantor's successor in interest to all or any part of the trust property, any Beneficiary under a subordinate trust deed, or any person having a subordinate lien or encumbrance of record on the property may cure the default or defaults at any time prior to five days before the date last set for the Trustee's sale and thereby have the proceeding dismissed and the Deed of Trust reinstated pursuant to ORS 86.753. If the default consists of a failure to pay, when due, sums secured by the Deed of Trust, the default may be cured by paying the entire amount due at the time of cure under the terms of the obligations, other than such portion as would not then be due had no default occurred. Any other default of the Deed of Trust obligation that is capable of being cured may be cured by tendering the performance required under the obligation or Deed of Trust. In any case, and in addition to paying the sums or tendering the performance

necessary to cure the default(s), the person effecting the cure shall pay the Beneficiary all costs and expenses actually incurred in enforcing the obligation and Trust Deed, together with the Trustee's and attorney fees as allowed by law.

The undersigned Trustee certifies that, upon recording of this Notice, no assignments of the Deed of Trust have been made by the Trustee or by the Beneficiary except as indicated herein; no appointments of a successor Trustee have been made except as recorded in the official records of the county or counties in which the above-described real property is situated; the Beneficiary is the owner and holder of the obligations secured by said Deed of Trust; and no action has been instituted to recover the debt, or any part thereof, now remaining secured by said Deed of Trust, or if such action has been instituted, the action has been dismissed.

Whenever the context of this Notice so requires, the word "Grantor" includes any successor in interest to the Grantor as well as each and every person owing an obligation secured by the Deed of Trust; the word "Trustee" includes any successor Trustee; and the word "Beneficiary" includes any successor in interest of the original Beneficiary named above.

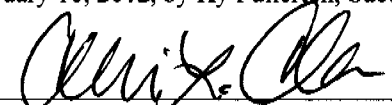
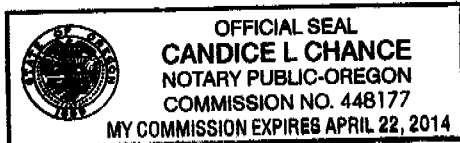
DATED this 16th day of February, 2012.



Ky Fullerton  
Successor Trustee

STATE OF OREGON                    )  
  ) ss.  
County of Multnomah            )

The foregoing instrument was acknowledged before me on February 16, 2012, by Ky Fullerton, Successor Trustee.

  
\_\_\_\_\_  
Notary Public

This Notice of Default, Election to Sell, and Notice of Sale was duly recorded on February \_\_\_\_\_, 2012, in the official records of Klamath County, Oregon, as Document No. 2012-\_\_\_\_\_. I hereby certify that this document is a true, correct, and complete copy of the original.

DATED this \_\_\_\_ day of March, 2012.

\_\_\_\_\_  
Ky Fullerton  
Successor Trustee

**Exhibit "A"**

Real property in the County of Klamath, State of Oregon, described as follows:

**PARCEL 1:**

THAT PART OF THE SOUTH 10 ACRES OF THE NW 1/4 NE 1/4 OF SECTION 18, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, LYING WESTERLY OF THE WESTERLY LINE OF THE KLAMATH FALLS-WEED HIGHWAY.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION HIGHWAY DIVISION, AS EVIDENCED BY WARRANTY DEED, RECORDED MARCH 10, 1992 IN VOLUME M92 PAGE 5035, DEED RECORDS OF KLAMATH COUNTY, OREGON.

**PARCEL 2:**

LOTS 7, 8 AND 9 BLOCK 66, BUENA VISTA ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, TOGETHER WITH THAT PORTION OF VACATED MODOC STREET WHICH INURES THERETO BY ORDINANCE NO. 01-07 AND RECORDED JULY 6, 2001 IN VOLUME M01 PAGE 32808, RECORDS OF KLAMATH COUNTY, OREGON.

Tax Parcel Number: R580614 and R212031