

1st 1870704

2012-007074

Klamath County, Oregon



00120427201200070740040046

1. **AFTER RECORDING RETURN TO –**
Required by ORS 205.180(4) & 205.238:

06/27/2012 11:18:11 AM

Fee: \$52.00

Wendell Kusnerus
Davis Wright Tremaine LLP
1300 SW Fifth Ave. STE 2400
Portland OR 97201-5630

2. **TITLE(S) OF THE TRANSACTION(S) – Required by ORS 205.234(1)(a)**
Note: "Transaction" means any action required or permitted by law to be recorded, including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. Enter descriptive title for the instrument:

Notice of Default and Election to Sell

3. **DIRECT PARTY / GRANTOR and Address – Required by ORS 234(1)(b)**
(Grantor) Venezia Properties, LLC

Grantor's Address:

520 Klamath Avenue, Klamath Falls, Oregon 97601

4. **INDIRECT PARTY / GRANTEE and Address – Required by ORS 234(1)(b)**
(Grantee) US Bank NA, c/o Davis Wright Tremaine LLP

Grantee's Address: 1300 SW Fifth Ave. STE 2400, Portland OR 97201-5630

5. For an instrument conveying or contracting to convey fee title, the information required by ORS 93.260:

**UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING
ADDRESS:**

U.S. Bank N.A.
Collateral Department
POB 5308
Portland, OR 97228-5308

6. **TRUE AND ACTUAL
CONSIDERATION – Required by
ORS 93.030 for an instrument
conveying or contracting to convey
fee title or any memorandum of
such instrument:**

\$

7. **TAX ACCOUNT NUMBER OF THE PROPERTY, IF THE INSTRUMENT CREATES A
LIEN OR OTHER INTEREST THAT COULD BE SUBJECT TO TAX FORECLOSURE –**
Required by ORS 312.125(4)(b)(B):

F 52~

After recording, please return to:

Wendell Kusnerus
Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2300
Portland, OR 97201-5630
Phone: 503-778-5338

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to a Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing, (the "Trust Deed") made, executed, and delivered by Venezia Properties LLC, an Oregon Limited Liability Company, as Grantor (with mailing address 520 Klamath Avenue, Klamath Falls, Oregon 97601), to U.S. Bank Trust Company, N.A., as Trustee (with mailing address 555 S.W. Oak St., Portland, Oregon. 97204), to secure certain obligations in favor of U.S. Bank N.A., as Beneficiary (with mailing address Commercial Loan Services, PD-07-P7LD, 555 S.W. Oak St., Portland, Oregon. 97204), dated June 8, 2007, and recorded June 12, 2007, as Document No. 2007-010612 of the official records of Multnomah County, Oregon, covering the following described real property (the "Property") in such county and state:

Parcel 2 of Land Partition 82-06, being a replat of Tract 13, 14, 15 and 16 of the "SUPPLEMENTAL PLAT OF ALTAMONT RANCH TRACTS", situated in the S1/2 SW1/4 of Section 10, Township 39, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

The Trust Deed secures a \$1,054,000.00 dated June 8, 2007, (the "Secured Note") on which Venezia Properties LLC is maker and U.S. Bank, National Association is payee, as amended.

NOTICE IS HEREBY GIVEN that:

1. There is a default by the Grantor with respect to one or more provisions in the Trust Deed, which Trust Deed authorizes sale in the event of default of such provisions.

The default for which the foreclosure mentioned below is elected is the failure of the Grantor to pay when due all principal and all accrued interest owing pursuant to the Secured Note, which was due on June 15, 2012 (the "Maturity Date"). The total amount due as of the Maturity Date is \$631,931.02

2. By reason of the default, Beneficiary has declared and hereby declares the indebtedness secured by the Trust Deed to be immediately due and payable.

3. The sum immediately due, owing, and payable on such indebtedness is:

Principal	604,290.88
Interest (to June 21, 2012)	27,640.14
Late Charges (to June 21, 2012)	1,200.73
Trustee's Sale Guaranty	1,542.00
Appraisal Charge	2,999.50
Environmental Survey (Phase 1)	2,943.20
Attorney Fees (to June 20, 2012)	8,401.40
Total:	\$649,017.85

Interest continues to accrue on the principal amount of \$604,290.88 at the default rate of 12.1 percent per annum, from June 21, 2012, until paid. Attorney fees and costs incurred by the beneficiary or the trustee after June 20, 2012, will also be part of the sum immediately due, owing, and payable on such indebtedness.

NOTICE IS FURTHER GIVEN that:

1. Beneficiary, by reason of said default, hereby elects to foreclose the Trust Deed by advertisement and sale in the manner provided in 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 Property which Grantor had, or had power to convey, at the time they executed the Trust Deed, together with any interest the Grantor or their successors in interest acquired after they executed the Trust Deed, to satisfy the obligations secured by the Trust Deed and the expenses of the sale, including a Trustee's fee as provided by law, and the reasonable fees of Trustee's attorneys.

2. The sale of the above-described property will be held at the hour of 1 p.m., Standard Time as established by ORS 187.110, on **Friday, November 9, 2012**, at the front entrance of the **Klamath County Courthouse**, located at 316 Main Street, in the City of Klamath Falls, County of Klamath and State of Oregon.

NOTICE IS FURTHER GIVEN that Grantor, or any person named in ORS 86.753 has the right, at any time prior to five days before the Trustee's sale, to require that the foreclosure proceeding be dismissed and the Trust Deed reinstated by the payment of the entire amount then due (other than such portion of the principal as would not be due had no default occurred) under the terms of the Trust Deed and obligations secured thereby, including all costs and expenses actually incurred and Trustee's and attorneys' fees as provided by ORS 86.753, and by curing any other default complained of in the notice of default.

In construing this notice, the word "Grantor" shall include any successor in interest of Grantor as well as any other person owing an obligation the performance of which is secured by the Trust Deed and their successors in interest; the word "Trustee" shall include any successor Trustee, and the word "Beneficiary" shall include any successor in interest of Beneficiary named in the Trust Deed.

THE UNDERSIGNED HEREBY CERTIFIES that: No action has been instituted to recover the debt, or any part of it, remaining secured by the Trust Deed, or, if such action has been instituted, the action has been dismissed.

By: Wendell Kusnerus
Wendell Kusnerus OSB # 792922
Successor Trustee

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this 26th day of June, 2012, by Wendell Kusnerus, Successor Trustee.

Michele Lynn Bradley
My Commission Expires: 02-13-2016

