

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**

RE: Trust Deed from

Randy & Danielle McNeilly4735 Meadow Glen LoopKlamath Falls, OR 97601

To

Grantor

First American Title, Neal G.Buchanan, Attorney435 Oak Avenue, Klamath Falls, OR97601

Successor

Trustee

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

Neal G. Buchanan, Attorney435 Oak AvenueKlamath Falls, OR 97601**2012-002451****Klamath County, Oregon**

00114966201200024510020027

03/08/2012 09:18:16 AM

Fee: \$42.00

Reference is made to that certain trust deed made by Randy McNeilly and Danielle McNeilly, Husband and Wife\_\_\_\_\_, as grantor, to First American Title Insurance Company

\_\_\_\_\_, as trustee,

in favor of Keith E. McClung and Beverly J. McClung, Husband and Wife

\_\_\_\_\_, as beneficiary,

dated August 1, 2001 signed 8-6-01, recorded on August 7, 2001

\_\_\_\_\_, in the Records of

Klamath County, Oregon, in ☐ book ☐ reel ☒ volume No. M01 at page 39507and/or 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:

**Lot 33 FIRST ADDITION TO EVERGREEN MEADOWS - TRACT 1329 according to the official plat thereof on file in the office of the County Clerk of Klamath County Oregon.**

**By Appointment of Successor Trustee recorded at 2011-012646 Neal G. Buchanan, Attorney at Law was appointed as Successor Trustee.**

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:

- A) Failure to pay the payment due July 10, 2011 in the sum of \$833.93, and the payment due each month thereafter in a like amount.
- B) Failure to pay late fees in the sum of 5% of the payment due for each month that the required payment is not made within 15 days of the date due.
- C) Failure to reimburse Beneficiary for real property taxes and insurance.

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:

- A) Unpaid balance in the sum of \$76,723.08 together with interest thereon at the rate of 8% per annum from July 5, 2011; and
- B) Late fees in the sum of 5% of the payment due for each month that the required payment is not made within 15 days of the date due; and
- C) Reimbursement for real property taxes and insurance; and
- D) Costs, fees and expenses of the Trust, including cost of title search and trustee and attorney fees incurred.

(OVER)



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 1:00 o'clock, P. M., in accord with the standard of time established by ORS 187.110 on July 10, 2012, at the following place: 435 Oak Avenue. 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
<b>Randy McNeilly 145 Mini Lane, Grants Pass, OR 97526</b>	<b>Grantor, former fee owner</b>
<b>Danielle Kaye O'Neil fka Danielle McNeilly 4735 Meadow Glen Loop, Klamath Falls, OR 97603</b>	<b>Grantor, fee owner and occupant</b>

**State of Oregon Employment Department, c/o Oregon Attorney General, 1162 Court Street, Salem, OR 97301-4096** **Oregon State Tax Warrant C6055 Recorded 2011-008919 Klamath Co.**

**Klamath-Austin LLC, c/o Pamela S. Hediger, Evashevske, Elliott, Cihak & Hediger, PC P.O. Box 781, Corvallis, OR** **Judgment entered in Klamath Co. Cir. Ct. #1102238CV**  
**Parties in Possession, 4735 Meadow Glen Loop, K. F. OR** **Occupant CONTINUED BELOW\*\***

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 March 7, 2012

Neal G. Buchanan  
 Successor ☒ Trustee ☐ Beneficiary (indicate which)

STATE OF OREGON, County of Klamath ) ss.  
 This instrument was acknowledged before me on March 7, 2012  
 by Neal G. Buchanan  
 This instrument was acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_  
 as \_\_\_\_\_  
 of \_\_\_\_\_

Margaret A John  
 Notary Public for Oregon  
 My commission expires 9-12-14

**\*\*Klamath-Austin LLC c/o Darren Dickerhoof Reg Agent P.O. Box 1583, Corvallis, OR 97339** **Judgment entered in Klamath Co. Cir. Ct #1102238CV**

